

RELOCATION ASSISTANCE



RIGHT OF WAY DIVISION

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Introduction

The development of highways or other public transportation services needed to serve and improve our way of life require the use of land. This, in turn, means that some persons may be required to move to another location. Your Texas Department of Transportation (TxDOT) is aware of the cost and inconvenience associated with having to move from a home, business or farm. In order to assist those who are required to move, TxDOT provides, through its relocation assistance program, payments and services to aid in movement to a new location.

This brochure provides information about available relocation services and payments:

- ❖ Section I is information for residential displacees.
- ❖ Section II is information for displaced businesses, farms and nonprofit organizations.
- ❖ Section III is for advertising signs.
- ❖ Section IV is on relocation assistance services.
- ❖ Section V is how to claim a relocation payment.
- ❖ Section VI is information on a person's right to appeal TxDOT's determination regarding the amount of a relocation payment or the person's entitlement to a relocation payment.

If you are required to move as the result of the acquisition of property for a TxDOT project, a relocation counselor will contact you. The counselor will be able to answer your specific questions and provide additional information. To ensure maximum relocation benefits you must discuss any proposed move with the relocation assistance counselor so that a definite understanding as to eligibility requirements can be reached.

Special Note

It is not possible to cover the needs and questions of each person; therefore, this brochure is offered for general information purposes only; it is not a document of law, rule or regulation.

Qualification for Assistance

Relocation assistance is available to individuals, families, businesses, farmers, ranchers and nonprofit organizations lawfully present in the United States who are displaced as a result of a State highway or transportation project. This assistance applies to tenants as well as owners occupying the real property needed for the project.

Advance Notice

Each displaced person will be given sufficient time to plan for an orderly, timely and efficient move. This applies not only to residential occupants but to all properties where an occupant has to move to a new location or move his property to a new location. To the greatest extent practicable, no person lawfully occupying real property will be required to move from that site without at least a 90-day written notice.

Caution

To assure eligibility and prompt payment of your relocation benefits, you must provide TxDOT (your relocation assistance counselor) an advance written notice of the approximate date of the planned move and a list of the items to be moved so that a TxDOT representative may inspect the personal property at the displacement and replacement sites and monitor the move. An occupant who moves prior to the date negotiations are initiated for acquisition of the property will not be eligible for any relocation payment unless he or she receives a written notice of advanced relocation eligibility before he or she moves from the property.

Some Important Definitions ...

Acquiring Agency

The “acquiring agency” which shall be referred to as the “agency” may be the Texas Department of Transportation (hereinafter referred to as “TxDOT”) or a political subdivision of the State.

Displaced Person

Any person (individual, family, corporation, partnership, or association) who moves from real property or moves personal property from real property as the result of the acquisition of the real property, in whole or in part, or as the result of a written notice from TxDOT to vacate the real property needed for a State high way or transportation project. In the case of partial acquisition, TxDOT shall determine if a person is displaced as a direct result of the acquisition. Relocation benefits will vary, depending upon the type and length of occupancy of the acquired property. As a displacee, you will be classified as:

- ❖ An owner occupant of a residential property. (Includes mobile homes).
- ❖ A tenant occupant of a residential property. (Includes mobile homes and sleeping rooms).
- ❖ A business, farm or nonprofit organization.

Business

Any lawful activity 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(s) that must be moved as a result of a State highway or transportation project.

Family

The term “family” means two or more individuals living together in a single family dwelling unit who: . . . are related by blood, adoption, marriage, or legal guardianship who live together as a family unit, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit, or are not related by blood or legal ties but live together by mutual consent.

Farm

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.

Initiation of Negotiations

The date the acquiring agency makes its first written offer to an owner of real property, or the owner’s representative, to purchase the real property for a State highway or transportation project.

Nonprofit Organization

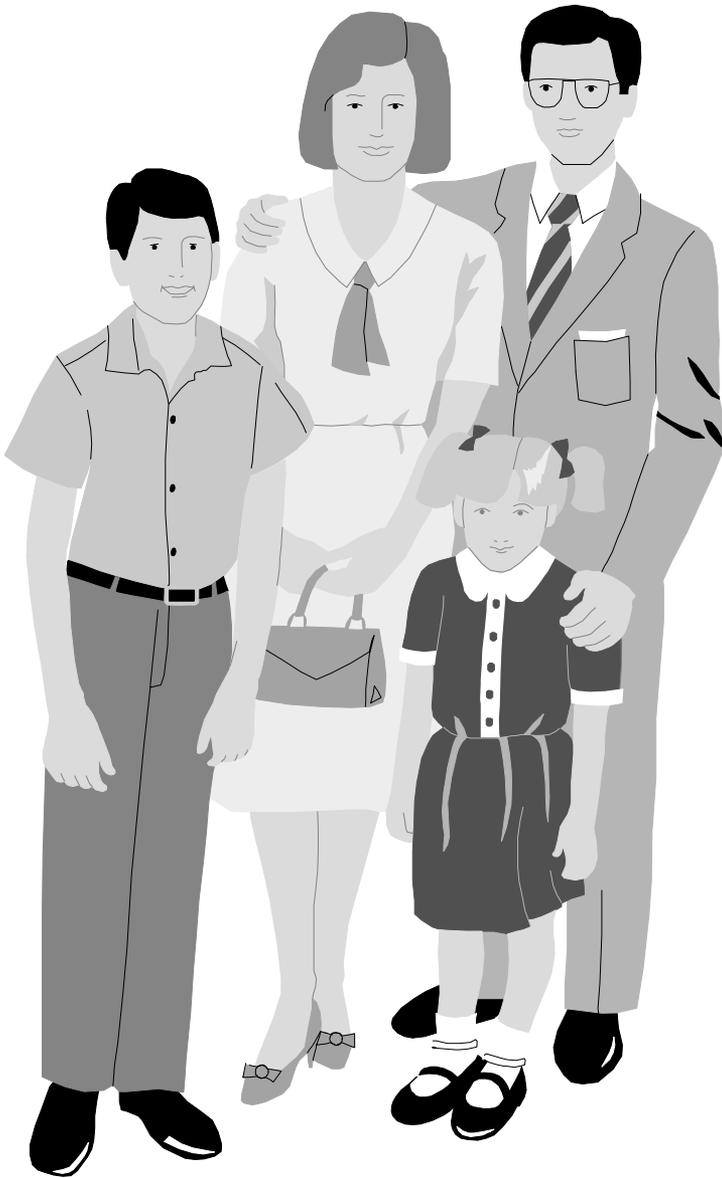
A public or private entity that has established its nonprofit status under applicable Federal or State law and exempt from paying Federal income taxes under Section 501 of the Internal Revenue Code.

Small Business

A business having no more than 500 employees working at the site being acquired.



Section I: Information for Residential Displacees



Moving Cost Reimbursement

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.



Individuals and Families

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 must contact the relocation counselor from TxDOT 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

Based on

Room Count

Actual Reasonable Moving Costs

You may be paid for your actual reasonable moving costs and related expenses when the move is performed by a commercial mover. Reimbursement will be limited to a 50-mile distance.

Related expenses may include:

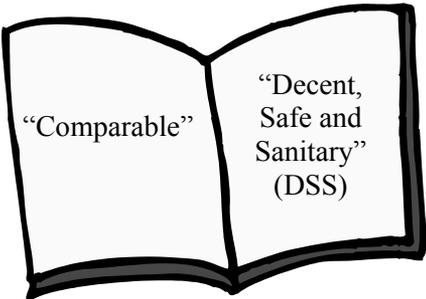
- ❖ Packing and unpacking personal property.
- ❖ Disconnecting and reconnecting household personal property
- ❖ Utility and telephone connection charges.
- ❖ Temporary storage of personal property.
- ❖ Insurance while property is in storage or transit.
- ❖ Mobile home park entrance fees.
- ❖ Expenses must be necessary and reasonable as determined by TxDOT and supported by receipts.

Fixed Moving Cost Schedule

Or you may choose to be paid on the basis of a fixed moving cost schedule. The amount of the payment is based on the number of rooms in your dwelling. If you choose this option, receipts are not necessary. Under this option you will not be eligible for reimbursement of related expenses listed above.

Replacement Housing Payments

Replacement Housing Payments . . . can be better understood if you become familiar with the definition of the following terms . . .



These terms are explained on the following pages.

A “Comparable” Replacement

means that your...

Present Dwelling



and

Replacement Dwelling



are functionally equivalent

Regarding:

- ❖ Number of Rooms
- ❖ Living Space
- ❖ Location
- ❖ Square footage

A comparable replacement dwelling must be decent, safe, and sanitary, and should be functionally equivalent to your present dwelling. While not necessarily identical to your present dwelling, the replacement should have certain attributes:

- ❖ Have similar number of rooms and living space.
- ❖ Located in an area not subject to unreasonable adverse environmental conditions.
- ❖ Generally not be less desirable than your present location with respect to public utilities and commercial and public facilities.
- ❖ Located on a site that is typical size for residential development with normal site improvements.
- ❖ Currently available to you and within your financial means.

Decent, Safe, and Sanitary (DSS) ...

Replacement housing must be decent, safe, and sanitary ... which means it meets all of the minimum requirements established by the State 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 needed 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 disabled displacee.

Replacement Housing Payments Are Separated Into Three Basic Types:

- ❖ Purchase Supplement (page 13)
- ❖ Rental Assistance (page 16)
- ❖ Down Payment (page 20)

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.

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 to which you are entitled. Length of occupancy simply means counting the number of days that you actually occupied a dwelling immediately before the date of initiation of negotiations by the acquiring agency for the purchase of the property.

Owners who were in occupancy 180 days or more immediately 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 residential owner or a tenant who has been in occupancy 90 days or more immediately prior to the initiation of negotiations, you may be eligible either for a rental assistance payment or a down payment up to \$5,250.

If you have been in occupancy less than 90 days before the initiation of negotiations and the property is subsequently acquired, or if you move onto the property after the initiation of negotiations and you are still in occupancy on the date of acquisition, you may be eligible for last resort housing (see page 22). Check with the relocation counselor for more details regarding benefits.

Purchase Supplement

For Owner Occupants for 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 just compensation for 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 Department will compute the maximum payment you are eligible to receive. You must purchase and occupy a DSS replacement dwelling within one (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 immediately preceding the initiation of negotiations.

Incidental Expenses for Replacement Housing

You may also be reimbursed for other expenses such as reasonable costs incurred for loan applications, recording fees, and certain other closing costs, but not including prepaid expenses such as real estate taxes and property insurance or costs for services normally paid by sellers of residential properties or

provided by title companies and closing agents as part of other services. The total amount of the purchase supplement cannot exceed \$22,500, according to the law.

Example of a Price Differential Payment Computation

Assume that TxDOT purchases your property for \$50,000. After a thorough study of available decent, safe, and sanitary dwellings on the open market, TxDOT determines that a comparable replacement property will cost you \$60,000. If your purchase price is more than \$60,000, you pay the difference (see Example B). If your purchase price is less than \$60,000, the differential payment will be based on actual costs (see Example C). How much of the differential payment you receive depends on how much you actually spend on a replacement dwelling as shown in three examples on the next page.

Acquiring Agency's Computation

| | |
|------------------------------------|-----------------|
| Comparable Replacement Property | \$60,000 |
| Acquisition Price of Your Property | <u>\$50,000</u> |
| Maximum Price Differential | <u>\$10,000</u> |

Example A:

| | |
|------------------------------------|-----------------|
| Purchase Price of Replacement | \$60,000 |
| Comparable Replacement Property | \$60,000 |
| Acquisition Price of Your Property | <u>\$50,000</u> |
| Maximum Price Differential | <u>\$10,000</u> |

Example B:

| | |
|------------------------------------|-----------------|
| Purchase Price of Replacement | \$63,500 |
| Comparable Replacement Property | \$60,000 |
| Acquisition Price of Your Property | <u>\$50,000</u> |
| Maximum Price Differential | <u>\$10,000</u> |
| You Must Pay the Additional | \$ 3,500 |

Example C:

| | |
|------------------------------------|-----------------|
| Comparable Replacement Property | \$60,000 |
| Purchase Price of Replacement | \$57,500 |
| Acquisition Price of Your Property | <u>\$50,000</u> |
| Maximum Price Differential | <u>\$ 7,500</u> |

(see next page for a more graphic example.)

Example...

**Original
Acquisition
Cost
\$50,000**

**Comparable
Replacement
Cost
\$60,000**

**Price Differential
Payment may be
any amount up to
\$10,000**



COMPARABLE

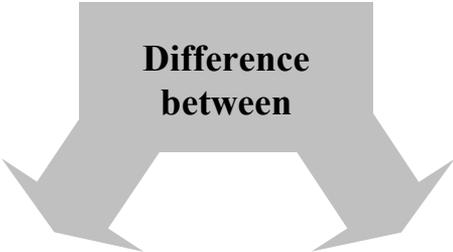
Rental Assistance

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 rental payments are higher than you have been paying, you may be eligible for a rental assistance payment up to \$5,250. TxDOT 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 TxDOT determines that the payment should be paid in installments. You must rent and occupy a DSS replacement dwelling within one (1) year to be eligible.

For graphic examples, see the next two pages.

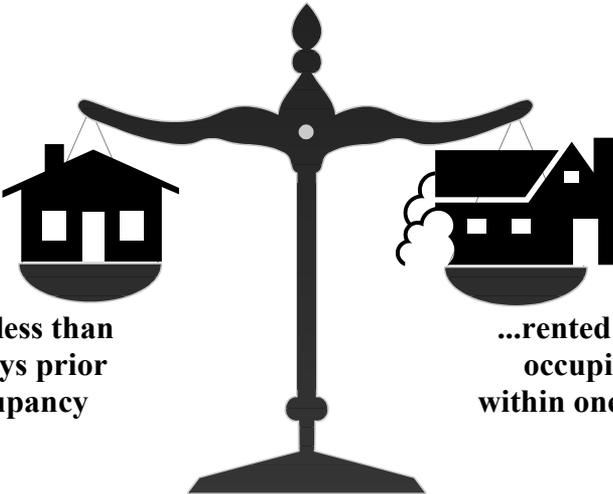
Example



**Original
Rent**

**Determined
Amount of
Replacement
Rent**

**Total payment
may be up to
\$5,250 for a
42-month period**

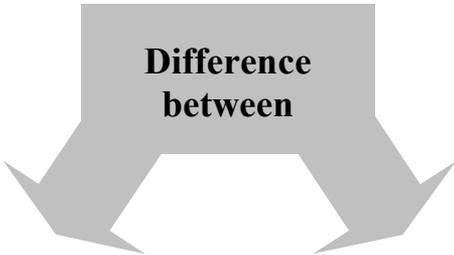


**...not less than
90 days prior
occupancy**

**...rented and
occupied
within one year**

COMPARABLE

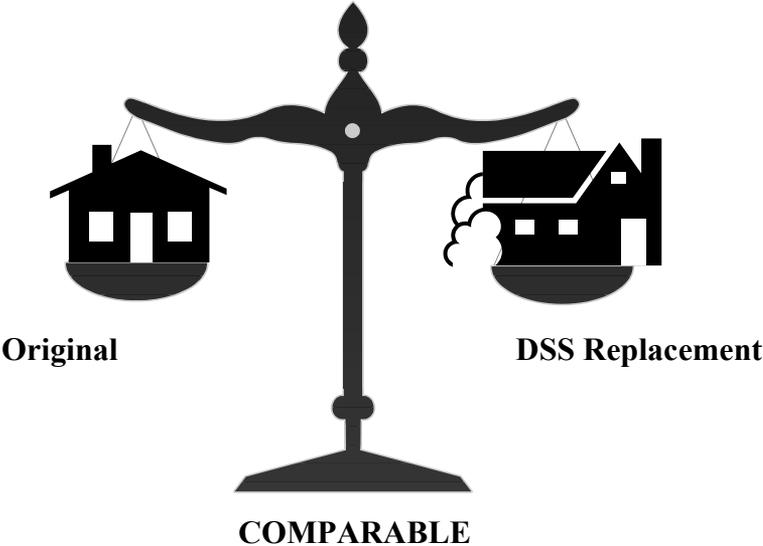
Example....



**Original Rent
\$250 per month**

**Replacement Rent
\$325 per month**

**Total Rental
Assistance
Payment for 42
months is \$3,150
(\$75 X 42 mos.)**



For Instance...

As an example of how a rental assistance payment is computed, let's assume that you have been paying \$250 per month rent for the dwelling occupied by you and purchased by the agency. After a study of the rental market, TxDOT determines that a replacement rental unit, which is DSS and comparable to your present dwelling, is available for \$325 per month. The maximum rental assistance payment you can receive in this case is \$75 per month for a 42-month period, or \$3,150.

Option A

If you select a replacement dwelling which rents for \$350 per month, despite the availability of comparable DSS replacement rental units that rent for \$325 per month, you will still receive only the maximum computed payment of \$3,150. In other words, you must pay the additional \$25 per month.

Option B

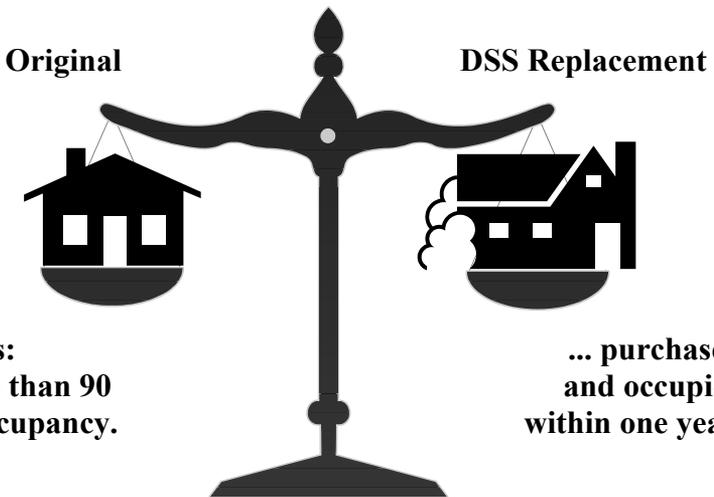
If you select a replacement dwelling which rents for more than your present rent but less than the amount determined by the agency, you will be paid on the basis of actual cost. For example, assume you select a replacement dwelling unit that rents for \$300 per month. On the basis of actual cost you will be eligible for a payment of \$50 per month for 42 months, or \$2,100. The computation of a rental assistance payment for a owner occupant is slightly more complex and space does not permit its inclusion in this brochure. Owners interested in renting should contact TxDOT for a complete explanation.

Down Payment

Owner-occupants of 90 days to 179 days, and tenants of 90 days or more

Up to \$5,250
Down Payment

Will be paid on
replacement



Tenants:
Not less than 90
days occupancy.

... purchased
and occupied
within one year.

Owners:
Less than 180
days but more
than 90 days
occupancy.

COMPARABLE

Owner-occupants of 90 days to 179 days and tenants of 90 days or more may be eligible for a down payment, and incidental expenses, not to exceed (the amount of the approved rental assistance supplement). Incidental expenses for replacement housing include the reasonable costs of loan applications, 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. Remember, you must purchase and occupy a DSS replacement dwelling within one (1) year of your moving date (for owners) or one (1) year of the date of the 90-day Notice to Vacate (for tenants)

A thorough explanation of the computation can be found on the next page.

Down Payment Computation (Example)

| | |
|--|----------------------|
| Actual Down Payment | \$7,000 |
| Closing & Incidental Costs | <u>950</u> |
| Total Amount Needed | 7,950 |
| Agency Rental Assistance Supplement | <u>-5,000</u> |
| Displacee Pays | \$2,950 |

Explanation of Down Payment Computation

From the example shown on the previous page, the total down payment and closing costs is \$7,950. The total payment by TxDOT will be \$5,000, which is the previously approved rental supplement (see above). The displacee must pay \$2,950 in order to purchase this property.

Although this may sound complicated, the relocation counselor from TxDOT will explain the procedure to you personally.

Last Resort Housing

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, TxDOT will solve the problem by the administrative process called **Last Resort Housing**. 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. In such cases TxDOT has broad flexibility in providing the required housing and can, if necessary, provide replacement housing payments in excess of the normal \$5,250 and \$22,500 payment limits.

All eligible displacees have a freedom of choice in the selection of replacement housing. If a displacee decides not to accept the replacement housing offered by TxDOT, the displacee may secure a replacement dwelling of his/her choice, providing it meets DSS housing standards. If you are eligible for replacement housing under the Last Resort Housing program, you will be so informed by the relocation counselor, who will thoroughly explain the program.

Fair Housing

The Fair Housing Law (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. This Act and later Acts and amendments 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 necessarily 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 person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

To All Residential Displacees. . .

The most important thing to remember is that the replacement dwelling you select must meet the basic “decent, safe, and sanitary” standards to receive any benefits. Do not execute a sales contract or a lease agreement until a representative from TxDOT 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.

Section II: Information for Businesses, Farms, and Nonprofit Organizations



Moving Cost Reimbursement: Businesses, Farms, and Nonprofit Organizations

Owners or tenants may be reimbursed 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 27). Related expenses, such as personal property losses (page 28), and expenses in finding a replacement site (page 28), may also be reimbursable. You may also be reimbursed for expenses incurred in the reestablishment of your business (page 28).

or,

B. You may be eligible to receive a fixed payment from \$1,000 to \$20,000. This payment is based on the annual net earnings of the business or farm, not to exceed \$20,000. To qualify for a fixed payment, certain conditions must be met. See page 31 for detailed information. For a nonprofit organization the fixed payment is the average of two (2) years annual gross revenues less administrative costs, not to exceed \$20,000.00.

Types of Payments



Actual Reasonable Moving Costs

Including

Personal Property Losses

Plus

Expenses in Finding a Replacement

Plus

Expenses In Reestablishing Your Business

(Reimbursement limited to a 50-mile distance)

Fixed Payment in Lieu of Moving Costs, Etc.

Businesses and Farms From \$1,000 to \$20,000 Equal to Average of Two (2) Years Annual Net Earnings

Nonprofit Organizations From \$1,000 to \$20,000 Average of Two (2) Years Annual Gross Revenues Less Administrative Expenses

(Reimbursement limited to a 50-mile distance)

Two Ways to Move Your Enterprise

- ❖ *Professional Mover.* You may be reimbursed the actual reasonable costs of your move carried out by a professional mover. All of your expenses must be supported by receipts in order to ensure prompt payment of your moving cost claim. Also, costs must be reasonable and necessary. Certain other expenses are also reimbursable, such as packing, crating, unpacking, and uncrating, disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment and other personal property. Other expenses such as temporary storage costs, insurance while in transit or storage, and the cost of new licenses and permits may also be reimbursable.
- ❖ *Self-Move.* If you elect to take full responsibility for all or part of the move, TxDOT may approve a negotiated reimbursement payment not to exceed the lowest acceptable bid or estimate prepared by qualified moving firms, moving consultants or a qualified Department employee. If two acceptable bids or estimates cannot be obtained, or you decide to move yourself on an actual cost basis, your moving payment may be based on actual, reasonable moving expenses supported by receipted bills or other evidence of the actual expenses. Cost estimates or bids for negotiated self-move payments shall be obtained by TxDOT. Moreover, self-move payments must be approved by TxDOT before the start of the proposed move.

Notification and Inspection

To assure eligibility and prompt payment for moving expenses, you should provide TxDOT with advance written notice of the approximate date of the planned move and a list of items to be moved so that TxDOT may inspect the personal property at the displacement and replacement sites and monitor the move.

Reestablishment Expenses for Replacement Site

A small business (not over 500 employees), farm or nonprofit organization may be eligible to receive a payment, not to exceed \$10,000 for expenses actually incurred in relocating and reestablishing such small business, farm or nonprofit organization at a replacement site. These reestablishment expenses must be reasonable and necessary as determined by TxDOT. Your relocation counselor will explain in detail the eligible expenses included under this category of relocation assistance.

Direct Losses of Tangible Personal Property/ Purchase of Substitute Personal Property

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property or the purchase of substitute personal property, which is incurred as a result of the move or discontinuance of the operation. This payment will vary depending upon whether the item is replaced or not; however, it may never exceed the estimated cost of moving and reinstallation.

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 TxDOT.

Fixed Payment (In Lieu)

Displaced businesses, farms, and nonprofit organizations may be eligible for a fixed payment in lieu of actual moving expenses, reestablishment expenses, personal property losses, and searching expenses. The fixed payment may not be less than \$1,000 or more than \$20,000 for businesses, farms, and nonprofit organizations.



For a business to be eligible for a fixed payment, TxDOT must determine that each and all of the following apply:

1. The business owns or rents personal property which must be moved in connection with its displacement and for which expense would be incurred in its move.
2. The business cannot be relocated without a substantial loss of its existing patronage.
3. The business is not part of a commercial enterprise having more than three other entities not being acquired and which are under the same ownership and engaged in the same or similar business activities.
4. The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
5. The business is not operated at the displacement site solely for the purpose of renting the site to others.
6. The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement.

For the owner of a farm to be eligible for a fixed payment, the farm operation must be displaced either by total or partial

acquisition. In the case of a partial acquisition, TxDOT must determine that the acquisition caused the operator to be displaced or it caused a substantial change in the nature of the farm operation.

For a nonprofit organization to be eligible for a fixed payment, it must furnish proof of its nonprofit status under applicable Federal or State law.

Applications for fixed payments in lieu of actual expenses must be filed with TxDOT prior to the displacee’s planned move from the displacement property.

The Computation of Your Fixed Payment (In Lieu)

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

| | | | |
|-----------------|-------------|-------------|-------------|
| Example: | 1984 | 1985 | 1986 |
| | Annual | Annual | Year |
| | Net | Net | Displaced |
| | Earnings | Earnings | |
| | \$8,000 | \$10,000 | |

AVERAGE
\$9,000 = Fixed Payment

You must provide information to TxDOT to support your claim. Proof of earnings shall be documented by certified copies of the displacee’s Federal income tax returns obtained from the Internal Revenue Service files for the tax years in question.

The relocation counselor will explain eligibility requirements and claim documentation if you are interested in this alternate benefit.

Section III: Advertising

The owner of any outdoor advertising display(s) is eligible for a relocation payment for actual moving and related expenses.



Types of Payments for Advertising Signs

Actual Costs

Actual reasonable moving expenses may be paid when the move is performed by a qualified mover (page 9). Claims for such expenses must be supported with itemized receipts or other verifiable evidence of the expense(s) incurred.

Self-Move

If you elect to take full responsibility for all or part of the move, TxDOT may approve a negotiated payment as described on page 27. Negotiated self-move payments must be approved by TxDOT prior to the start of the planned move.

❖ **Direct Loss of Personal Property Expenses**

This payment will be based upon the depreciated value of the sign in place as determined by TxDOT less the proceeds from its sale, or the estimated cost of moving the sign, but with no allowance for storage, whichever is the lesser amount.

or

❖ **Purchase of Substitute Personal Property**

This payment will be based upon the replacement cost of like-type sign less the sale/trade-in of current signs, or the estimated cost of moving the existing sign, but with no allowance for storage, whichever is the lesser amount.

Searching Expenses

Owners of displaced advertising signs are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement sign site (page 28), not to exceed \$2,500.

Caution

To assure eligibility and prompt payment for all moving expenses, you should provide TxDOT with advance written notice of the approximate date of the planned move and a sketch of the displaced sign showing its size (dimensions), number of poles, type materials, lighting and advertisement.

Also, advertising signs that are moved to locations which do not conform with the highway beautification provisions of the Texas Litter Abatement Act will not be eligible for a relocation reimbursement.

Section IV:

Information on Relocation Services



Relocation Assistance Services...

Any individual, family, business or farm displaced by a State highway or transportation 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 TxDOT. 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 relocation benefits.

A Relocation Counselor Will Contact You...

Residential Assistance

A relocation counselor from TxDOT 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 disabled. The Department 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. Information concerning other Federal, State and local housing programs offering assistance to displaced persons is also available.

Business and Farm Assistance

The relocation counselor will assist in locating 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 Other Agencies

Your relocation counselor will be familiar with the services provided by other public and private agencies in your community. If you have special needs, 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 proper assistance.

In Addition to Personal Contacts...

In addition to personal contacts by the relocation counselor, TxDOT agency may establish a relocation office on or near a project where a considerable number of people are to be relocated. Project relocation offices are open during convenient hours, including evening hours when necessary. The personnel employed in the relocation office will also assist you.

The office maintains a variety of information concerning:

- ❖ Listings of Available Replacement Properties
- ❖ Local Housing Ordinances Building Codes
- ❖ Social Services
- ❖ Security Deposits Interest Rates and Terms
- ❖ Typical Down Payments
- ❖ VA and FHA 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 checklist is a summary of the relocation advisory assistance you may reasonably expect to receive if you are displaced by a State highway or transportation project. In addition to the services listed, TxDOT 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 will personally interview displacees to:

- ❖ Determine their Needs and Preferences
- ❖ Explain Relocation Benefits
- ❖ Offer Assistance
- ❖ Offer Transportation if Necessary
- ❖ Assure the Availability of a Comparable Property 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 Displacees
- ❖ Provide Counseling to Minimize Hardships

Section V: Claim for Payment

How Do I Obtain My Relocation Payment?

You must file a claim for reimbursement. The Department will provide you with the required claim forms, assist you in completing them, and explain the type of documentation, if any, that you must submit in order to receive your relocation reimbursement. If the expenses that you must meet prior to your move cause a hardship, discuss your financial needs with TxDOT.

When Should I File My Claim?

You must file your claim no later than 18 months after you move. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid.

Duplicate Payments

If you are unable to file your claim within 18 months, TxDOT may extend this time period. The Department is required to pay you promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you may take to resolve the matter. No payment will be made under the Relocation Program if the displaced person is eligible to receive another payment provided by law that has substantially the same purpose and effect as the relocation payment.

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 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.

Section VI: Your Right of Appeal

If you believe that TxDOT has failed to properly determine your eligibility for, or the amount of, a payment, you may appeal to TxDOT's Relocation Assistance Review Committee. If you indicate your dissatisfaction, either verbally or in writing, TxDOT will assist you in filing an appeal and explain the procedures to be followed. You will be given a prompt and full opportunity to be heard by the Review Committee. You have the right to be represented by legal counsel or other representative in connection with the appeal, (but solely at your own expense).

The Review Committee will consider all pertinent justification and material submitted by you and other available information needed to ensure a fair review. This Committee will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision.

Section VII: Your Civil Rights

In accordance with Title VI of the Civil Rights Act of 1964 and related statutes, it is the policy of the Department to ensure that no person in the United States of America shall, on the grounds of race, religion (where the primary objective of the financial assistance is to provide employment. 42 U.S.C. §2000d-3), color, national origin, sex, age, retaliation or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of our programs or activities.

If you believe you have been discriminated against or your rights have been violated under any program or activity of the Department, you may file a Title VI Discrimination Complaint.

The Title VI Discrimination Complaint Form can be obtained by:

- Visiting TxDOT's website at http://www.txdot.gov/txdot_library/forms/civil_rights.htm
- Contacting the Office of Civil Rights 1-866-480-2518.
- Visiting, in person, the Office of Civil Rights located at 125 E. 11th Street, Austin, Texas 78701.

If you have any questions regarding the completion of the form, you may contact the Office of Civil Rights at the number listed above. Upon request, assistance will be provided if you are limited English proficient or disabled. Complaints may be filed using an alternative format e.g., computer disk, audio tape or in Braille. If you have a speech or hearing impairment, dial Texas Relay at 1-800-735-2988 or 711 for assistance.

The Department's Office of Civil Rights will notify you when it receives your complaint.

Notes

Relocation Office

You may contact the Relocation Assistance Office at the following address for relocation advisory assistance or information pertaining to the State law and procedures which regulate this program.