Your Rights and Benefits as a Displaced Person

Under the ODOT Relocation Assistance Program

Oregon Department of Transportation

Introduction

In a changing America, government programs designed to benefit the public as a whole often result in acquisition of private property, and sometimes in the displacement of people from their residences, businesses or farms.

As a means of providing uniform and equitable treatment for those persons displaced, your government passed the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,' and the "Uniform Relocation Act Amendments of 1987." These two laws are the foundation for the information discussed in this brochure.

The brochure provides general information regarding relocation assistance advisory services and relocation payments. Section I contains information important to persons displaced from residences. Section II provides information about relocation assistance advisory services. Section III contains information for displaced businesses, farms and nonprofit organizations. These policies and provisions are now contained in a governmentwide single rule published in the Federal Register of March 2,1989 under 49 CFR Part 24. The rule provides the regulations for all Federal and federally-aided programs and projects.

If you are required to move as a result of a Federal or federally assisted program or project, a relocation counselor will contact you. The counselor will answer your specific questions and provide additional information you may need.

If you have a disability that prevents you from reading or understanding this brochure, you will be provided appropriate assistance. You should notify the Agency of any special requirements for assistance.

Some Important Definitions...

Program or Project

Any activity or series of activities undertaken by a Federal agency, or any activity undertaken by a State or local agency with Federal financial assistance in any phase of the activity.

Agency

In practically all States and Territories, relocation assistance advisory services and payments are administered at the local level by an Agency responsible for the acquisition of real property and! or the displacement of people from property to be used for a federally funded program or project. The Agency may be a Federal agency, a State agency, a local political subdivision such as a county or a city, or a person carrying out a program or project with Federal financial assistance. An Agency may also contract with a qualified individual or firm to administer the relocation program, but the Agency remains responsible for the program.

Displaced Person

Any person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property as a direct result of (1) the acquisition of the real property, in whole or in part, (2) a written notice of intent to acquire from the Agency, (3) the initiation of negotiations for the purchase of the real property by the Agency, or, (4) a written notice requiring a person to vacate real property for the purpose of rehabilitation or demolition of the improvements (s), provided the displacement is permanent and the property is needed for a Federal or federally assisted program or project.

Business

Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or solely for the purpose of this Act, an outdoor advertising display or displays, when the display(s) must be moved as a result of the project. A "small business" is a business having not more than 500 employees working at a site which is the location of economic activity and:

1) the site will be acquired for a program or project, or
2) the business will be displaced by a program or project.

Farm

This does not include outdoor advertising signs, displays, or devices.

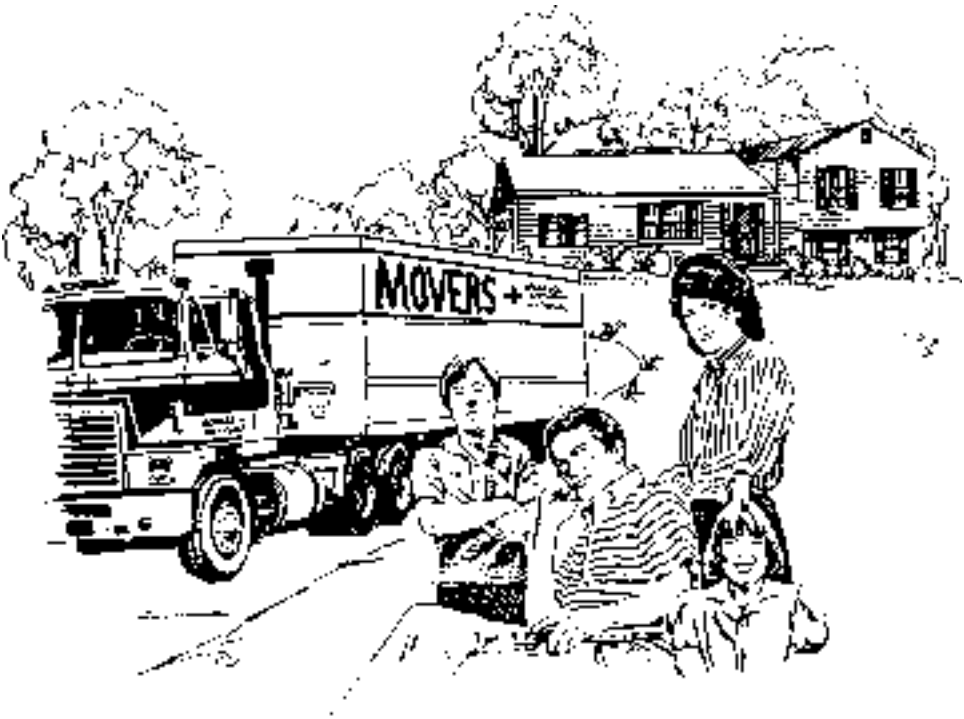
Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Nonprofit Organization

A public or private entity that has established its nonprofit status under applicable Federal or State law.

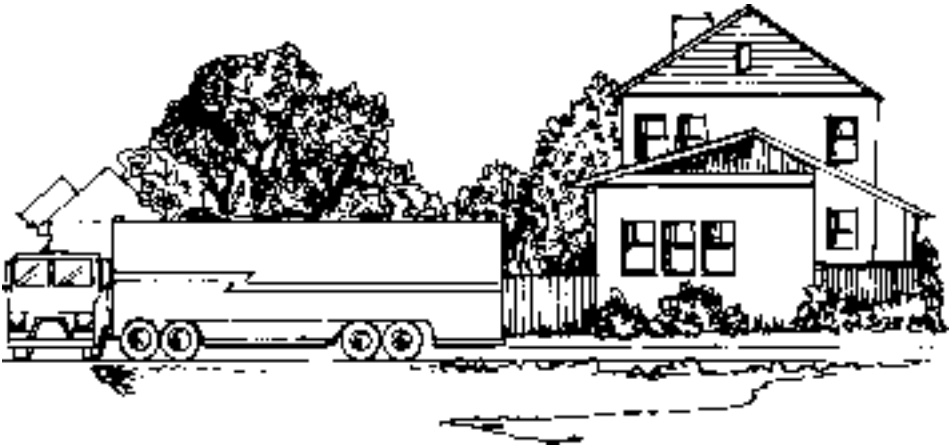
Section I

Information for Persons Displaced from a Residence



Moving Cost Reimbursement:

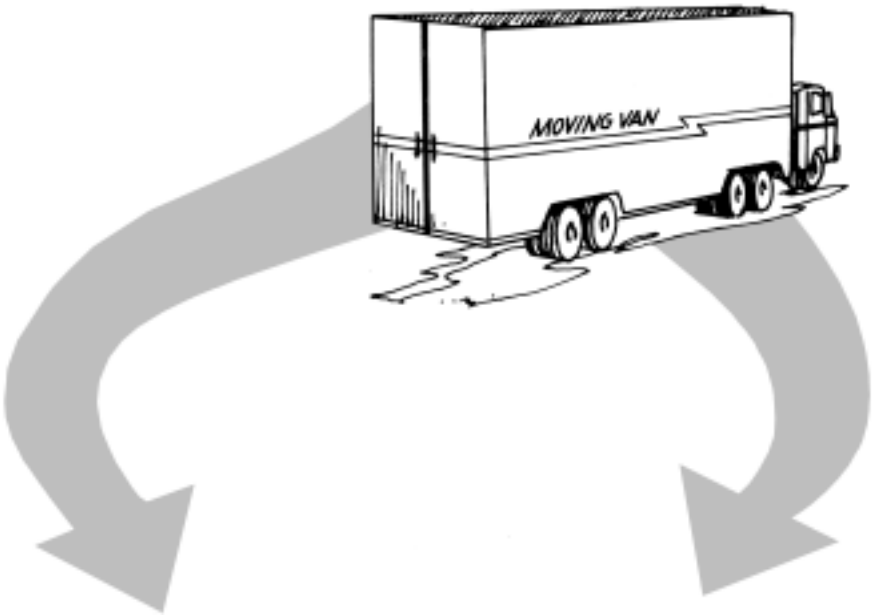
Individuals and Families



If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained below.

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to assure your eligibility and prompt payment of moving expenses, you should contact the relocation counselor from the agency before you move.

You Can Choose Either:



Actual Reasonable Moving Costs

-OR-

Fixed Moving Cost Schedule

Including

Packing and Unpacking
Temporary Storage
Transportation
Moving Insurance
Other Related Costs

Schedule

Established
for your State
of Residence

Actual Reasonable Moving Costs

You may be paid for your actual reasonable moving costs by a professional mover plus related expenses, or you may move yourself. Reimbursement will be limited to a 50 mile distance in most cases. Related expenses involved in the move may include:

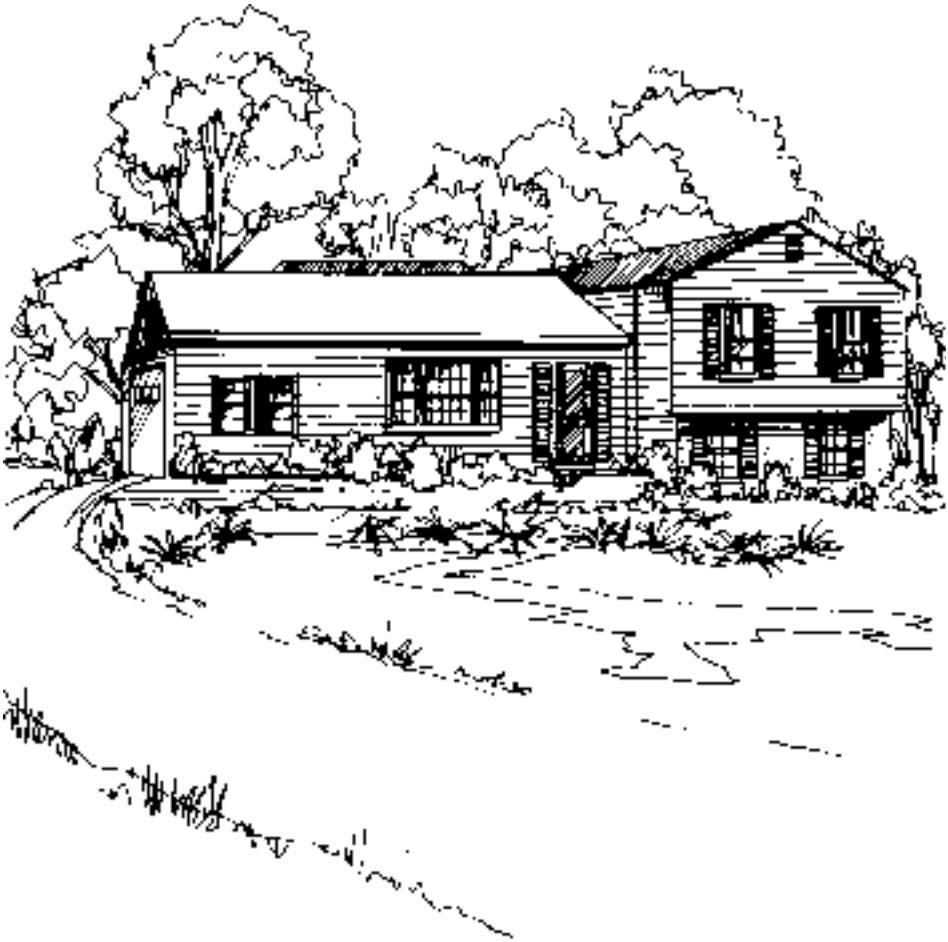
- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.
- Transfer of telephone service and other similar utility reconnections.
- Other expenses considered eligible by the Agency.

All expenses must be considered necessary and reasonable by the Agency and supported by paid receipts or other evidence of expenses incurred.

Fixed Moving Cost Schedule Or you may choose to be paid on the basis of a fixed moving cost schedule established for your State of residence. The amount of the payment is based on the number of rooms in your dwelling. Your relocation counselor will be able to tell you the exact amount you will be eligible to receive if you select this option. The schedule is designed to include all of the expenses incurred in moving, including those services that must be purchased from others.

The owner of a displaced mobile home may be entitled to a payment for the cost of moving the mobile home to a replacement site on an actual cost basis. Displaced mobile home occupants (owners or tenants) may also be eligible for a payment for moving personal property from the mobile home such as furniture, appliances and clothing on an actual cost basis, or on the basis of a moving cost schedule. For a complete explanation of all moving cost options involving a mobile home, please discuss the matter with your relocation counselor.

Replacement Housing Payments

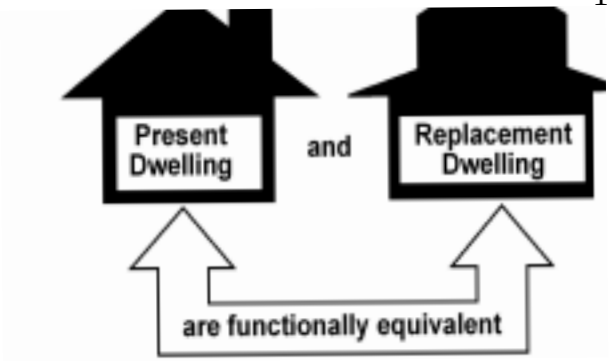


Replacement
Housing
Payments . . Can be better understood if you become familiar with

Definition of the following terms

These terms are explained on the following pages.

A "Comparable" Replacement means that your...



A comparable replacement dwelling must be decent, safe and sanitary, and functionally equivalent to your present dwelling. While not necessarily identical to your present dwelling, a comparable replacement dwelling should be capable of contributing to a comparable style of living and should contain amenities similar to those found in the dwelling from which you are being displaced. In addition, a comparable replacement dwelling should be:

- Adequate in size to accommodate the occupants. (e.g., you and your family).
- Located in an area that is not subject to unreasonable adverse environmental conditions.
- Located in an area that is not less desirable than your present location with respect to public utilities and commercial and public facilities.
- Reasonably accessible to your place of employment.
- Located on a site that is typical in size for residential development with normal site improvements.
- Currently available on the private market.
- Within your financial means.

If you are a tenant and the portion of the monthly rent and utility costs you must continue to pay for a replacement dwelling unit, after receiving a rental assistance payment, does not exceed the monthly rent and utility costs that you paid for the displacement dwelling unit, or, if your portion of the payment for the replacement unit does not exceed 30% of your gross household monthly income, the replacement unit is considered to be within your financial means.

If you are a homeowner and you have received a purchase supplement (see page 15), and any additional amount that might be required under Housing of Last Resort (see pages 26 and 27), the replacement dwelling is considered to be within your financial means.

Decent, Safe and Sanitary*

Replacement housing must be decent, safe, and sanitary.. which means it meets all of the minimum requirements established by Federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- Be structurally sound, weathertight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and electrical appliances.
- Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) except in those areas where local climatic conditions do not require such a system.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person(s).
- Contain a well-lighted and ventilated bathroom providing privacy to the user and containing a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system.
- Contain a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, with adequate space and utility connections for a stove and refrigerator.
- Have unobstructed egress to safe, open space at ground level.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling in the case of a handicapped displaced person

*Decent safe and sanitary is frequently abbreviated as DSS and will be so referenced for the remainder of this brochure

Replacement Housing Payments Are Separated Into Three Basic Types:

- **Purchase Supplement**
- **Rental Assistance**
- **Downpayment**

The type of payment depends on whether you are an owner or a tenant, and how long you have lived in the property being acquired prior to negotiations.

Purchase Supplement	For owner occupants of 180 days or more	see page	**14**
Rental Assistance	For owner occupants and tenants of 90 days or more	see page	**18**
Downpayment	For owner occupants of 90 to 179 days and tenants of 90 days or more	see page	**22**

complete details on length of occupancy requirements follow

The Two Basic Occupancy Time Periods and What You Are Entitled To

There are two basic length-of-occupancy requirements which determine the type of replacement housing payment you are entitled to. Length-of-occupancy simply means counting the number of days that you occupied the dwelling before the date of initiation of negotiations by the acquiring agency for the purchase of the property. The term "initiation of negotiations" means the date the acquiring agency makes the first personal contact with the owner of real property, or his/her representative, to provide a written offer for the property to be acquired.

Owners who were in occupancy 180 days or more prior to the initiation of negotiations may be eligible for a purchase supplement up to $22,500 or a rental assistance payment up to $5,250.

If you are a tenant who has been in occupancy for 90 days or more prior to the initiation of negotiations, you may be eligible for a rental assistance payment or a downpayment up to $5,250. If you are an owner who has been in occupancy from 90 days to 179 days prior to the initiation of negotiations, you may be eligible for a rental assistance payment or a downpayment up to $5,250, however, the downpayment cannot exceed the amount of the payment you would have received if you had been a 180-day owner.

If you were in occupancy at the time of the initiation of negotiations, but less than 90 days prior to that date, you will be considered a displaced person entitled to relocation assistance advisory services and moving payments. You may also be entitled to a rental assistance payment if comparable replacement rental housing is not available at a monthly rental rate of 30% or less of your gross monthly household income. If you are required to pay rent and utilities in excess of 30% for a comparable replacement dwelling unit, you may be eligible for a rental assistance payment under Housing of Last Resort because comparable replacement housing is not available within your financial means. If you do not meet the length-of-occupancy requirements you should meet with your relocation counselor for an explanation of the relocation benefits that you may be eligible to receive.

Purchase Supplement

For Owner Occupants of 180 Days or More

If you are an owner and have occupied your home for 180 days or more immediately prior to the initiation of negotiations for the acquisition of your property, you may be eligible - in addition to the fair market value of your property - for a supplemental payment, not to exceed $22,500 for all costs necessary to purchase a comparable decent, safe, and sanitary replacement dwelling. The agency will compute the maximum payment you are eligible to receive. You must purchase and occupy a DSS replacement dwelling within 1 year.

The Purchase Supplement Includes:

Price Differential

The price differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. The price differential payment and the following payments are in addition to the acquisition price paid for your property.

Increased Mortgage Interest Costs

You may be reimbursed for increased mortgage interest costs if the interest rate on your new mortgage exceeds that of your present mortgage. To be eligible your acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

Incidental Expenses

You may also be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees, and certain other closing costs, but not including prepaid expenses such as real estate taxes and property insurance.

The total amount of the purchase supplement cannot exceed $22,500, according to the law.

Example of A Price Differential Payment Computation

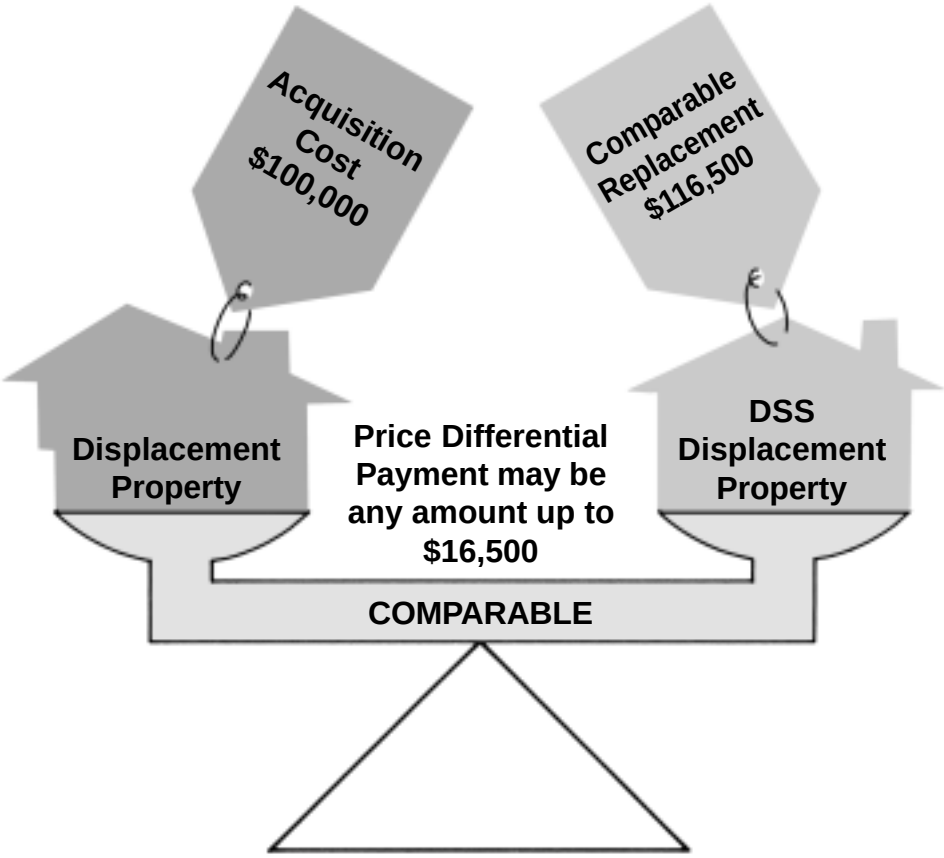
Assume that the Agency purchases your property for $100,000. After a thorough study of the available comparable residential properties on the open market, the Agency determines that a comparable replacement property will cost $116,500. If you purchase a DSS replacement property eligible for a price differential payment of $16,500; see Example A.

If you purchase a DSS replacement property costing more than $116,500, you pay the difference as shown in Example B. If your purchase price is less than $116,500 the price differential payment will be based on your actual cost; see Example C.

The price differential payment you will receive depends on how much you actually spend on a replacement dwelling as shown in the following examples:

Agency's **Computation**	Cost of Comparable Replacement	$116,500
	Acquisition Price of Your Property	-100,000
	Maximum Price Differential Payment	**$ 16,500**
Example A	Actual Cost of Replacement Property (Same Purchase Price as Comparable)	$1 16,500
	Acquisition Price of Your Property	-100,000
	Price Differential Payment	**$ 16,500**
Example B	Actual Cost of Replacement Property	$1 25,000
	Acquisition Price of Your Property	-100,000
	Difference	$ 25,000
	Maximum Price Differential Payment	**16,500**
	You Are Responsible For This Amount	$ 8,500
Example C	Actual Cost of Replacement Property	$114,000
	Acquisition Price of Your Property	-100,000
	Your Price Differential Payment is	**$ 14,000**
	(Payment based on your actual cost)	

Example...


Acquisition Cost $100,000
Comparable Replacement $116,500
Displacement Property
Price Differential Payment may be any amount up to $16,500
DSS Displacement Property
COMPARABLE

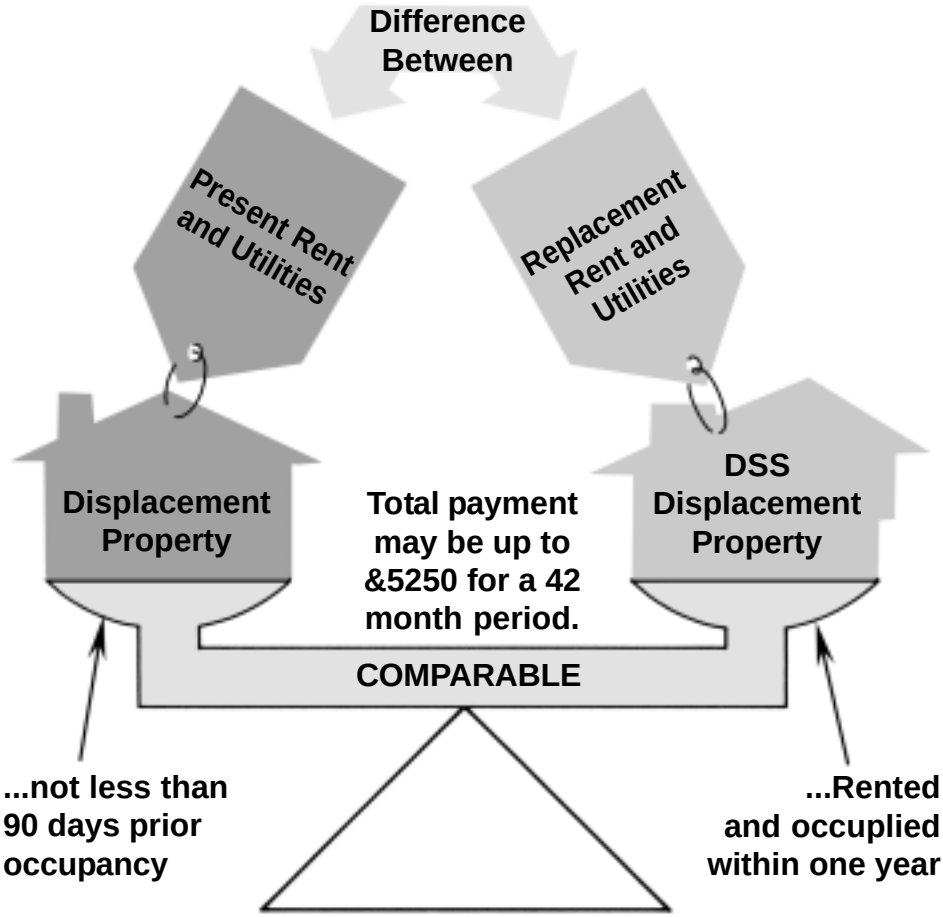
Rental Assistance

For Owner Occupants and Tenants of 90 Days or More

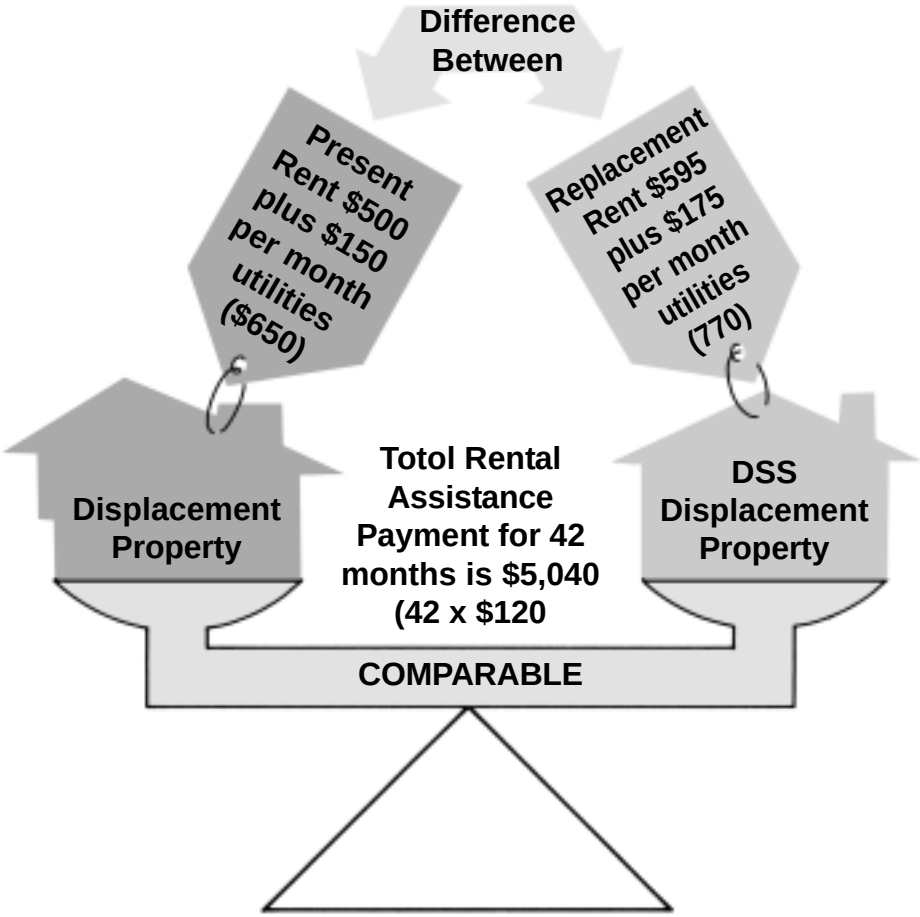
Owner occupants and tenants of 90 days or more may be eligible for a rental assistance payment. To be eligible for a rental assistance payment, tenants and owners must have been in occupancy at least 90 days immediately preceding the initiation of negotiations for the acquisition of the property.

This payment was designed to enable you to rent a comparable decent, safe, and sanitary replacement dwelling for a 42 month period. If you choose to rent a replacement dwelling and the cost of rent and utilities are higher than you have been paying, you may be eligible for a rental assistance payment up to $5,250.

The agency will determine the maximum payment you may be eligible to receive in accordance with established procedures. The rental assistance payment will be paid in a lump sum unless the agency determines that the payment should be paid in installments. You must rent and occupy a DSS replacement dwelling within 1 year to be eligible.


Difference Between
Present Rent and Utilities
Replacement Rent and Utilities
Displacement Property
DSS Displacement Property
Total payment may be up to &5250 for a 42 month period.
COMPARABLE
...not less than 90 days prior occupancy
...Rented and occuplied within one year

Example...


Difference Between
Present Rent $500 plus $150 per month utilities ($650)
Replacement Rent $595 plus $175 per month utilities (770)
Displacement Property
Totol Rental Assistance Payment for 42 months is $5,040 (42 x $120
DSS Displacement Property
COMPARABLE

For Instance...

As an example of how a rental assistance computation is prepared by the Agency, let's assume that you have been paying $500 permonth rent for the dwelling unit occupied by you and purchased by the Agency. You also pay $150 per month for utilities, (heat, light, water, and sewer). After a study of the rental market, the Agency determines that a replacement rental unit, which is DSS and comparable to your unit, is available for $595 per month. It is estimated that average monthly utility costs for the replacement unit will be $175 per month. The maximum rental assistance payment you can receive is $120 per month for a 42 month period, or a total of $5,040. The rental assistance payment computation always includes the cost of the four basic utilities, (heat, light, water and sewer), as well as the cost of the rent. If the rent include utilities a separate computation will not be necessary.

Option A

If you select a replacement dwelling unit that rents for $650 per month plus utilities, despite the availability of comparable DSS replacement rental units that rent for $595 per month plus utilities, you will still receive only the maximum amount computed by the Agency, or $5,040. In other words, you must pay the additional $55 per month yourself.

Option B

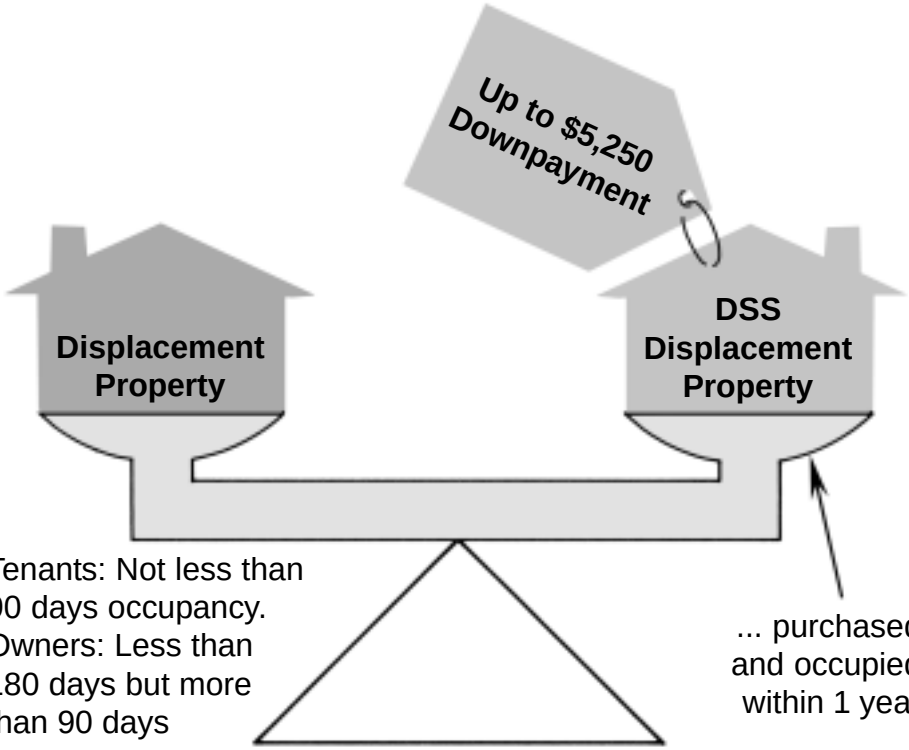
If you select a replacement dwelling unit that rents for more than your present unit, but less than the amount determined by the Agency as necessary to rent a comparable unit, your payment will be based on actual cost. For example, assume you select a replacement dwelling unit that rents for $575 per month plus $165 for utilities. On the basis of actual cost you will be eligible for a payment of $90 per month for 42 months, or $3,780.

Owners

Displaced owners who are interested in renting a replacement property should contact the Agency for a complete explanation of this option since the computation is more complex.

Downpayment

Owner Occupants of 90 to 179 Days and Tenants of 90 Days or More



Tenants: Not less than 90 days occupancy. Owners: Less than 180 days but more than 90 days occupancy.

... purchased and occupied within 1 year

Owner-occupants of 90 to 179 days and tenants of 90 days or more may be eligible for a downpayment and incidental expenses, not to exceed $5,250. The Agency will determine the maximum downpayment you may be eligible to receive based on its computation for a rental assistance payment discussed on page 21, or a maximum of $5,250. However, the payment for a displaced owner occupant cannot exceed the amount of the payment that would be received by a 180 day owner for the same property as explained on page 15. The relocation counselor will be able to explain how the Agency determines the maximum downpayment assistance payment.

Incidental expenses include the reasonable costs of a title search, recording fees, and certain other closing costs but do not include prepaid expenses such as real estate taxes and property insurance. You may also be eligible for the reimbursement of loan origination or assumption fees, if such fees are normal to real estate transactions in your area and they do not represent prepaid interest. The combined amount of the downpayment and incidental expenses cannot exceed the maximum payment of $5,250.

Downpayment Computation

	Example 1	Example 2	Example 3
Required Downpayment	$5,000	$5,000	$4,500
Closing & Incidental Cost	+ 950	+ 950	+ 750
Total Amount Needed	$5,950	$5,950	$5,250
Agency Downpayment Payment	-4,800	-5,250	-5,250
Displaced Person Pays	$1,150	$700	$ 0

Explanation of Downpayment and Examples

If you are a owner-occupant of 90-179 days or a tenant of 90 days or more, you may be eligible for a downpayment up to $5,250. The amount of a downpayment you will receive depends upon agency policy. Many agencies will limit such assistance to the amount of the computed rental assistance payment for a tenant or an eligible homeowner, however, the maximum payment cannot exceed $5,250. This explains the difference in the agency payments depicted in the examples on page 24. Refer to page 21 for a detailed explanation of a rental assistance computation.

On the opposite page, in example 1, the total amount needed to purchase the property exceeded the Agency payment of $4,800, making it necessary for the displaced person to make up the difference of $1,150. In example 2, the displaced person must pay $700 in addition to the agency payment, but in example 3, the agency payment was sufficient to cover the total amount needed. It will not be unusual in today's inflated real estate market to need more for downpayment and closing costs than the maximum payment established by law, however, the payment should be a great help if it enables a displaced tenant to become a homeowner.

The computation of a downpayment for an owner occupant of 90 to 179 days is limited to the amount an owner would have received if the payment were computed on the basis of a purchase supplement for a 180 day owner. See pages 15 and 16 for an explanation of the purchase supplement and sample computations if you are a short term owner of 90 to 179 days. Displaced owner occupants of 180 days or more are not eligible for downpayment assistance.

HOUSING OF LAST RESORT

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. When a housing shortage occurs, the Agency will solve the problem by the administrative process called Housing of Last Resort.

If comparable housing is not available, or it is not available within the maximum $5,250 or $22,500 payment limits, it must be provided before you are required to move.

The Agency may provide the necessary housing in a number of ways, such as:

1. Purchasing an existing comparable residential property and making it available to the displaced person in exchange for the displacement property.

2. The relocation and rehabilitation (if necessary) of a dwelling purchased from the project area by the Agency and making it available to the displaced person in exchange for the displacement property.

3. The purchase, rehabilitation and/or construction of additions to an existing dwelling to make it comparable to a particular displacement property.

4. The purchase of land and the construction of a new replacement dwelling comparable to a particular displacement property when comparables are not otherwise available.

5. The purchase of an existing dwelling, removal of barriers and/or rehabilitation of the structure to accommodate a handicapped displaced person when suitable comparable replacement dwellings are not available.

6. A replacement housing payment in excess of the maximum $5,250 or $22,500 payment limits.

7. A direct loan which will enable the displaced person to construct or contract for the construction of a decent, safe, and sanitary replacement dwelling.

All eligible displaced persons have a freedom of choice in the selection of replacement housing, and the Agency will not require any displaced person, without his/her written consent, to accept a replacement dwelling provided by the Agency. If a displaced person decides not to accept the replacement housing offered by the Agency, the displaced person may secure a replacement dwelling of his/her choice, providing it meets DSS housing standards.

If you are eligible for replacement housing under the Housing of Last Resort program, you will be so informed by the relocation counselor, who will thoroughly explain the program.

To All Persons Displaced From A Residence...

The most important thing to remember is that the replacement dwelling you select must meet the basic "decent, safe, and sanitary" standards. Do not execute a sales contract or a lease agreement until a representative from the Agency has inspected and certified in writing that the dwelling you propose to purchase or rent does meet the basic standards. Please do not jeopardize your right to receive a replacement housing payment by moving into a substandard dwelling.

Fair Housing

The Fair Housing Law (actually Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an acquiring agency to provide a displaced person with a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling outside of an area of minority concentration.

Section II
Information on Relocation Services

Relocation Assistance Services...

Any individual, family business or farm displaced by a Federal federally assisted program shall be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services are provided by qualified personnel employed by the Agency. It is their goal and desire to be of service to you, and assist in any way possible to help you successfully relocate.

Remember-they are there to help and advise you; be sure to make full use of their services. Do not hesitate to ask questions, and be sure you understand fully all of your rights and benefits.

Any individual who has a disability will be provided assistance needed to locate and move to a replacement dwelling or site. The individual should notify the Agency of any special requirements for assistance.

A Relocation Counselor Will Contact You...

Residential Assistance

A relocation counselor from the Agency will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you. When possible, comparable housing will be inspected prior to being made available to you in order to assure that it meets decent, safe, and sanitary standards.

In addition, if you desire, the relocation counselor will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or handicapped. The agency will also provide counseling or help you get assistance from other available sources as a means of minimizing hardships in adjusting to your new location.

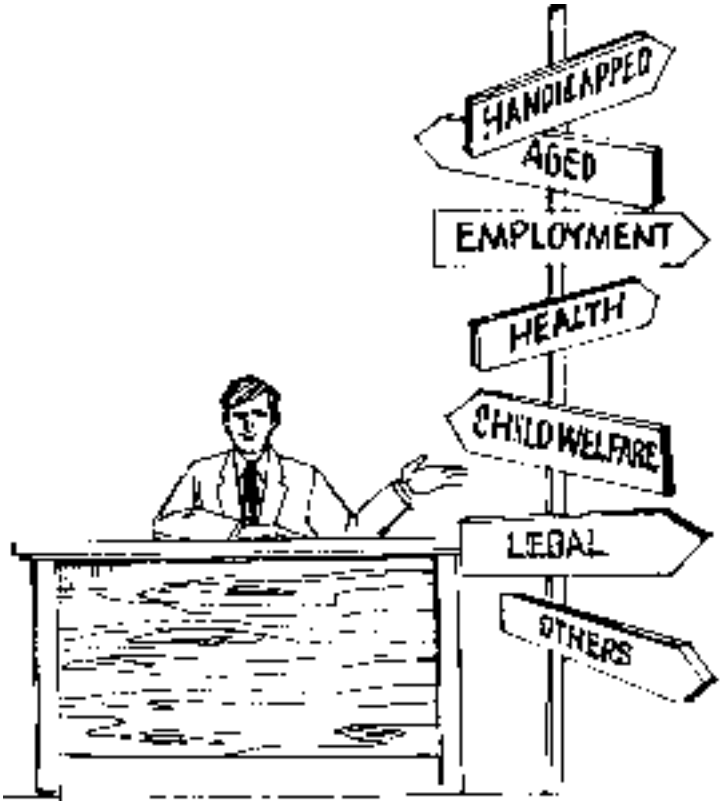
You will also be provided with information con-concerning other Federal, State, and local housing programs offering assistance to displaced persons.

Business and Farm Assistance

The relocation counselor will maintain listings of commercial properties and farms whenever businesses and farms are displaced. Steps will be taken to minimize economic harm to displaced businesses and to increase the likelihood of their being able to relocate back into the affected community. The counselor will also explore and provide advice as to possible sources of funding and assistance from other local, State, and Federal agencies.

Social Services Provided By 0ther Agencies

Your relocation counselor will be familiar with the services provided by other public and private agencies in your community. If you have special problems the counselor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Make your needs known in order that you may receive the help you need.



In Addition to Personal Contacts...

In addition to personal contacts by the relocation counselor, the Agency may establish a relocation office on or near a project. Project relocation offices are usually open during hours convenient to those persons being displaced, including evening hours when considered necessary by the Agency. The persons employed in the project relocation office will be happy to assist you. The office maintains a variety of information that should be helpful to you, such as:

- Listings of Available Replacement Properties
- Local Housing Ordinances
- Building Codes
- Social Services
- Security Deposits
- Interest Rates and Terms
- Typical Downpayments
- VA and EHA Loan Requirements
- Real Property Taxes
- Consumer Education Literature on Housing

Visit your relocation office if one has been established-you will be more than welcome.

Relocation Advisory Assistance

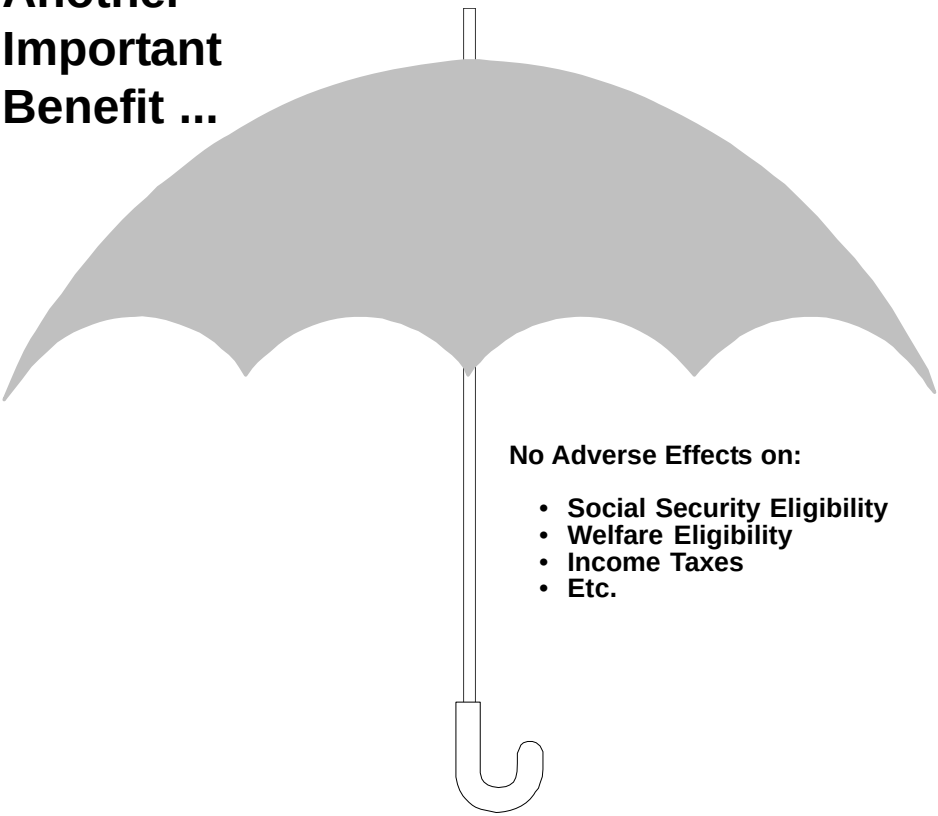
Checklist

This check list is a summary of the relocation advisory assistance you may reasonably expect to receive if you are displaced by a Federal or federally assisted project. In addition to the services listed, the Agency is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

The Relocation Counselor Must Personally Interview Displaced Persons to:

- Determine their Needs and Preferences
- Explain Relocation Benefits
- Offer Assistance
- Offer Transportation if Necessary
- Assure the Availability of a Comparable Replacement Dwelling in Advance of Displacement
- Provide Current Listing of Comparable Properties
- Provide the Amount of the Replacement Housing Payment in Writing
- Inspect Houses for DSS Acceptability
- Supply Information on other Federal and State Programs Offering Assistance to Displaced Persons
- Provide Counseling to Minimize Hardships

Another Important Benefit ...



No Adverse Effects on:

- **Social Security Eligibility**
- **Welfare Eligibility**
- **Income Taxes**
- **Etc.**

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954 or for the purposes of determining 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).

Your Right of Appeal

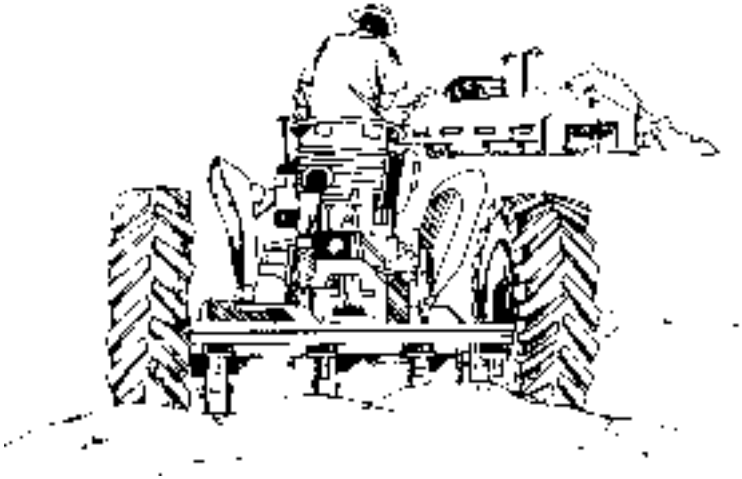
Any aggrieved person may file a written appeal[with the head of the Agency if the person believes the Agency has failed to properly determine his or her eligibility for relocation assistance advisory services, or the eligibility for or the amount of a relocation payment.

If you have a grievance, you will be given a prompt and full opportunity to be heard. You will also have the right to be represented by legal counsel or other representative in connection with the appeal, (but solely at your own expense).

The Agency will promptly review your appeal and consider all pertinent justification and information available to ensure a fair and full review. The Agency will provide you with a written determination as well as an explanation of the decision. If you are still dissatisfied with the relief granted, the Agency will recommend that you seek a judicial review.

Section III

Information for Businesses, Farms and Nonprofit Organizations



Moving cost Reimbursement Businesses, Farms, and Nonprofit Organizations

Owners or tenants may be paid on the basis of actual reasonable moving costs and related expenses or, under certain circumstances, a fixed payment.

A. Actual reasonable moving expenses may be paid when the move is performed by a professional mover or if you move yourself (page 41). Related expenses, such as personal property losses (page 42), expenses in finding a replacement site (page 43), and reestablishment expenses (page 44), may also be reimbursable.

B. Or, you may be eligible for a fixed payment of not less than $1 000 nor more than $20,000 in lieu of the payments listed in A above. The fixed payment is based on a two year average of the annual net earnings of a business or farm operation. To qualify for a fixed payment, certain conditions must be met. See page 45 for a detailed explanation of the fixed payment. If you represent a nonprofit organization, this payment is computed differently. Contact your relocation counselor for more details.

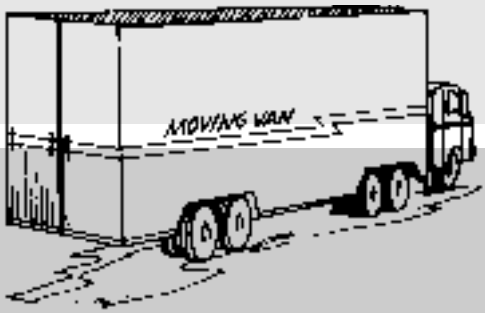
To assure your eligibility for relocation benefits and the prompt payment of relocation expenses, you should contact the relocation counselor from the Agency before you move.

Types of Payments

Actual Reasonable costs
Moving cost

Including

- Personal property losses
- Expenses in finding a Replacement location
- Reestablishment Expenses



OR

Fixed Payment in Lieu of Moving Costs, etc.

From

- $1,000 to $20,000
  Equal to Average Annual Net Earning

Two Ways to Move Your Enterprise

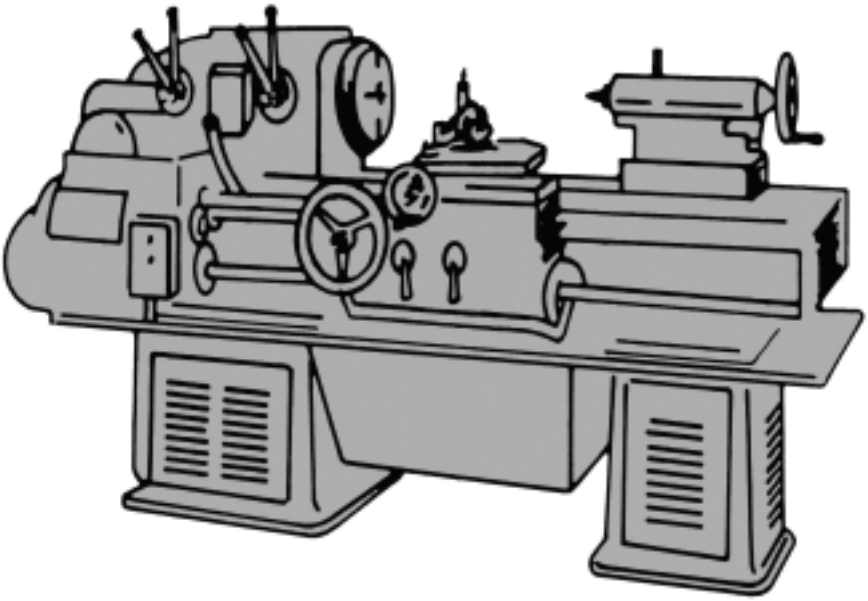
Actual Cost Move. You may be paid the actual, reasonable and necessary costs of your move when the move is performed by a professional mover or when you elect to move yourself under this option, however all of your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may also be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment and other personal property. Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may also be reimbursable. This is not intended to be an all inclusive list of moving related expenses. Your relocation counselor will provide you with a complete explanation of reimbursable expenses.

Estimated Cost Move. If you agree to take full responsibility for all or part of the move of your business or farm operation, the Agency may approve a payment not to exceed the lower of two acceptable bids or estimates obtained by the Agency from qualified moving firms, moving consultants, or a qualified Agency staff employee. A low cost or uncomplicated move may be based on a single bid or estimate at the Agency's discretion. The advantage of this moving option is the fact that it relieves the displaced business or farm operator from documenting all moving expenses. The Agency may make the payment without additional documentation as long as the payment is limited to the amount of the lowest acceptable bid or estimate.

Direct Losses of Tangible Personal Property

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment will be based upon the value of the item for continued use at the displacement site less the proceeds from its sale or the estimated cost of moving the item, whichever is the lesser.

Your relocation counselor will explain this procedure in detail if you are faced with this problem.



Searching Expenses for Replacement Property

Displaced businesses, farms, and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed $2,500. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to real estate agents, brokers, or consultants; and other expenses determined to be reasonable and necessary by the acquiring agency.

Related Eligible Expenses

In addition to the moving expenses listed above, costs for the following items may be reimbursed if the Agency determines they are actual, reasonable, and necessary:

- Connection to available nearby utilities from the right of way to improvements at the replacement site.

- Professional services to determine a site's suitablity for the displaced persons operation.

- Impact fees or one time assessments for heavy utility usage as determined necessary by the Agency.

Reestablishment Expenses

A small business, farm or nonprofit organization may be eligible for a payment, not to exceed $10,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business, farm or nonprofit organization must have not more than 500 employees working at the site being affected who will be displaced by a program or project.

Reestablishment expenses may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property required by Federal, State or local laws, codes or ordinances.
2. Modifications to the replacement real property to make the structure(s) suitable for the business operation.
3. Construction and installation of exterior advertising signs.
4. Redecoration or replacement such as painting, wallpapering, paneling and carpeting when required by the condition of the replacement site.
5. The cost of license fees and permits when not covered as a moving expense.
6. Advertising the new business location.
7. The estimated increased costs of operation at the replacement site during the first two years, for items such as:
   - Lease or rental charges
   - Personal or real property taxes
   - Insurance premiums
   - Utility charges (excluding impact fees)
8. Other items that the Agency considers essential for the reestablishment of the business or farm.

Fixed Payment (In Lieu)

Displace businesses, farms and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property loses, searching expense, and reestablishmnet expenses. The fixed payment may not be less than $1,000 nor more than $20,000.

For a business to be eligible for a fixed payment, the Agency must determine the following:

1. The business owns or rents personal property that must be moved due to the displacement.
2. The business cannot be relocated without a substantial loss of its existing partronage.
3. The business is not part of a commerical enterpirse having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaed by the Agency.
4. The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is engaged solely in the rental of space to others not eligible for a fixed payment. This includes the rental of space for residential or business purposes.

Elgibility requirements for farms and nonprofit organizations are slightly different than business requirements. If you are interested in a fixed payment please consult your relocation counselor for additional information if you are being displaced from a farm or you represent a nonprofit organiztion.

The Computation of Your Fixed Payment (In Lieu)

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced.*

Example:

1994	1995	1996
Annual Net Earnings $16,500	Annual Net Earnings $18,500	Year Displaced

AVERAGE:
$16,500 + $18,500 = $35,000 / 2 = $17,500

$17,500 - Fixed Payment

The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified above.

You must provide the Agency with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the Agency.

* Or that two year period deemed more representative by the agency.

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