

Chapter 6. Relocation

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6.405 Time Limitations for Benefit Claims

Except as provided in [6.445](#) and [6.450](#) all claims for relocation benefit payments must be submitted by the claimant within 18 months of:

1. For tenants, the date of displacement.
2. For owners, the date of displacement or the date of the final payment for acquisition of the real property, whichever is later.

The time period shall be waived if the Project Administration Manager determines there is good cause to do so.

In order to claim a replacement housing payment or receive a payment from escrow, a displaced tenant-occupant must purchase or rent, and occupy a decent, safe, and sanitary dwelling within 12 months after displacement. An owner-occupant must purchase or rent, and occupy such a dwelling within 12 months after ~~displacement~~ **the date a comparable replacement dwelling is made available** or after the date of payment for the realty, whichever is later. The deposit into court is considered "payment" in the case of condemnation.

6.550 Residential Moves Based on a Schedule

Any person displaced from a dwelling or a seasonal residence is entitled to receive, as an alternate to reimbursement for actual moving and related expenses, a payment determined from a schedule based on the number of rooms of items to be moved.

The agent performs a room count with the occupant. Large rooms or rooms with an unusual amount of possessions may be counted as more than one room. Outbuildings and other storage buildings may be added to the room count within reason.

The room count for the displacement dwelling is as follows:

Unfurnished (Occupant owns furniture)

1 rm - ~~\$400~~ **\$600**; 2 rms - ~~\$550~~ **\$800**; 3 rms - ~~\$750~~ **\$1,000**; 4 rms - ~~\$950~~ **\$1,200**;
5 rms - ~~\$1,125~~ **\$1,400**; 6 rms - ~~\$1,300~~ **1,600**; 7 rms - ~~\$1,475~~ **\$1,800**; 8 rms - ~~\$1,650~~ **\$2,000**

Each additional rm. - ~~\$175~~ **\$200**

Furnished (Occupant does not own furniture)

\$350 for the first room + ~~\$50~~ **\$100** for each additional room

The moving expense allowance to a person with minimal personal possessions who is in occupancy of a dormitory style room shared by two or more other unrelated persons or a person whose residential move is performed by an agency at no cost to the person is limited to ~~\$50~~ **\$100**.

This moving payment is claimed on Form 734-3615, Schedule Move Claim, which is filled out by the agent and the displacee. The agent must inspect the displacement property and complete the inspection report before the claim is processed.

Payment will be made after the dwelling has been vacated.

The Schedule Move includes allowances for all moving costs, therefore displacees choosing the schedule move may not apply for reimbursement of utility reconnection charges or any other moving or moving related expenses.

6.625 Benefit Calculation for Fixed Payment

The average annual net earnings of a business or farm operation are calculated as one-half of its net earnings before federal, state, and local income taxes during the two taxable years immediately prior to the taxable year in which it was displaced.

Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents.

Net earnings are the same as reported to the IRS, before state and federal taxes, and after deduction of all allowed business expenses, including depreciation.

When a business suffers a net loss for any of the years under consideration in the computation of average annual net earnings, the actual net loss figure should be considered as zero for the negative year.

Average annual net earnings may be based upon a different period of time when the Relocation Manager determines it to be more equitable. If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the taxable years prior to displacement projected to an annual amount. As an example, a business which operated nine months in the tax year prior to displacement and had a net income of \$6,200 would be projected to have an annual income of \$8,267 and would be entitled to a fixed payment of that amount.

To be eligible for a payment, a business or farm operation must make its **State income tax returns** and its financial and accounting records available for audit for confidential use to determine the payment authorized. (Oregon Revised Statutes 35.515.)

The minimum payment will not be less than \$1,000.

6.630 Requesting and Claiming a Fixed Payment

The agent prepares three copies of the application part of Form 734-3603, Fixed Payment Application and Claim. Two copies are given to the business; farm or non-profit organization at the start of negotiations and a copy is retained in the region files.

The displacee completes the first part of the form and returns it to the agent. The agent submits the completed form, along with recommendations and supporting

documentation, to the Project Administration Manager for approval of the applicant's eligibility.

If the displacee is eligible for the fixed payment, the agent returns the application Form 734-3603 to the displacee, who completes the claim part of the form for payment. To support the amount being claimed, the displaced person must include proof of net earnings through **State income tax returns**.

6.645 Self-Move Based on Estimates and Move Cost Finding

~~Non residential~~ Displacees may choose to move all or any part of their personal property and claim payment on the basis of a signed self move agreement for the portion they move. The agreement must be made prior to the move, contain the specifications of the planned move (see [6.655](#) regarding specifications), and be based on estimates prepared by qualified personnel whether done by commercial movers or region right of way staff.

Qualified region personnel are those who have specific knowledge of rates charged by commercial moving firms, plus familiarity with equipment and trade skills required for the move. When two or more estimates are being prepared, only one of these move estimates may be prepared by a staff estimator.

Move Cost Finding

On moves costing ~~more than \$300~~ less than \$2,500 (Move Cost Finding), the agent is only required to obtain one moving estimate. In most cases this estimate will be prepared by qualified region personnel. Where direct comparisons can be made to prior moves (goods and costs) this will be sufficient for the move cost finding. Should there be no information of this nature a complete Move Cost Finding based upon rates charged by commercial moving firms and dealing with items such as time, wages, number of people, and vehicle costs must be submitted.

Move Based Estimates

On moves greater than \$2,500 the agent is to obtain two acceptable moving estimates, and payment is not to exceed the lower of the two estimates. In the event there is a wide disparity between the two estimates they should be closely scrutinized to be sure they are based on the same set of circumstances. Should there be no apparent technical error, omission, etc. causing the disparity a third estimate may be obtained to assist in arriving at a reasonable moving payment.

The agent must advise the displacees that once they have moved under this method of reimbursement, they cannot later claim a larger payment based on actual cost. However, a new moving agreement may be made prior to the move to reflect changes in the move plans.

In advance of the move the agent obtains the estimate(s) by providing Form 734-3762, Move Estimate Request to the estimators. Displacees must submit an inventory of items

to be moved on which the estimates are to be based. The agent is to provide the estimators with further instructions, in writing, regarding the move. The agent should request the estimators to prepare the estimates as though they would be required to do the work. The agent should also request a commercial estimator to bill the region right of way office for the cost to prepare the estimate.

The estimates developed for a Self Move Based on Estimates Business, Farm, or NPO must be approved by the Project Manager or the Region Manager prior to development of an agreed upon moving amount. The agreed upon moving amount shall not exceed the Move Cost Finding or be greater than the lower of two commercial estimates.

The agent is to see that the move is sufficiently monitored to assure the inventory the estimates are based upon is actually moved to the location specified. If the inventory has changed significantly by moving time, the agent must obtain new estimates.

Claims for payment under the Self-Move Based on Estimates method are to be submitted on Form 734-3922. The agent or a designee must inspect the subject property and complete the inspection report before the claim may be processed.

Minimum Relocation Payment

Moves costing less than \$300 to accomplished may be paid as a minimum payment of \$300. The Region Right of Way Manager approves the use of the Minimum Relocation Payment upon request by the Right of Way Project Manager.

Generally, the Region RW Manager uses his or her judgment regarding whether or not the move will likely cost more than \$300 to accomplish depending on the items to be moved and the complexity of the move. For instance, a 10 x 10 storage unit filled with miscellaneous household items likely could be moved in a couple of hours for less than \$300 and it would be appropriate to apply the Minimum Relocation Payment. However, it may be more appropriate to get estimates or do a Move Cost Finding if the same 10 x 10 storage unit is filled with items that require special handling (fragile hand blown art glass, for example).

Only one Minimum Relocation Payment will be allowed per household or business.

6.655 Move Specifications

Move specifications are instructions as to how the move is to be performed. **They are contained in a detailed, written agreement** between the displacee and the Right of Way Unit on what is to be moved, how it is to be moved, and where it will be moved. Further, it becomes the basis for preparation of the estimates because it informs the estimator of what must be done to accomplish the move and **must be reviewed by the Relocation Reviewer prior to commencement of the move.**

Following are some of the details that must be included in the specifications:

1. The order in which the move is to occur (to minimize down time and facilitate move monitoring).

2. The timing of the move should be specifically addressed (is a weekend or a night move justified; how many days will the move take).
3. Items requiring special handling, packing, detachment and/or reinstallation need to be identified.
4. An inventory of the items to be moved needs to be developed prior to the move and adjustments, if any, to the inventory need to be made prior to the move.
5. A specific replacement site needs to be identified.
6. Unique circumstances of the move need to be addressed, such as whether convenient loading docks or elevators will be available during the move.

The move specifications should be developed in consultation with the displacee. In specialized or complex moves the specifications may require the assistance of a consultant who has expertise in the type of property or business being moved. The specifications should be developed and have the concurrence of the and Project Administration Manager before move estimates are secured or an actual cost move is started.

6.766 Benefit Description

An eligible displaced person who purchases a replacement dwelling is entitled to a down payment assistance payment, including reimbursement for incidental expenses, in the amount the person would receive under [6.744](#) of this manual if the person rented a comparable replacement dwelling, not to exceed ~~\$5,250~~ **the amount of the rent supplement entitlement**.

The agent shall advise the displacee that the replacement dwelling must meet the DSS requirements before benefit payment can be made. Any earnest money agreement should be made subject to inspection and approval by the Relocation Reviewer.