

Residential Relocation Assistance Program

Questions and Answers

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Introduction

The Relocation Assistance Program is designed to establish uniform procedures in relocation assistance that will assure legal entitlements and provide fair, equitable, and consistent treatment to persons displaced by projects administered by the agency.

The program is administered in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act or URA).

This booklet is designed to answer some of your questions about your relocation entitlements. Specific information about relocation assistance is contained in the law. While every effort has been made to assure the accuracy of this booklet, it does not have the force and effect of the law. Should any difference or error occur, the law will take precedence. The law is contained in Chapter 8.26 of the Revised Code of Washington (RCW) and the Washington Administrative Code (WAC) 468-100.

Your concerns are important to us. We will do everything we can to minimize any disruptions and other impacts of the project. Thank you for taking the time to read this booklet. We appreciate your understanding and cooperation. The relocation assistance program is discussed in the following pages.

Relocation Advisory Services

If you are displaced by a public works program of the state, you will be offered relocation assistance services for the purpose of locating a suitable replacement property. It is our goal and desire to be of service to you, and assist in any reasonable way to help you successfully relocate.

Relocation Advisory Services

Following is a summary of the relocation advisory assistance you will receive if you are displaced. The relocation specialist will personally interview you to:

- Determine any special needs and requirements.
- Explain relocation process, entitlements, and payments.

- Offer relocation advisory assistance.
- Offer transportation if necessary.
- Assure the availability of at least one comparable property in advance of displacement.
- Provide referral to comparable properties.
- Provide the amount of maximum replacement housing entitlement and the basis for the determination in writing 90 days or more before the required vacate date.
- Inspect replacement houses for decent, safe, and sanitary (DSS) acceptability (required).
- Supply information about other federal, state, and local programs offering assistance to displaced persons.
- Minimize hardship to persons in adjusting to relocation by providing reimbursement of counseling services and advice as to other sources of assistance that may be available.
- Advise obtaining a professional home inspection when purchasing a replacement dwelling.

Residential Assistance

A relocation specialist will contact you personally to explain relocation services available, the types of relocation payments, move options, and the eligibility requirements to receive relocation payments that apply to you. During the first interview, your housing needs and desires will be assessed as well as your need for assistance by completing an occupancy survey. You cannot be required to move unless at least one comparable dwelling is made available to you and you have been given a written assurance at least 90 days prior to the date by which you will be required to vacate the property. The agency will provide this assurance in the relocation letter entitled, "Notice of Relocation Eligibility, Entitlements, and 90-Day Assurance." If occupancy of the property beyond the date the state acquires possession is allowed, you will be required to sign a rental agreement and pay rent.

If you desire, the relocation specialist will give you current listings of other available replacement housing and provide transportation to look at housing.

The relocation 90-day assurance should not be confused with the required 20-day notice to terminate your lease which is administered by our Property Management Program.

In Addition to Personal Contacts

Relocation offices are open during convenient hours, including evening hours when necessary. The personnel employed in the relocation office will assist you. Offices have access to or can refer you to the appropriate person/agency for a variety of information concerning:

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

Social Services Provided by Other Agencies

Your relocation specialist can direct you to the services provided by other public and private agencies in your community. If you have special needs, the specialist will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. You should talk to your relocation specialist about your desires for these kinds of services.

Moving Payments

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.

Move options are based on one or a combination of the following:

- Commercial Move, up to a maximum of 50 miles
- Self Move
 - fixed residential move cost schedule
 - actual cost moved (based on documentation), up to a maximum of 50 miles

Please do not move before you have discussed your moving plans with your relocation specialist and have a signed “Moving Expense Agreement.” You can jeopardize your right to receive relocation assistance entitlements unless you advise the agency in advance of moving.

You Can Choose Either or a Combination:

Commercial Move Includes:

- Packing and unpacking.
- Transportation, up to a maximum of 50 miles.
- Moving insurance.
- Other related costs.

Self Move Schedule Payment - Based on how many rooms are in the displaced dwelling and whether they are furnished or not.

or

Self Move Actual Cost - Supported by documentation, i.e., receipts, invoices, transportation expenses limited to a maximum of 50 miles.

Commercial Move

You may be paid for your actual reasonable moving costs and related expenses when the move is performed by a commercial mover approved by the agency.

Reimbursement will be limited to a maximum of a 50-mile distance. Related expenses include:

- Disconnecting and reconnecting household appliances.
- Reconnect fees for utilities at the replacement site (i.e., phone, cable, power).
- Insurance while property is in transit.

Self Move Schedule Payment

You may choose to be paid on the basis of a fixed moving cost schedule. The amount of the payment is determined by the schedule shown on the following page. If you choose this option, you will not be eligible for reimbursement of related expenses listed above. The moving cost schedule is designed to cover such expenses.

Self Move Actual Cost

An actual cost move is supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover to their employees. Labor rates must be pre-approved by the agency. Equipment rental fees should be based on actual cost of renting the equipment but not to exceed the cost paid by a commercial mover.

Fixed Moving Cost Schedule Payment

You may elect to receive payment for moving costs based on the following schedule. The number of eligible rooms is determined by the relocation specialist. Typically, bathrooms are not included in the room count.

Fixed Cost Moving Schedule*

For relocating personal property located in a dwelling:

Number of Eligible Rooms	Payment to Occupants Who Own Furnishings
1	\$600
2	\$800
3	\$1,000
4	\$1,200
5	\$1,400
6	\$1,600
7	\$1,800
8	\$2,000
Plus \$200 for each additional room.	

Payment to move contents of a furnished dwelling is \$300 plus \$50 for each additional room.

*Includes \$400 dislocation allowance for utility hookups and other miscellaneous moving expenses.

Note: The figures on this page were updated June 2008.

Note: The expense and dislocation allowance to a person with minimal personal possessions occupying a dormitory style room shared by two or more unrelated persons is limited to \$100.

Storage Costs

Temporary storage as determined necessary by the agency and pre-approved for up to 12 months. The request must be in writing.

Mobile Homes

Mobile homes, as defined in WAC 468-100-002(17), may be determined to be either real property or personal property during the appraisal process.

Owners and/or occupants of mobile homes that are displaced by a public project may be eligible for different types of relocation replacement housing payments depending on different situations in relation to ownership and occupancy. Ownership and occupancy requirements for receiving any replacement housing entitlement as a mobile home owner/tenant are the same as for a regular residential housing situation. The requirements for an owner/tenant occupant in a typical, constructed residential dwelling are applied to the occupant of a mobile home in all respects.

Mobile Home Considered Real Estate

The mobile home will be acquired through the acquisition process as real estate according to department procedures.

Mobile Home Considered Personal Property

The mobile home will not be purchased by the department. You will be eligible for the reasonable costs of moving the mobile home, including disassembling, moving, reassembling, anchoring the unit, and utility "hook up" charges.

All occupants of mobile homes being displaced are eligible for the costs to move their personal property located inside the mobile home and outside on the site of the mobile home using the move options described in the moving payments section of this booklet and for advisory services.

Please do not move before you have discussed your move plans with your relocation specialist and have signed a written Moving Expense Agreement with the agency.

Replacement Housing Payments

If you are a displaced person, you will be given a written notice of the maximum relocation payment that will apply to your situation. The notice will be provided at least 90 days before the date by which you may be required to move. You cannot be required to move unless at least one “comparable replacement dwelling” is made available.

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

- Similar number of rooms and living space.
- Located in an area not subject to adverse environmental conditions.
- Generally not located in an area less desirable than your present location with respect to public utilities and commercial and public facilities.
- Currently available to you.
- Land area that is typical in size for similar dwellings located in the same or similar neighborhood or rural area.
- Within the financial means of the displaced person.

Decent, Safe, and Sanitary (DSS)

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

- Be structurally sound, weather tight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees).
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person(s). The number of persons occupying each habitable room used for sleeping purposes should not exceed that permitted by local housing codes.
- Contain a well-lighted and ventilated bathroom providing privacy to the user and containing a sink, bathtub or shower stall, and 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 stove and refrigerator.
- Contain unobstructed egress to safe open space at ground level.
- For displaced persons with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling.

The DSS inspection should be completed by your relocation specialist prior to entering into a contractual agreement for your replacement dwelling.

The purpose of the DSS inspection on the replacement dwelling is to determine eligibility for replacement housing payments and is not intended to be, nor constitutes, warrants, or guarantees that the replacement dwelling is free from defects.

You are advised to obtain a professional home inspection on the replacement dwelling prior to making the purchase. The cost of the home inspection is reimbursable as an incidental purchase expense.

Replacement Housing Payments

Replacement housing payments are separated into three basic types:

- Price Differential for owner occupants of 180 days or more.
- Rent Supplement for owner occupants and tenants of 90 days or more.
- Down Payment Assistance for owner occupants of 90 to 179 days and tenants of 90 days or more.

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.

Replacement Housing Payments for Owner Occupants of 180 Days or More

If you are an owner and have occupied your home continuously for 180+ days prior to the offer to purchase your property (180-day owner), you may be eligible to receive a price differential payment for the cost necessary to purchase a comparable replacement dwelling. The agency will compute the maximum payment you are eligible to receive based on the most comparable dwelling selected by the department.

Price Differential

The price differential payment is the amount by which the cost of a comparable 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.

If you receive more than the appraised value for your dwelling in the form of an administrative settlement, your price differential will be reduced.

- **Mortgage Interest Differential Payment (MIDP)** — You may be reimbursed for increased mortgage interest costs if the interest rate on your new mortgage exceeds that of your present mortgage. Your displacement 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 Purchase Expenses** — You may also be reimbursed for other expenses such as reasonable costs incurred for home inspection, title search, recording fees, and certain other closing costs normally paid by a purchaser, but not including prepaid expenses such as real estate taxes and property insurance. These expenses are found on the preliminary HUD provided by the title company. Some expenses reimbursed are based on the outstanding balance of your current mortgage at your displacement dwelling. Your relocation specialist can provide a list of those reimbursable items upon request. A professional home inspection is required for owner/occupant and recommended for tenant utilizing down payment assistance.

Rent Supplement

If you decide not to purchase a replacement dwelling and elect to rent instead, you may be eligible for a rent supplement payment. Your relocation specialist can discuss this with you if you are interested in this option.

In order to become eligible for a replacement housing payment, you must purchase and occupy a DSS replacement dwelling within one year and make your claim for your replacement housing payment within 18 months.

Note: Your 18-month claim period starts after either the date you move from the acquired property or the date you receive final payment, whichever is later.

Example

Maximum Price Differential Payment Computation

The agency computes the maximum payment based upon a DSS comparable replacement property selected by the department that is currently available for you to purchase. The computation is shown as follows:

Price of Comparable Home	\$130,000
<u>Acquisition Price of Your Property</u>	<u>-120,000</u>
Maximum Price Differential	\$ 10,000

Example

Actual Price Differential Payment Computation

How much of the price differential payment you receive depends on how much you actually spend to purchase a replacement home and the amount of the maximum price differential. Assuming the maximum payment is \$10,000 (as shown in the example above) your actual entitlement is computed as shown in these examples:

Example A

Purchase Price of Replacement Home	\$130,000
Acquisition Price of Your Property	<u>-120,000</u>
Actual Price Differential Payment	\$ 10,000

Example B

Purchase Price of Replacement Home	\$133,500
Acquisition Price of Your Property	<u>-120,000</u>
Actual Price Differential Payment	\$10,000
You Must Pay the Additional	\$ 3,500

Example C

Purchase Price of Replacement Home	\$127,000
Acquisition Price of Your Property	<u>-120,000</u>
Actual Price Differential Payment	\$ 7,000

Replacement Housing Payments for 90-Day Occupants

Rent Supplement

If you are a displaced occupant of 90 days or more, you may be eligible for a rent supplement. To be eligible for a rental assistance payment, tenants and owners must be in actual and lawful occupancy for at least 90 days prior to the agency’s offer to purchase the property.

This payment was designed to enable you to rent a comparable decent, safe, and sanitary replacement dwelling for a three and one-half year period (42 months). If you choose to rent a replacement dwelling and the rental cost is higher than you have been paying, you may be eligible for rental assistance.

The amount of your total gross monthly income may also influence the amount of your rent supplement payment. Your relocation specialist will advise you further regarding this matter.

If you are paying little or no rent, your rent supplement payment will be calculated based on market rent.

The agency will compute the maximum payment you are eligible to receive based on the most comparable dwelling selected by the department. The rental assistance payment will be paid in accordance with the agency policy.

In order to become eligible for a replacement housing payment, you must rent and occupy a DSS replacement dwelling within one year and you must also claim any payments within 18 months.

90-Day Occupants

Tenants: Not less than 90 days occupancy.

Owners: Between 90 and 179 days of occupancy.

Note: The term “utilities” means expenses for electricity, gas, other heating and cooking fuels, water, and sewage.

Example

Maximum Rent Supplement Computation

Monthly rent difference is \$ 100

Maximum rent supplement equals 42 times monthly rent difference \$4,200

In this example, the Rent Supplement Payment may be any amount up to \$4,200.

Example

Actual Rent Supplement Computation

Difference Between

Original Rent \$600 per month (includes utilities)

Replacement Rent \$675 per month (includes utilities)

In this example, the Actual Rental Assistance Payment over 3½ years is \$3,150 (\$75 difference times 42 months).

Down Payment Assistance

As a 90-day occupant, you may use the full amount of your rent supplement or \$5,250, whichever is greater, as a down payment allowance and to pay some incidental expenses to purchase a replacement dwelling.

Incidental expenses include the reasonable costs of housing inspection, 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 down payment and incidental expenses **cannot exceed** the amount of the computed rental assistance payment.

A professional home inspection of the replacement dwelling is strongly advised prior to the purchase.

Again, in order to become eligible for a replacement housing payment, you must purchase and occupy a DSS replacement dwelling within one year and make your claim for your replacement housing payment within 18 months.

Note: Owner occupants are further limited to an amount not to exceed the price differential they would be entitled to if they were classified as owners 180 days or more.

Housing of Last Resort

Assistance

Normally, an adequate supply of housing will be available for sale and for rent and the entitlements 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 housing for those persons being displaced.

If comparable housing is not available, or the replacement housing payment exceeds the statutory maximum of \$5,250 for a 90-day occupant or the statutory maximum of \$22,500 for a 180-day owner occupant, housing will be provided under an administrative process called Housing of Last Resort.

For those displaced persons who fail to meet the length of occupancy requirements, additional assistance will be available through Housing of Last Resort.

Necessary housing may be provided in a number of ways, such as:

- Purchasing an existing comparable residential property and renting it to a displaced tenant.
- Relocating and rehabilitating (if necessary) a displacement dwelling in order to make it available to a displaced owner.
- Purchasing, rehabilitating, and/or constructing additions to an existing dwelling to make it comparable to the displacement property.
- Purchasing land and constructing a new replacement dwelling comparable to the displacement property when comparables are not otherwise available.
- Purchasing an existing dwelling, removing barriers, and/or rehabilitating the structure to accommodate a displaced person when suitable comparable replacement dwellings are not available.
- Paying in excess of the statutory maximum \$5,250 or \$22,500 payment limits to persons to provide the necessary housing or financing.

There is broad flexibility in implementing the Housing of Last Resort program.

You have freedom of choice in the selection of replacement housing. The agency will not require any displaced person, without the person's written consent, to accept a replacement dwelling provided by the agency. If you decide not to accept the replacement housing offered by the agency, you may independently secure a replacement dwelling, 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 specialist who will explain the program.

Relocation Payments Not Considered Income

Relocation payments are not considered as income for the purpose of the Internal Revenue Code of 1986.

Finally . . .

Your Right of Appeal

You may file your appeal with the Relocation Assistance Program Manager if you believe that the agency has failed to properly determine your eligibility for or the amount of your payment authorized by the Uniform Act.

To appeal a determination by the agency, your appeal must be in writing and received within 60 days of the date of determination. The letter must clearly state your grievance and your request for the reconsideration of the region's determination. If you indicate your dissatisfaction in writing to the agency's Relocation Assistance Program Manager, the Agency will acknowledge the appeal and will explain the procedures to be followed. The Agency will provide you a written determination resulting from the appeal with an explanation of the basis for the decision. If you are still dissatisfied with the relief granted, you may then seek judicial review. You have the right, but are not required, to be represented by legal counsel or other representative in connection with the appeal.

The letter and any supporting documents are mailed to:

Contact Name

Agency

Address

City, State, Zip

Agency Title VI Notice to Public

The agency hereby gives notice that it is the policy of the agency to ensure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, national origin, disability, age, or religion, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the agency receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has the right to file a formal complaint with the agency. Any such complaint must be in writing and filed with the agency Title VI Specialist within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from this office at no cost to the complainant.

Not Lawfully Present in the United States

Any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child as defined in Washington Administrative Code (WAC) 468-100-208.

Americans with Disabilities Act (ADA) Information

Materials can be provided in alternative formats for persons with disabilities by contacting the ADA Compliance Officer.