

FLORIDA DEPARTMENT OF TRANSPORTATION

RESIDENTIAL RELOCATION

**UNDER THE FLORIDA
RELOCATION ASSISTANCE
PROGRAM**



July 2008

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The Florida Department of Transportation Relocation Assistance Program

The Uniform Relocation Assistance and Real Property Acquisition
Policies

Act of 1970, Public Law 91-646, as amended, for Federal and Federally
Assisted Programs, 23 CFR and 49 CFR, Part 24.

Sections 334.048, 339.09 and 421.55, Florida Statutes
Rule 14-66, Florida Administrative Code

Due to Florida's rapid growth, a modern transportation system is necessary to ensure safe travel. Sometimes a small portion of the state's population is required to move because of these much needed transportation projects.

The Florida Department of Transportation wants to ensure that people receive fair treatment when they are required to move from their homes to accommodate a transportation facility. No person living in Florida is expected to bear an unequal share of the burden for a transportation project designed for the good of everyone.

The Department

“Department” as used in this brochure refers to the Department of Transportation.

Are you a Displaced Person? (Displacee)

A person who has received written notification from the department informing them they must move from the real property being acquired by the department is referred to as a “displaced person” or “displacee” and may be eligible for relocation assistance benefits.

Except, in accordance with Public law 105-117, enacted on November 2, 1997, any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such eligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, as defined in 49 CFR Part 24.208(h).

A Relocation Agent Will Contact You

In the early stages of a project, activities such as the department’s public meetings or surveyors working in the area may cause speculation, rumors and anxiety about where the transportation facility will be located and who will be affected by it. These activities may take place long before the department even starts acquiring necessary right of way for the project. If you are displaced, an agent representing the department will meet with you personally to fully explain the relocation program well before you are required to move. The agent will work with and advise you throughout the entire relocation process. You are encouraged to work closely with your relocation agent to ensure maximum receipt of all relocation entitlements.

Advance Notice

All displaced persons will receive at least ninety (90) days advance written notice before being required to move.

Your Relocation is an Entitlement Program

Relocation Assistance is an entitlement program designed to assist persons who are displaced from their homes by a transportation project. Provisions of the program include making comparable replacement housing affordable and reimbursing moving expenses. Your eligibility to receive a replacement housing payment or be reimbursed for your moving expenses is determined by each displacee's need in accordance with the specific State and Federal guidelines. Your relocation benefit is non-negotiable and does not allow a payment for representation by a third party.

Relocation Payments Do Not Affect Other Benefits

If you are presently eligible for social security, welfare, or other certain types of assistance, your relocation payment will not affect those benefits. Also, payments received under the relocation assistance program are not considered as income under the Internal Revenue Code.

Fair Housing

The department enforces Title VIII of the Civil Rights Act of 1968, and amendments, making discriminatory practices in the purchase and rental of housing illegal if based on race, religion, sex, or national origin.

Special Needs Assistance

If you require special assistance, your relocation agent will make every effort to guide you in securing the services of other organizations, such as the Departments of Children and Family Services, Elder Affairs, Community Affairs, local charitable organizations, housing or loan programs, etc., which are professionally equipped to help you.

Decent, Safe and Sanitary Housing (DS&S Housing)

Before you enter into a contract for purchase or lease of a replacement dwelling, you must request the relocation agent to perform an inspection to determine that the property meets the DS&S requirements. Failure to do so may put your benefits at risk.

A Decent, Safe and Sanitary residence includes the following:

- Adequate space large enough to accommodate the people living with you.
- An adequate and safe electrical system.
- Adequate heating system (capable of sustaining a temperature of approximately 70 degrees)
- A safe, drinkable water supply, with hot and cold water.
- Proper connections to water supply and septic system.
- Stove and refrigerator space and service connections.
- Adequate lighting.
- Safe unobstructed doorways.
- Structure should be properly ventilated and structurally sound.
- Bathtub or shower and a private toilet.

Eligibility Requirements For A Replacement Housing Payment

A Replacement Housing Payment assists displaced persons in obtaining an affordable replacement residence comparable to the housing you are required to move from (displacement residence). It may be in the form of what is called a purchase additive or a rent supplement.

Your length of occupancy, in your current residence (dwelling) determines your eligibility type for a replacement housing payment. The determination is based on the number of days you have occupied the displacement residence prior to the department presenting its initial offer to purchase. You must also rent or purchase and occupy a replacement dwelling within a twelve month period from specific dates to receive a replacement housing assistance payment. Your agent will determine and explain your qualification.

You are a 180-Day Owner Occupant if you have owned and lived in your dwelling continuously, as your domicile, for at least 180 days (approximately 6 months) before the department makes its first written offer to acquire your real property. You must also live there on the day the department makes its first offer to acquire the real property.

You are a 90-Day Occupant if you are an owner or tenant (renter) who has lived in your dwelling continuously, as your domicile, for at least 90 days (approximately 3 months) before the department makes its first offer to buy the property. You must also live there on the day the department makes its first offer to acquire the real property.

Comparable Replacement Housing

If you are displaced from your residence, the department must offer comparable replacement housing to you.



SUBJECT DWELLING

A comparable dwelling will have approximately the same amount of living space, the same number of rooms, and be located in a similar neighborhood, if possible.

For Example: If you are presently living in a dwelling that has three bedrooms, two baths, a living room, dining room and a kitchen, with 1200 square feet, a comparable dwelling would have approximately the same number of square feet, and similar rooms.



**REPLACEMENT
DWELLING**

Purchase Additive

Who may qualify? Persons who have owned and occupied the displaced dwelling as their permanent place of residence for a period of at least 180 days prior to the department making its initial offer to purchase.

Its purpose: The purchase additive assists with the purchase of a replacement dwelling when the current price of an available comparable replacement dwelling (as determined by the department) is greater than the acquisition amount paid for the purchase of the displacement dwelling. A purchase additive is intended to put people back into a dwelling comparable to the one from which a person is being displaced. Displaced persons have the option to purchase any dwelling they choose as long as it meets decent, safe and sanitary requirements. However, the department must limit the purchase additive amount to the difference between what the department paid for your present dwelling and the value of a dwelling the department selects as most comparable.

Example # 1

The department locates a house comparable to the one you are presently living in costing \$180,000. The purchase additive is calculated by subtracting the amount the department pays for your present house; say \$165,000, from the price of the comparable house.

\$180,000	Cost of a comparable replacement property
<u>\$165,000</u>	Less the price department pays for your present property
\$ 15,000	Maximum purchase additive you are eligible to receive

If you purchase a house costing at least \$180,000 and the department pays \$165,000 for your present house, you will receive a \$15,000 purchase additive.

What if I buy a more expensive dwelling than the department's selected comparable dwelling?

The amount of the purchase additive will not change if you purchase a more expensive dwelling.

Example # 2

If you buy a \$190,000 house, instead of the \$180,000 comparable, costing an additional \$10,000, you will be responsible for the additional costs. You will still receive the amount calculated between your present property and the \$180,000 comparable property selected by the department.

\$190,000	The price of a replacement house you choose
<u>\$180,000</u>	Cost of a comparable house
\$ 10,000	Additional cost displacee must pay

The purchase additive based on the number one comparable does not change.

(Using example # 1, the \$15,000 purchase additive would not change).

What if I buy a dwelling that costs less than the department's selected comparable?

You will receive a purchase additive calculated on the actual price you pay for the replacement dwelling, less the amount paid for your present dwelling.

Example # 3

If you buy a replacement house for \$178,000, after deducting the \$165,000 the department pays for your present house, your purchase additive will be \$13,000.

\$178,000	Purchase price for your actual replacement house
<u>\$165,000</u>	Less the amount the department paid for your present house
\$ 13,000	Purchase additive you are eligible to receive.

What happens if the amount of the department's initial offer for the displaced persons present property increases during a negotiated or legal settlement?

The amount of the purchase additive must be adjusted accordingly.

Example # 4

If the department pays you \$176,000 for your property, instead of the initial offer of \$165,000 the purchase additive must be adjusted.

\$180,000	Price for the comparable replacement property
<u>\$176,000</u>	Actual price the department paid for your present property
\$ 4,000	Adjusted purchase additive eligibility

The purchase additive, as calculated in the first example with the department paying \$165,000 for your present property, will be reduced from a \$15,000 purchase additive to a \$4,000 purchase additive.

What if I have to obtain a new mortgage and current interest rates are higher?

If a mortgage existed on the home being acquired by the department for at least 180 days prior to the initial offer to purchase being made, the department will calculate a mortgage interest differential payment. The payment will be based on the lower balance between the old and new mortgage for the lesser remaining term of the old or new mortgage. The payment amount can be used as a new mortgage buy down to keep the monthly payment for principal and interest constant for the term of the new mortgage.

The department will also reimburse necessary and reasonable closing costs actually incurred in the purchase of a replacement dwelling. These may include expenses customarily paid by a buyer such as preparing a deed, obtaining a mortgage, title insurance, survey, credit report, appraisal, termite inspection, origination fee, documentary stamps not exceeding the cost of the comparable, and an inspection for structural soundness. Closing costs are limited to the lower value of the comparable replacement dwelling selected by the department or the replacement dwelling actually purchased.

RENT SUPPLEMENT

Who may qualify? Owners and tenants who occupy the acquired dwelling as their permanent place of residence prior to the department presenting its initial offer to purchase.

Its purpose: To assist displaced persons in relocating to an affordable replacement dwelling comparable to their present dwelling.

A rent supplement is reflective of difference in amounts being paid for rent and average monthly utility costs at the current dwelling compared to the cost of a similar rental dwelling including estimated monthly utility costs and then multiplied over a period of time.

The base monthly rental amount used for the displacement dwelling will be calculated by the following methods and which ever one is less will be used. Using the lesser amount provides the greatest benefit to you.

1.) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period of time prior to displacement. A fair market rent determination will need to be established by a qualified appraiser for displaced persons who are owner/occupants of the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, a fair market rent determination will also be established, unless its use would result in a hardship because of the persons income or other circumstances;

OR

2.) Thirty (30) percent of the displaced person's/families gross monthly household income if the amount is classified as "low income" by the U.S. Department of Housing and Urban Development's Annual Survey of income limits for Public Housing and Section 8 Programs. (The base monthly rental shall be established solely on the criteria in paragraph 1 above, for persons with income exceeding the survey's low income limits, for persons refusing to provide appropriate evidence of income, or persons who are dependents);

OR

3.) The total of the amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.

How is rent supplement calculated?

Say your present rent is \$950.00 and your utility bill averages \$150.00 a month for a total rental payment of \$1100.00. The department has determined that a decent, safe and sanitary replacement rental, comparable to your present rental, is available for \$1000.00 a month plus \$150 a month for utilities, a total of \$1150.00. Say your total Annual Household Income is \$41,000 which is below the HUD Low Income Survey for your area (\$47,250), and 30% of your household monthly income would be \$1025.00. Therefore the calculation would be:

Example #5 (Using displacee's low income)

Comparable rent and utilities	\$1150.00
MINUS	
Base Monthly Rental	
<u>The lesser of:</u>	
• 30% of Household Income if classified as Low Income per HUD Annual Income Survey (\$47,250.00)	
Displacee's Annual Household Income =	\$41000.00
\$41,000/12 mo. X 30% =	<u>\$1025.00</u>

OR

• Monthly Rental of Acquired Dwelling (incl utilities).....	<u>\$1100.00</u>
Equals Rent Differential	\$125.00
Multiplied by 42 months	X42
Total rent supplement.....	\$5250.00

OR

Example #6 (Using fair market rent)

Comparable rent and utilities **\$1150.00**

MINUS

Base Monthly Rental

The lesser of:

-Displacee's Annual Household Income \$52000.00

-30% of Household Monthly Income (52,000/12 mo. x 30%) \$1300.00

-Low Income per HUD Annual Income Survey \$47250.00

OR

Monthly Rental of Acquired Dwelling (inc.Utilities)..... **\$1100.00**

Equals Rent Differential \$50.00

Multiplied by 42 months X42

Maximum Payment **\$2100.00**

What if I decide to rent something more expensive than the comparable?

If you rent a dwelling costing more than the comparable replacement dwelling offered by the department, you must pay the additional rent and utilities.

The purpose of a rent supplement is to place you back into a replacement dwelling comparable to your present dwelling. Therefore, a replacement dwelling that **exceeds** the cost of a comparable decent, safe and sanitary, cannot be part of the supplement.

Let's say the displaced person actually rents a decent, safe and sanitary replacement dwelling costing \$1,350/mo. for rent and utilities. Instead of the \$125/mo. rent differential shown in example #5, the monthly differential would change to \$325/mo. The displacee would be responsible for an additional \$200/mo. totaling \$8,400 over the 42 month eligibility period.

What if I rent a dwelling that costs less than the comparable dwelling?

You will receive a rent supplement based on the actual difference between the base monthly rent and average utilities established for the displacement dwelling and the actual replacement dwelling occupied.

Example #7

#1 Comparable rent and utilities	\$1300.00
Your replacement dwelling/utilities total.....	\$1275.00
Your present rent/utilities are.....	1250.00
The monthly rent supplement is.....	\$25.00
Times 42 months.....	X 42
Total rent supplement.....	\$1050.00

DOWN PAYMENT SUPPLEMENT

Who may Qualify? Tenant and Owner's who have been in occupancy of the displacement dwelling, prior to the department presenting its initial offer to purchase the property, and who are determined eligible for a rental assistance payment. **Except;** an owner who has occupied the displacement dwelling for 180 days or more prior to the department presenting its purchase offer is ineligible for this type payment.

It's Purpose: A rent supplement may be converted to a down payment to enable a displacee to purchase a replacement dwelling as a method of promoting home ownership.

If the calculated rent supplement is less than \$5,250, the department has discretion to increase the amount up to \$5,250 as long as the entire amount is used for the down payment and incidental expenses associated with the purchase of a replacement dwelling.

For example, your rent supplement eligibility is \$3,000, and you find a house you would like to purchase for \$50,000.

If you purchase the \$50,000 house, a ten percent (10%) down payment would be \$5,000 and closing costs could amount to approximately \$1,200. In this example your \$3,000 rent supplement may be increased to \$5,250 as long as you apply the entire \$5,250 payment toward the purchase price and closing costs.

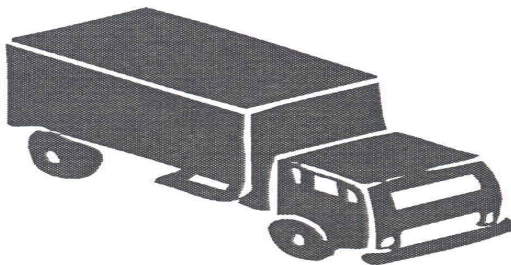
You will be responsible for all expenses over the \$5,250, and must be able to qualify for a mortgage, if necessary. (This means you must show the lending company you have sufficient income to pay your monthly payment for principal, interest, taxes and insurance according to good lending practices).

Before entering into any purchase agreement or contract to purchase a house, mobile home, or lot you are planning to use relocation funds to purchase, you must contact and discuss the planned purchase with your Relocation Agent. The agent must inspect and certify that the property meets Decent, Safe, and Sanitary requirements and ensure the relocation funds are properly allocated.

You must also provide the department with a copy of the executed purchase contract and closing statement showing the purchase price and incidental closing costs.

MOVING COST REIMBURSEMENT

The department will reimburse the actual, reasonable and necessary costs incurred to move persons or personal property from property acquired by the Florida Department of Transportation.



With the department's prior approval, you may receive payment for other related costs, such as transportation to the new location, moving insurance, and storage of personal property.

Displaced persons may choose to utilize a "Commercial Mover" or perform one of two available "Self Move" options. Regardless of which option you choose, be sure to discuss with your relocation agent.

COMMERCIAL MOVER

You may hire a commercial moving company to handle the entire move.

An inventory of all personal property must be taken before the move begins (pre-inventory) and after the move is complete (post-inventory). You must sign the inventory certifying that it is true and correct. Move estimates must be obtained. Based on the complexity of a move the department will require one or two estimates. In cases where two estimates are obtained, reimbursement will be limited to the amount of the lower one. You may choose a mover other than the one with the lower estimate, but the department's reimbursement payment will be based on the lower estimate.

Other related costs incurred during your move that were not considered within the estimate may be reimbursed if approved by the department. You must show proof of these costs by saving all receipts and other documentation to submit when you file a claim with the department. Also, in this brochure, there is a listing of eligible and ineligible moving expenses for your review. If needed, your agent can explain these to you.

SELF MOVE (FIXED MOVE COST SCHEDULE)

The schedule is a pre-calculated moving expense determination, developed by the Federal Highway Administration, based on the number of rooms of personal property that must be moved. The department may allow an increase in a room count when a room contains sufficient items to constitute an additional room. A room is defined as a fully enclosed

section (other than a closet or bathroom) on the inside of a structure which is accessible through a doorway. A room can also be an area that is not fully enclosed but being used as a separate and distinct function. For example, in a “great room” that contains a living area and a dining area, each may be counted as a separate room even though no walls separate them.

The reimbursement amount will be based on the number of rooms in your current dwelling.

If you choose the fixed payment you will not be required to prepare inventories, obtain move cost estimates, or provide documentation of expenditures, unless a modification to the room count has been made. Other related costs, such as storage, transportation to the new site, insurance, etc., are not eligible under the fixed payment schedule.

FIXED PAYMENT ALLOWANCE SCHEDULE

If you own the furnishings:

<u>Number of Rooms</u>	<u>Amount of Fixed Payment</u>
1.....	\$ 550.00
2.....	\$ 700.00
3.....	\$ 875.00
4.....	\$1050.00
5.....	\$1200.00
6.....	\$1350.00
7.....	\$1500.00
8.....	\$1650.00
Each Additional Room.....	\$ 200.00

If you do *not* own the furnishings:

<u>Number of Rooms</u>	<u>Amount of Fixed Payment</u>
First room.....	\$ 450.00
Each additional room.....	\$ 125.00

OR

SELF MOVE (DOCUMENTING EXPENSES)

You may conduct a move yourself, keeping all receipts, invoices, truck rental expenses, etc., as documentation to file a claim for reimbursement of the actual expenses incurred. If a reimbursement claim is determined to be unreasonable the department may obtain estimates, based on a pre-move inventory, from licensed qualified movers. The payment for the self-move will be the lesser of the move cost estimate or the documented actual expenses incurred.

Pre-move and post move inventories must be taken and signed by you and the relocation agent.

Note: If the occupants of the residence are not displaced, but there is personal property in the area being acquired that must be moved, the move cost may be reimbursed based only on self documented expenses or either a commercial or department estimate.

REIMBURSABLE MOVING COSTS

The following move expenses may be reimbursable if they are the actual, reasonable, and necessary moving costs incurred when using a commercial moving company, or performing a self-move based on the actual, documented expenses:

1. Transporting residential displacees to the replacement site, including special transport such as ambulances, based upon actual, reasonable fees charged for such commercial transport;
2. Transporting personal property for a distance of no more than 50 miles; (in special circumstances, the district may approve a move of more than 50 miles)

3. Packing, crating, unpacking, and uncrating of the personal property;
4. Disconnecting, dismantling, removing, reassembling, and reinstalling household appliances and other personal property;
5. Storage of personal property for up to twelve (12) months at the department's discretion, if immediate occupancy of the replacement site is not possible through no fault of the displaced owner or tenant;
6. Insurance for the replacement value of the property in connection with the move;
7. Replacement value of property that is lost, stolen or damaged in the move through no fault of the owner's when insurance coverage is not available;
8. Actual, reasonable costs of meals and lodging when determined necessary by the department. For example, when immediate occupancy of the replacement dwelling is not possible;
9. Actual, reasonable costs for reinstallation of a fixture which exists as an integral part of a personal property item, but only if treated in the appraisal as a fixture. For example, wiring for a security system;
10. Other moving related expenses as determined by the department.

NON-REIMBURSABLE MOVING COSTS

1. Cost of moving structures, improvements, or other real property purchased by the department, but retained by the displaced person;
2. Interest on loans to cover moving expenses;
3. Personal injury;

4. Any legal fee or other cost for preparing a claim for a relocation payment or for legal representation during a relocation appeal;
5. Expenses for searching for a replacement dwelling;
6. Costs of storage of personal property on real property already owned or leased by the displaced person.
7. Refundable utility and security deposits.

The agent will assist you with additional information, provide advisory services and provide the necessary forms and assistance for you to file a claim. If you are an owner you are allowed up to 18 months from the date that you move or 18 months from the date of the final acquisition payment, to file your claim for moving expenses. However, you are encouraged to submit your claim as soon as possible.

APPEAL RIGHTS

If you do not agree with the eligibility determination or amount of payment that the District Relocation Administrator has determined you are eligible to receive, you may file an appeal.

You must file a written appeal no later than sixty (60) days from the date you receive the written notification your claim has been denied by the District Relocation Administrator. Ask the agent for the appeal form #575-040-25. The appeal should be addressed to:

Florida Department of Transportation
State Relocation Administrator
605 Suwannee Street, Mail Station 22,
Tallahassee, Florida, 32399-0450

If the State Relocation Administrator denies your claim, they will advise you of your right to appeal that decision under Section 120.57, Florida Statutes, to the Clerk of Agency Proceedings. This will result in an administrative hearing or informal proceeding before an impartial hearing officer.



Your Relocation Agent is: _____

Agent's Telephone No.: _____

Address of Florida Department of Transportation District Office:

Name and Phone # of the Florida Department of Transportation District Relocation Administrator:

Please refer to the following numbers when calling the Department to discuss your relocation.

W.P.I./Segment No.: _____

Managing District: _____

F.A.P. No.: _____

State Road No.: _____

County: _____

Parcel/Relo. No.: _____

On some projects the department may contract with a company qualified to represent the department and who will assist you in your relocation. On such projects the Company's name will appear below. Even if your project is under such a contract, you may still contact the Department of Transportation at the above address and telephone number if you feel it is necessary.

Name of the Company representing the Department of Transportation

Address of Company

Telephone Number

