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**Summary of Changes:**

Please note: The following list is a brief overview of the major revisions. The actual revisions should be reviewed in depth and are underlined in the manual.

**Instructions:**

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Chapter 10 - Vouchers	10-1 – 10 -10
Chapter 12 - Relocation Assistance	12-1 – 12-70
Chapter 13 - Forms	13-1 – 13-6

Distributed By Directional Documents and Engineering Publications	Phone Number (360) 705-7430 FAX: 705-6861	Signature <i>Stephanie Williams</i>
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## 10-1 General

### 10-1.1 Real Property Vouchers

The *Real Property Voucher* (DOT Form 262-039) is a legal document upon which an authorized claimant presents for payment itemized charges against the state. It is unlawful for the state to issue a warrant except upon a voucher (RCW 43.88.160). Examples of completed *Real Property Vouchers* are given in Appendix 10-1.

### 10-1.2 Invoice Vouchers

The *Invoice Voucher* (DOT Form 134-139) is used to present for payment itemized charges against the state for goods or services, not otherwise invoiced, such as reimbursement to employee for purchase price paid from personal funds for books for state use. An example of a completed *Invoice Voucher* is given in Appendix 10-3.

### 10-1.3 Relocation Assistance Vouchers

The *Relocation Assistance Voucher* (See Chapter 13 for RES Form) is used to pay all claims determined to be eligible under the Relocation Assistance Program. Types of payment include replacement housing entitlements, moving cost reimbursement, and direct payments to moving companies and other vendors/contractors.

### 10-1.4 TRAINS

In addition to the three (3) above mentioned vouchers, another form is needed to enable Real Estate Services to pay claimants and that is Payment Voucher (DOT Form 134-003), which is also referred to as Trains Voucher. See *TRAINS* (Transportation Reporting and Accounting Information System) *Users Manual* for information.

### 10-1.5 Information Required by the Internal Revenue Service (IRS)

All vouchers require the Federal Tax Identification Number (TIN) or a Social Security Number (SSN).

#### 10-1.5.1 Procedures to Obtain W-9

- A. The acquisition agent should include a W-9 form in the package delivered to the property owner at the time the offer to purchase is made. This will provide the property owner adequate time to read over the instructions and complete the form.
  1. The offer letter includes appropriate W-9 language.
  2. If relocation is involved, a copy of the W-9 form should be provided to relocation once the form is obtained from the payee.
- B. The relocation agent should include a W-9 form at the time the agent delivers the Notice of Eligibility, Entitlements, and 90-Day Assurance letter to the displaced person.
  1. The Notice of Eligibility, Entitlements, and 90-Day Assurance letter includes appropriate W-9 language.
  2. If a property owner is also a displaced person, the agent should ask the displaced person if they have already completed a W-9 for the acquisition agent.

- C. Acquisition and Relocation will need to coordinate efforts so we do not ask the same payee to complete a W-9 form more than once. In most cases, the acquisition agent will obtain the W-9 form as part of the transmittal package and provide a copy to relocation.
  - 1. A W-9 only need to be obtained once unless the Accounting Office otherwise notifies Real Estate Services. If there is a question as to whether or not our agency has a W-9 on file, the agent should contact the TRAINS Helpdesk directly at 705-7514.
- D. An agent should not provide guidance on how to complete the W-9 form. The payee should be referred to the IRS, their accountant, or legal consultant for advise on how to complete the form.
- E. If the payee refuses to complete a W-9 form, the agent should document the refusal in their diary. The payee must still supply a TIN or SSN in order to have the voucher processed for payment.

### 10-1.5.2 Payment Processing

Each payment voucher sent to HQ for payment processing will need to be accompanied by a W-9 form completed by the payee or a diary entry that WSDOT already has a W-9 on file for this payee. In the event a payee refuses to complete a W-9, WSDOT must still obtain a TIN or SSN in order to get the voucher processed. The TIN or SSN provided must match what is registered with the IRS before the payment process can be completed.

## 10-2 Real Property Vouchers

### 10-2.1 Rules

- A. The *Real Property Voucher* (DOT Form 262-039) is typewritten and is available in electronic form. No erasures, strike-overs, or corrections are permitted in any figure in the “Amount” column.
- B. No changes or deletions are permitted in the claimant’s certificate which is in the upper right-hand corner of the voucher.
- C. All items appearing on the voucher are documented. The just compensation for lands, improvements, damages, special benefits, etc., is supported by the *Determination of Value* (Form RES-214). All other items are supported by bills, receipts, letters of approval, etc.
- D. Every transaction that is transmitted to Headquarters involving a payment of money by the state requires an original *Real Property Voucher*.
  - 1. The “principal” *Real Property Voucher* is a summation of the entire transaction and includes, as applicable:
    - a. All items contributing to just compensation:
      - (1) Lands (in fee, easement, etc.) and access rights.
      - (2) Improvements.
      - (3) Damages.
      - (4) Less special benefits.
    - b. Legal/Administrative — an itemized list (e.g., statutory evaluation allowance, administrative settlement, etc.).
    - c. Other Items — an itemized list (e.g., escrow fee, partial reconveyance fee, etc.).
    - d. Deductions — an itemized list (e.g., real estate taxes, assessments, performance bond, salvage value, construction items, etc.).

2. There may be one or more “secondary” *Real Property Vouchers*.
  - a. A “secondary” voucher is prepared to order payment of any sum which has been deducted from the “principal” voucher, such as:
    - (1) For payment of the grantor’s obligation to another party (e.g., real estate taxes).
    - (2) For the direct payment of a (deducted) cost to cure item.
  - b. A “secondary” voucher is prepared to order payment of an item which is not part of the “principal” voucher (e.g., the trustee’s ministerial fee).
 

*Note:* The seller’s incidental expenses are shown in the “Other Items” section of the “principal” voucher when the recipients thereof join with the grantor(s) on that voucher, or are to receive any payment due through an escrow distribution.
3. If a grantor is unable to accept any particular voucher language, the Region Real Estate Services Manager (Region RESM) contacts the Assistant Director of the Title and Condemnation Program for instructions.

## 10-2.2 Procedures

### 10-2.2.1 Preparation

Following the examples given in Appendix 10-1, the Acquisition Agent prepares all necessary *Real Property Vouchers* in accordance with Section 10-2.1 as follows:

- A. GRANTOR OR CLAIMANT Block: Insert the names of all payees and the address of one payee. If the transaction is being escrowed, the escrow agent’s name and address are inserted.
 

In addition, insert the TIN or SSN of the firm or individual responsible for income tax and WSDOT Accounting will report to the USA Internal Revenue Service.
- B. SIGNATURE Block (located in upper right-hand corner):
  1. If the signatories are individuals, their names may be typed beneath the line upon which they are to sign, if desired. Since the voucher is tied to an instrument (e.g., deed, easement, release), the number of payees and signatories can be limited by use of the appropriate “Payment Authorization” clause (see Chapter 9) in the instrument. If there is insufficient room in the signature block for all the required signatories, insert the words “See attached signature page” here, and have the signatories sign on a separate signature page. Attach copies (carbon or machine) of the signature page to each copy of the voucher.
 

Obtain SSN and W-9 from all parties signing voucher.
  2. If the signatory is a corporation, the corporation’s name and the titles of the officers signing for the corporation are typewritten in the signature block. The corporate officers then sign above their respective titles.
 

Obtain TIN and W-9 from corporation(s) signing voucher.
- C. PROJECT NUMBER AND TITLE: The official project number and project title as shown on the approved right of way plan are inserted. The project number is identical to the applicable Real Estate Information System (REIS) Project Number.
- D. FEDERAL AID NO.: The federal aid project number is inserted.
- E. PARCEL NO.: The parcel number(s) for the subject property is/are inserted.

## Vouchers

- F. Instrument Reference: The type of instrument (e.g., warranty deed) that requires the payment of a consideration, and the date of the grantor's execution thereof are inserted.
- G. Items Contributing to Just Compensation: All items contributing to the just compensation are inserted as follows (but see H3 below with regard to court or jury awards):
1. LANDS CONVEYED: Insert the area (in acres or square feet) of all lands conveyed in fee, easement, etc., showing each area separately. Check that these areas conform with the areas shown on the DV and with those shown on the latest revision of the approved right of way plan. If access rights are included, see Section 10-2.3.3.
  2. IMPROVEMENTS CONVEYED: All improvements acquired by the transaction are listed together with their total value as shown in the DV.  
*Note:* All improvements and their value are listed here. If the grantor is obtaining salvage rights on any of the improvements, see Section 10-2.2.1 J 3.
  3. FOR ALL REMAINDERS CONVEYED: Any lands acquired that are in excess to required lands are listed using the value as shown on the DV.
  4. FOR ALL DAMAGES: Normally damages are not to be described to any extent greater than they are described in the DV. If the voucher is for some special damage, the type of damage is inserted (e.g., "for loss of ground water source").
  5. LESS SPECIAL BENEFITS: If the DV identifies any special benefits, and:
    - a. If the owners elect to accept the WSDOT's offer, the amount of the special benefits is inserted. This amount is subtracted from the amounts specified in the DV for lands, improvements, and damages.
    - b. If the owners elect to accept the WSDOT's offer of fair market value for the acquisition portion plus damages, if any, to the remainder, but defer the offsetting of the special benefits by entering into a lien, the parenthetical phrase "(lien option exercised)" is entered immediately following the words "Less Special Benefits"; the amount of special benefits is inserted as in "a," above; and the deduction negated and the lien noted in the Legal/Administrative section. See H4, below.
- H. LEGAL/ADMINISTRATIVE: Insert an itemized list and the amounts paid in excess of the just compensation. The following are examples:
1. Statutory Evaluation Allowance: The total of all receipts or statements submitted which cover evaluation services (to a maximum of \$750.00 regardless of number of parcels) is inserted. If there is no claim, insert the word "None," and if the grantor is not a signatory to the voucher, have him initial this item. If negotiations are conducted by correspondence, insert the words "to be separately vouchered, if any" on the "principal" voucher. In this situation, a "secondary" voucher is prepared and executed by correspondence if there is a statutory evaluation allowance claimed.
  2. Administrative/Stipulated Settlement: If an administrative or stipulated settlement has been approved (see Chapter 6), insert the words "Administrative Settlement" or "Stipulated Settlement" and the amount thereof (i.e., the amount over and above the DV).
  3. Court/Jury Award: Insert the words "Court Award" or "Jury Award," as appropriate, and the amount thereof. No detail of the award is shown. The trial attorney's certificate must accompany the voucher.

4. If the owners have entered into a lien to defer the offsetting of special benefits (G5b, above), insert the clause given in Section 10-2.3.13 and insert the amount of special benefits in the “Amount” column (thereby negating the deduction).
- I. OTHER ITEMS: An itemized list is inserted in this section. These include, but are not limited to, the following:
    1. ESCROW FEE AND SALES TAX: If the transaction is to be closed in escrow, insert the escrow fee and the sales tax in the blanks provided.
    2. Other Closing Costs: Insert description and amounts. Invoices or other substantiating data are required for all fees except the trustee’s ministerial fee and the escrow fee.
  - J. DEDUCTIONS: An itemized list of all deductions is inserted in this section. The amount of each deduction is preceded with a minus sign in the “Amount” column. Deductions include, but are not limited to, the following:
    1. Real Estate Taxes: Insert years, tax lot numbers, and amounts.
    2. Assessments: Insert identification and amount.
    3. Salvage Value: If the grantor is obtaining the salvage rights, insert the clause shown in Section 10-2.3.10 and the amount shown for these rights on the *Fixtures and Improvements Agreement* (DOT Form 263-005).
    4. Performance Bond A-592: Insert the clause shown in Section 10-2.3.11A and the amount (on the line identified as “Performance Bond A-592”) as shown on the *Fixtures and Improvements Agreement*.
    5. Trades/Exchanges: Insert the clause shown in Section 10-2.3.8 and the amount shown in either the DV or the *Surplus Property Report*.

### 10-2.2.2 Signature

The acquisition agent:

- A. Obtains the signature of the appropriate grantors or claimants in the signature block (see Section 9-14), including TIN or SSN.
- B. Obtains a completed and signed W-9 from the payee in accordance with section 10-1.5.
- C. Assures that the date of signing is inserted in the space provided.
- D. Signs and dates the voucher in the space provided.
- E. Gives a copy of the voucher to the grantor or claimant; includes the original and all other copies of the voucher along with original W-9 or a copy of a diary entry with the acquisition transmittal (original to Headquarters) for approval and distribution (within the region).

### 10-2.2.3 Approval

- A. The Region RESM inserts the tabulation of data which identifies the breakdown of funds into federal participating and nonparticipating. If more than one parcel number is entered, a segregation between each parcel number must also be made in the following cases:
  1. When the acquisition straddles control section termini.
  2. When the acquisition lies in more than one federal aid project.
  3. When one or more of the parcels (but not all) acquired in a single acquisition involves the acquisition of excess right of way or an uneconomic remnant.

## Vouchers

- B. The Region Accountant takes required actions, although some region accounting offices will not require processing through their offices.
- C. The remainder of the approval is conducted as a part of the Headquarters processing.

### 10-2.3 Clauses

The acquisition agent inserts the following clauses in the Voucher as needed:

#### 10-2.3.1 Land Only

After “Lands conveyed,” insert: “approx. \_\_\_\_\_ (acres or square feet) in fee.” If appropriate, continue with: “approx. (acres or square feet) in easement,” etc.

#### 10-2.3.2 Access Rights Only

Cross out the words “Lands Conveyed” and insert: “For All Access Rights.”

#### 10-2.3.3 Land and Access Rights

Following the text in Section 10-2.3.1, continue with: “and for all access rights,” following the lands conveyed in fee, if any.

#### 10-2.3.4 Improvements

After “Improvement Conveyed,” insert a list of the improvements as given in the *DV* (Form RES-214); e.g., “Dwelling, garage, out buildings,” etc.

#### 10-2.3.5 All Remainders Conveyed

“Approx. \_\_\_\_\_ (acres or square feet) and/or improvement (describe improvement)” as given in the *DV* (Form RES-214).

#### 10-2.3.6 Damages

Damages are handled as specified in Section 10-2.2.1G4.

#### 10-2.3.7 Timber and Crops

If the grantor is not permitted to remove timber or crops, insert the following text under “Legal/Administrative”: “For loss of (all standing or down timber, crops).”

#### 10-2.3.8 Trades/Exchanges

If the transaction involves a trade or exchange, insert the following text under “Deductions”:  
“The state agrees to convey (when the new facility is opened to traffic) that certain tract of land identified as Parcel/Inventory Control No. as fully set forth in the Exchange Agreement dated \_\_\_\_\_.” Enter value in the amount column.

*Note:* If both parcel and inventory control numbers are available, insert both.

#### 10-2.3.9 Administrative Settlement

Under “Legal/Administrative,” insert: “Administrative Settlement.”

#### 10-2.3.10 Salvage of Improvements

Under “Deductions,” insert: “Value of Grantor-Acquired Salvage of Improvements (from DOT Form 263-003).”

### 10-2.3.11 Performance Bond

On the “principal” voucher, insert on the line “Performance Bond A-592” the following text “performance bond for above salvaged item(s)” and the amount (from DOT Form 263-005).  
*Note:* No Secondary Voucher is needed.

### 10-2.3.12 Special Benefits, Lien For

If the owners enter into a lien to defer the offsetting of the special benefits, under “Legal/Administrative” insert “\$ \_\_\_\_\_ in special benefits subject of \$ \_\_\_\_\_ Lien dated \_\_\_\_\_.”

## 10-3 Reserved

## 10-4 Invoice Vouchers

### 10-4.1 Rules

- A. The *Invoice Voucher* (DOT Form 134-139) is typewritten and is available in electronic form. No erasures, strikeouts, or corrections are permitted in any amount to be charged against the state.
- B. Since the *Invoice Voucher* contains the “Vendor’s Certificate,” it is not necessary to submit any supporting documentation with the Voucher.

### 10-4.2 Procedures

- A. The Region RESM prepares the *Invoice Voucher* as specified in Section 10-4.1 and obtains the vendor’s signature on the “Vendor’s Certificate.”
- B. Exercising an authority which may not be subdelegated, the Region RESM reviews the voucher, signs it in the “Division or Unit Received By” block, and transmits the voucher through channels to the Region Accountant for processing and payment.

## 10-5 Relocation Assistance Vouchers

### 10-5.1 Rules

- A. The *Relocation Assistance Voucher* (See Chapter 13 for RES Form) is available as an electronic form.
- B. All claims for payment are documented by attaching invoices, statements, or other supporting documentation.
- C. Delinquent rent owed to the department shall not be withheld from the displaced persons relocation entitlements. In addition, the department cannot make deductions from relocation entitlements to satisfy a debt of a creditor.

### 10-5.2 Procedures

#### 10-5.2.1 Preparation

The agent prepares the *Relocation Assistance Voucher* (See Chapter 13 for RES Form) in accordance with the following:

- A. Displaced Person or Claimant block: Insert the names of all payees and the address of one payee. If the transaction is being escrowed, the claimant block should be filled out as shown below:

Steve and Sally See  
for ABC Escrow Company  
113 Spending Money Lane SW  
Beautiful WA 98222-1212

1. A W-9 from the escrow company is not needed; however, a W-9 must be obtained from the displaced person(s) in accordance with the procedures set forth in Chapter 10 – Procedures to Obtain W-9.
  2. A copy of the Entitlement Instructions will be sent with warrant to the escrow company.
- B. Signature block (upper right-hand corner):
1. If the claimant is the displaced person, the claimant must sign in this space. This includes vouchers made payable to escrow companies in addition to the displaced person(s).
  2. If the claimant is not the displaced person (as in the case of a direct payment to a commercial mover or other contractor), an original invoice must be attached and “See Attached Invoice” is inserted in the space.
  3. If the claimant is not the displaced person, but the displaced person directs payment to said claimant, the displaced person must sign in this space.
  4. A TIN must be inserted. The TIN for individuals is their SSN and for business it is their federal tax ID number. In escrow situations only the displaced person(s) social security number is necessary. The agent must also obtain a completed W-9 from the payee in accordance with section 10-1.5.
- C. Title: The official project title as shown on the approved right of way plan is inserted.
- D. Federal Aid Number: The most current federal aid number is inserted here.
- E. Parcel Number: The parcel number for the subject property is inserted here.
- F. Displacee Number: The number assigned to the displaced person by REIS is inserted.
- G. Date Parcel Vacated: The date the displaced person's personal property has been removed from the parcel is inserted here.
- H. Replacement Housing Payments:
1. Price Differential — 180-day Owner: Amounts paid to or on behalf of residential owner-occupants displaced by a project (who have been in occupancy of the acquired dwelling for at least 180 days prior to initiation of negotiations) for a purchase or rent supplement payment. Includes reimbursement for eligible loan fees and incidental purchase expenses. The maximum amount on this line is \$22,500.
  2. Mortgage Interest Differential Payment (MIDP): Amount paid to owner-occupant for increased interest costs associated with financing the purchase of a replacement dwelling only if they have 180 day bonafide mortgage on the displacement dwelling.
  3. Rental Assistance — 90-day Tenant and Certain Other: Amount paid to 90-day tenants and owner-occupants (who have been in occupancy between 90 and 180 days prior to the initiation of negotiation) for a rent supplement. The maximum amount on this line is \$5,250.

4. Down Payment Assistance — 90-day Tenants and Certain Other: Amount paid to 90-day tenant and owner-occupants (who have been in occupancy between 90 and 180 days prior to initiation of negotiations) for a down payment allowance toward the purchase of a replacement dwelling. The maximum amount on this line is \$5,250.
  5. Last Resort Housing-Owner: Any amount paid under the category of last resort housing to or on behalf of a displaced residential owner-occupant in excess of \$22,500.
  6. Last Resort Housing-Tenant: Any amount paid under the category of last resort housing to or on behalf of a displaced residential tenant-occupant in excess of \$5,250. This includes all payments toward down payments in excess of \$5,250 and amounts paid to tenants who fail to meet the length of occupancy requirements.
  7. Other: This portion of the voucher can be used to provide direction, such as a last resort housing case where payments will be made on an installment basis. If an advance payment has been or will be made, a short statement is also required.
- I. Moving Expense Amounts:
1. Schedule/Dislocation Allowance-Residential: Amount paid to a person displaced from a dwelling by a project. The payment is based upon the number of rooms in the dwelling and whether they are furnished or not.
  2. Actual Expenses/Commercial-Residential: Amount paid to or on behalf of persons displaced from a dwelling by a project. Basically, any moving related payment which is not a schedule type would fall into this category.
  3. Fixed Payment— Non-residential: A particular type of payment available only to business, farms, or nonprofit organizations which meet certain criteria. This payment is in lieu of any and all other types of payments for which the displaced person would otherwise be entitled. It is based on the business income, rather than actual moving costs.
  4. Actual Costs-Non-residential: Amounts paid to or on behalf of business, farm, or nonprofit organization for all actual, reasonable, and necessary moving expenses.
  5. Reestablishment Costs-Non-residential: Amounts paid to or on behalf of a small business, farm, or nonprofit organization for eligible expenses incurred in reestablishing the displaced business at a replacement site.
  6. Personal Property Only— Non-residential and Non-business moves: Amounts paid to displaced persons who have personal property to be moved from the right of way due to an acquisition or project purpose where there is NOT a need for a full relocation of a residence, non-residential operation (vacant land), business, farm operation, or non-profit organization (NPO).
  7. Other: This portion of the voucher can be used to provide additional information — such as explaining an advance payment or deductions. Also, any moving payment which would not fit into one of the previously listed categories.
- K. Deductions: This space is used when a deduction is necessary.

### 10-5.2.2 Signature

The Right of Way Agent:

- A. Obtains the signature of the appropriate claimant(s). In an escrow situation only the signature of the displaced person(s) is necessary.
- B. Obtains a completed W-9 from the payee in accordance with section 10-1.5.
- C. Assures that the date of signing is inserted in the space provided.
- D. Signs and dates the voucher in the space provided.
- E. Obtains the signature of the appropriate supervisor or manager within the region or work unit.

### 10-5.2.3 Approval

- A. The agent identifies and inserts the proper account coding and the breakdown of federal participating and nonparticipating costs. Account coding information is contained in the departmental publication identified as the *Chart of Accounts*, M 13-01, Chapter 10.
- B. The voucher along with completed W-9 or diary entry and all supporting documentation is sent to Headquarters.
- C. The remainder of the approval is conducted as a part of the Headquarters processing.

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**12-0 Acronyms**

Acronyms relating to relocation assistance and the Uniform Relocation Act can be located in WAC 468-100-002. Additional acronyms relative to WSDOT are as follows:

ADRAP	Assistant Director, Relocation Assistance Program
AG	Attorney General
DRES	Director, Real Estate Services
EIS	Environmental Impact Statement
NPO	Non-Profit Organization
PPO	Personal Property Only
RCW	Revised Code of Washington
REIS	Real Estate Information System
RES	Real Estate Services
RHP	Replacement Housing Payment
WAC	Washington Administrative Code
WSDOT	Washington State Department of Transportation

**12-1 Policy****12-1.1 Purpose**

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 Washington State Department of Transportation (WSDOT).

**12-1.2 Authority**

- A. Title 42, United States Code (USC), 4601-4665 (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended), Public Law 91-646, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 Amendments), Public Law 100-17, 101 Stat. 246-256.
- B. The Revised Code of Washington (RCW), Chapter 8.26.
- C. The Washington Administrative Code (WAC), Chapter 468-100.

**12-2 Responsibility****12-2.1 Applicability**

- A. The provisions of this chapter are applicable to any person who is displaced by any project (see Section 12-4.1, Definitions, Displaced Person).
- B. Parcel files are not closed unless all payments have been made and all assistance and assurances have been provided to eligible displaced persons as required by this chapter.

**12-2.2 Assurances**

- A. WSDOT assures that:
  - 1. The relocation program is realistic and adequate to provide orderly, timely, and efficient relocation of displaced persons as provided in this chapter. Relocation assistance problems will be analyzed in a relocation plan for the project. In hardship cases or for protective buying, an analysis of the relocation problems involved and a specific plan to resolve such problems will be provided for each parcel or for the project.
  - 2. Within a reasonable period of time prior to displacement, comparable replacement dwellings will be available or provided for displaced individuals and families as defined in this chapter. Displaced persons will receive written notice providing the address of at least one and preferably three comparable replacement dwellings used in determining the replacement housing entitlements.
  - 3. To the greatest extent practicable, no person lawfully occupying real property will be required to move from the acquired dwelling, business, farm or NPO operation, without being provided a written assurance at least ninety (90) days prior to the earliest date by which they could be required to vacate the property.
- B. WSDOT assures that it will not proceed with any construction project within right of way acquired by the agency, UNLESS:
  - 1. Relocation payments and services are provided as set forth in this chapter.
  - 2. The public is adequately informed of the relocation payments and services available as set forth in this chapter.

**12-2.3 Organization**

- A. WSDOT administers the Relocation Assistance Program for all its own acquisitions and may supervise such program with respect to local agencies engaged in acquisitions for local road and transportation projects in accordance with this chapter.
- B. The primary responsibility for the administration and supervision of the program rests with the Assistant Director, Relocation Assistance Program (ADRAP).
- C. One or more individuals whose direct responsibility is to provide relocation assistance are assigned to each right of way project where relocation will occur. These individuals may have responsibility for more than one project where reasonable.

**12-2.4 Transaction Reviews**

**12-2.4.1 Acquisitions**

**12-2.4.1.1 Region Review**

The Region Relocation Supervisor:

- A. Verifies that the Relocation Eligibility Report has been completed and transmitted to Headquarters.
- B. Verifies that the Relocation Assistance Brochure has been delivered to displaced persons.
- C. Verifies that all the proper notices have been given to displaced persons.
- D. Assures that all appropriate relocation entitlements have been calculated and presented to the displaced person(s).

- E. Determines the need for any revisions or recomputations of relocation entitlements.
- F. Verifies that all computer entries have been made.

#### **12-2.4.1.2 Headquarters Review**

- A. Verifies that all necessary and appropriate documentation has been obtained and transmitted to Headquarters.
- B. Reviews and approves all entitlement calculations submitted by region relocation agents.
- C. Approves relocation claims and authorizes payments.
- D. Verifies that all computer entries have been made.
- E. Assures that advance payments are properly deducted from total relocation entitlement.

#### **12-2.4.2 Condemnations**

##### **12-2.4.2.1 General**

After a parcel is turned in for condemnation, all contact with the owner should be through the owner's attorney and the State's Assistant Attorney General assigned to the case unless direct contact is authorized by the attorneys or the displaced person. The region makes all appropriate contacts with tenants. Relocation efforts should continue with the displaced person unless directed to cease by either attorney or the displaced person.

##### **12-2.4.2.2 Possession and Use Agreements**

During the course of negotiations, an owner may sign a possession and use agreement whereby the grantor provides WSDOT with physical possession of the parcel in exchange for payment of just compensation. Although full legal ownership of the parcel is still held by the grantor until final negotiation or court settlement, a replacement housing payment can be made by using a "Provisional Payment Agreement" (see Chapter 13). If this option is selected, the agent should work closely with the Attorney General's Office to insure all necessary deductions are made to the condemnation settlement for any refund of the advance RHP payment due the department.

#### **12-2.4.3 Post-Judgment**

##### **12-2.4.3.1 General**

As soon as possible after a verdict or judgment is entered in a condemnation case, the region takes appropriate action to complete the relocation process for the eligible displaced person and takes physical possession of the property acquired, if not already done.

##### **12-2.4.3.2 Moving Expense**

Moving expense payments are handled and processed as for any other displaced person.

##### **12-2.4.3.3 Price Differential**

A price differential previously calculated and delivered to the displaced person by written notice may have to be adjusted when the verdict or judgment differs from the determination of value used as a base for the prior computation. Such judgment will be treated as an administrative settlement for purposes of calculating the actual price differential to be paid to the displaced person.

- A. In cases of stipulated judgments, the Attorney General's Office will usually be able to provide enough information to determine the acquisition cost.

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- B. In case of trial to the court or a jury, the result may be a single dollar figure with no explanation, and the basis for a price differential is derived from that plus any additional information that may be gleaned from the State's appraisal or from the Attorney General's report.
- C. In computing price differentials based on judgments (or administrative/stipulated settlements), the following areas are considered:
  - 1. The State's "acquisition cost" is determined in the same manner as described under the definition of acquisition cost in Section 12-4.1.
  - 2. In the case of a partial taking or carve out, where the verdict or administrative/stipulated settlement or the voucher does not identify the amount being added for land versus improvements and/or for damages or if no insight is available from the State's attorney or others directly involved, it is necessary to use the proportions as determined from the State's appraisal and apply them to the amount of the settlement that is in excess of the State's appraisal.
  - 3. In either case, once an award is made a revised entitlement letter will need to be prepared and delivered to the displaced person. See Chapter 13 for the RES form.

### **12-2.5 Records**

- A. The department shall maintain adequate records of its relocation assistance activities in sufficient detail to demonstrate compliance with the statutes and regulations.
  - 1. The official repository for relocation records shall be in Headquarters, this includes documents for LPA relocation work. LPA originals will be returned to region staff upon completion of the project so they can be returned to the acquiring agency.
  - 2. The records shall be retained in Headquarters for the record retention period established by the department.
  - 3. All original records or copies with original signatures, shall be submitted to Headquarters for retention. Where originals are delivered to others, legible copies should be submitted.
- B. Many of the relocation records will be kept on various relocation forms. A list of relocation forms is provided in Chapter 13 of this manual.
- C. Certain records are also maintained in the computer data-base.
- D. Relocation records will be available for inspection in Headquarters during regular business hours. Requests for inspection of records shall be made in writing to the ADRAP.

### **12-2.6 Annual Reports**

An annual statistical report is submitted every year for the preceding federal fiscal year. The report is forwarded to FHWA not later than November 30.

## **12-3 General Policy**

### **12-3.1 General Operation**

- A. Relocation Assistance — Relocation assistance offices are located in Headquarters and each region office. Additional offices (field offices) may be provided and operated in accordance with Section 12-5.2.

- B. Personal Contacts — Personal contacts with displaced owners and tenants are made by Relocation Agents in accordance with the provisions of this manual. The agent makes detailed entries in the Diary of Right of Way Activities covering every contact, meeting, etc., with any party in interest. These entries are made as soon as possible after each contact to assure accuracy.
- C. Preliminary Investigation — Preliminary investigation of project impacts on displaced persons and availability of replacement housing is made by the Relocation Agent in accordance with Section 12-4.2.
- D. Relocation Plans — Relocation plans are developed in accordance with Section 12-4.2.
- E. Moving Cost Payments — Moving cost payments are determined in accordance with Sections 12-6.5 through 12-9.
- F. Replacement Housing Payments — Replacement housing payments are determined and administered in accordance with Section 12-6.3.
- G. Closing Expenses — Closing expenses (incidental purchase expenses) are reviewed and reimbursed by the department in accordance with Section 12-6.3.
- H. Mortgage Interest Differential Payment (MIDP) — Increased interest costs are computed and paid in accordance with Section 12-6.3.
- I. Ninety (90) Day Assurance — Owners and tenants are not required to move without being provided a written assurance at least ninety (90) days prior to the earliest date by which they could be required to vacate the property as specified in Section 12-5.4.5.
- J. Occupancy of the Displacement Site after WSDOT Acquires Possession — Rental to the original displaced owner or tenant beyond occupancy as covered in the signed rental agreement is allowed only with prior written approval by the DRES (See Chapter 11 of the Right of Way Manual).
- K. Notice to Vacate — A written notice to vacate the property (i.e. 30-Day Notice to Vacate) is provided to the displaced person by Property Management as specified in Chapter 11.
- L. Protective Rent — If a tenant vacates the property before the department acquires possession, it may be appropriate for the department to pay protective rent to prevent the property from being rented to another tenant. The acquisition department will administer the protective rent program. Both the acquisition agent and relocation agent need to coordinate activities. A relocation agent should notify the acquisition department if a tenant wishes to vacate prior to WSDOT possession. See Chapter 6 for procedures.
- M. Appeal Procedures — Appeal procedures are available to displaced persons as described in Section 12-5.5.
- N. Mobile Home Occupants — Mobile home occupants are offered replacement housing payments as regulated by Section 12-8.
- O. Forms — A list of all forms pertinent to the Relocation Assistance Program are included in Chapter 13 of this manual.
- P. Duplicate Payments Prohibited — Displaced persons are not entitled to receive any other payment which substantially duplicates the general purpose and effect of those payments described in this manual. This includes payments received under Federal, State, local law, or insurance proceeds which are determined by WSDOT to have the same purpose and effect.

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- Q. Letter Withdrawing Offer — If a decision is made by the department to withdraw an offer to purchase from a property owner, and relocation is involved, the acquisition agent should forward a copy of the letter withdrawing the offer to the relocation department (see Chapter 6 of the Right of Way Manual for Acquisition procedures).

### **12-3.2 Project Regulations**

- A. Payments Authorized — Relocation assistance payments to eligible persons may be authorized when all of the following conditions have been met:
1. Program Approval and Authorization — When there has been approval of a program or project and authorization to proceed has been issued.
  2. Person Relocated — When in fact a person has been or will be relocated by the project or from the right of way approved for such project.
  3. Lawful Costs — When relocation costs are lawfully incurred.
  4. Costs Recorded as Liability — When relocation costs are recognized and recorded as a liability of the acquiring agency in the accounts of such agency.
  5. Project Agreement Executed — After the project agreement (if required) has been executed for the particular project involved.
  6. Federally Assisted Right of Way Projects — After federal participation in relocation assistance costs has been authorized.
- B. Interest Acquired — The type of interest acquired does not affect the eligibility for relocation assistance payments provided the interest acquired is sufficient to cause displacement. In like manner, the terms under which a tenant is occupying property does not affect eligibility provided the tenant is actually displaced by the project and the occupancy is lawful.
- C. Losses Due to Negligence — Losses due to negligence of the relocated person, the person's agent, or employees are not eligible for payment.
- D. Deductions From Relocation Payment — The relocation agent must deduct the amount of any advance relocation payment from the relocation payment(s) to which the displaced person is otherwise entitled. WSDOT will not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any creditor.
- E. Availability of Replacement Housing — No person to be displaced shall be required to move from the acquired dwelling unless at least one comparable replacement dwelling (defined at Section 12-4.1) has been made available to the person. Where possible, three or more comparable replacement dwellings shall be made available. A comparable replacement dwelling will be considered to have been made available to a person, if:
1. The person is informed of its location;
  2. The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and
  3. Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.
- F. Federally Assisted Projects — The costs of providing relocation payments and services required by this chapter are eligible for federal participation in the same manner and to the same extent as other project costs.

- G. Administrative Costs — Only those costs directly chargeable to a given transportation project are charged to such project.
- H. Refusal of Assistance — A displaced person can refuse relocation services and still be eligible for payments. There is no requirement that a displaced person accept the services of WSDOT in relocating if not desired. However, it is necessary that the replacement dwelling meet decent, safe, and sanitary requirements and that the displaced person make application within the time limits to qualify for replacement housing payments.
- I. Property Not Incorporated Into Right of Way — If relocation is made necessary by an acquisition for the project, even though the property acquired is not incorporated within the final right of way, monetary relocation entitlements may be approved by the ADRAP. The Region Relocation Supervisor must provide a detailed memorandum (with map) setting forth the circumstances for the request to the ADRAP. A copy of the Appraisal and Determination of Value is also requested.
- J. No Waiver of Relocation Assistance – WSDOT shall not propose or request that a displaced person waive his or her rights or entitlements to relocation assistance and entitlements provided by the Uniform Act and governing regulations.

### **12-3.3 Disaster Project Regulations**

- A. General — The requirement that no person shall be required to move unless at least one comparable is made available may be waived in any case where it is demonstrated that a person must move because of:
  - 1. A major disaster as defined in Section 102(c) of the Disaster Relief Act of 1974 (42 U.S.C. 5121); or
  - 2. A presidentially declared national emergency; or
  - 3. Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.
- B. Basic Conditions of Emergency Move — Whenever a person is required to relocate for a temporary period (defined as lasting no longer than a 12 month period) because of an emergency as described in paragraph A of this section, WSDOT shall:
  - 1. Take whatever steps are necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling; and
  - 2. Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred in connection with the temporary relocation; and
  - 3. Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling. (For purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily-occupied dwelling.)
- C. Tenure of Occupancy
  - 1. Individuals and families whose homes have been damaged or destroyed by a major disaster and who have not been able to reoccupy their homes by the start of negotiations for the parcel may be considered to be in constructive occupancy and funds may be authorized for relocation payments to such individuals and families,

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provided that location approval for the project had been given by the Secretary of WSDOT prior to the major disaster.

- D. Computation of Replacement Housing Payment for a 180-Day Owner Who Purchases
1. Fair Market Value of Acquired Residence — The fair market value of damaged or destroyed residences is as of the usual date of valuation for a highway project.
  2. Computation — The replacement housing payment is the amount, if any, which when added to the amount for which WSDOT acquired the damaged or destroyed dwelling equals the lesser of:
    - a. The actual amount of the owner paid for a decent, safe, and sanitary dwelling; or
    - b. The amount determined by WSDOT as necessary to purchase a comparable dwelling.
  3. Duplicate Payments — Any proceeds received for payment of damages to the displaced person's residence as a result of the major disaster, from any source, such as flood insurance or cancellation of a portion of a Small Business Administration (SBA) loan is deducted from the replacement housing payment for which the displaced person is eligible.

### **12-3.4 Contracting Procedures**

The department normally maintains an established organization adequately staffed and equipped to administer the relocation assistance services and payments required by this manual.

- A. The department may enter into agreements with other public agencies pursuant to RCW 39.34 when requested to provide services to such agencies pursuant to RCW 8.26.095.
- B. Where department employees are directly engaged in project activities or provide technical guidance, consultation, training, or otherwise work directly on specific projects to assist employees of another public agency to accomplish relocation assistance operations or in escalating such project operations to an acceptable level of performance, the costs of such project activity may be charged to such project in accordance with Chapter 1 of this manual.
- C. WSDOT monitors relocation assistance activities conducted by any public agency (or individual, firm, association, or corporation under contract to such public agency) engaged in the acquisition of right of way for public works projects in which federal funds will participate. These agencies are required to notify WSDOT in advance of acquisition for federal aid projects in order for WSDOT to perform as the “Lead Agency” as required by RCW 8.26.

## **12-4 General Relocation**

### **12-4.1 Definitions –**

Definitions relating to relocation assistance and the Uniform Relocation Act can be located in WAC 468-100-002. Additional definitions and clarification are as follows:

- A. Acquired — For the purpose of this chapter, “acquired” means WSDOT obtained legal possession of the real property. The date of such possession is the date on which final payment for the property is made available to the owner(s) or to the court. Where WSDOT has obtained early possession under a Possession and Use Agreement, legal possession is the time specified in the pertinent document or, if not specified in such document, upon making payment as required by such document.

- B. **Acquisition Cost** — For the purpose of computing replacement housing payments, the “acquisition cost” is the cost WSDOT pays for the property acquired. The amount is determined from the Real Property Voucher. The amount of any administrative settlement is included and remains a part of the final settlement. Any amount paid by the displaced person for salvage rights is considered an expenditure by the displaced person toward the purchase of replacement housing. The amount of the “final settlement” in the case of a donation is considered to be fair market value. For court award cases or cases involving an administrative settlement, the amount of the just compensation is analyzed to determine acquisition cost.
- C. **Business** – In addition to the definition found in WAC 468-100-002, a business is also defined as “non-residential” and includes farms and non profit organizations.
- D. **Financial Means** — The following criteria are used in determining financial means:
1. A replacement dwelling purchased by a homeowner in occupancy at the displacement dwelling for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner’s financial means if the homeowner will receive the full price differential as described in Section 12-6.3, all increased mortgage interest costs as described at Section 12-6.3, and all incidental expenses as described at Section 12-6.3, plus any additional amount required to be paid under Section 12-6.4, Housing of Last Resort.
  2. A replacement dwelling rented by an eligible displaced person is considered to be within that person’s financial means if, after receiving rental assistance under this part, the monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person’s base monthly rental for the displacement dwelling as described at Section 12-6.3.
  3. For a displaced person who is not eligible to receive a replacement housing payment because of failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within a person’s financial means if WSDOT pays that portion of the monthly housing costs of a replacement dwelling which exceed 30 percent of such person’s gross monthly household income or, if receiving a welfare assistance payment from a program that designates amounts for shelter and utilities, the total of the amounts designated for shelter and utilities. Such rental assistance must be paid under Section 12-6.4, Housing of Last Resort.
- E. **Mortgage** — Classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property under the laws of the state of Washington together with the credit instruments. A real estate contract is considered to be a mortgage for the purposes of this chapter. A bona fide mortgage is a mortgage which is a valid lien on the real property for not less than 180 days prior to the initiation of negotiations.
- F. **Moving Expense Payments** — The amount necessary to pay or reimburse an eligible displaced person, business, farm or NPO operation for certain expenses related to moving their personal property located on the displacement property.
- G. **Personal Property Only (PPO)** — A move of personal property from property acquired for right of way or project purposes where there is not a need for a full relocation of a residence, non-residential operation (vacant land), business operation, farm operation, or nonprofit organization (NPO) from the acquired property.

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- H. Place of Permanent or Customary and Usual Abode (Permanent Place of Residence) — A dwelling, legally used and occupied as living quarters or residence by a person or family with apparent intent to continue such use and occupancy. If a question arises, the agent will need to obtain legal documents to support residency, i.e. utility bills, driver’s license, voter registration, auto registration, etc.
- I. Replacement Housing Payment (RHP) — Any one or certain combinations of payments authorized to be paid to eligible displaced persons to enable such displaced persons to obtain replacement housing. There are five types of authorized payments, as follows:
  - 1. Incidental Purchase Expense — The amount necessary to pay or reimburse an eligible displaced person for certain actual costs incurred by the displaced person incidental to the purchase of an eligible replacement dwelling, including but not limited to recording fees, escrow fees, title insurance premiums, appraisal fees, credit report fees, and transfer taxes. (Does not include prepayment of any expenses. See Section 12-6.3.)
  - 2. Mortgage Interest Differential Payment (MIDP) — The amount, as determined by WSDOT, necessary to compensate an eligible displaced person for an increased interest cost required to obtain a mortgage for the purpose of purchasing an eligible replacement dwelling. In addition, such finance charges as may be imposed as a condition to the making of such a mortgage.
  - 3. Price Differential — That amount, in addition to the just compensation paid by WSDOT, which is necessary to enable an eligible displaced person to purchase an eligible replacement dwelling.
  - 4. Rent Supplement — The amount, determined by WSDOT, necessary to compensate an eligible displaced person for the increased cost of leasing or renting an eligible replacement dwelling.
  - 5. Down Payment Assistance — The amount necessary to enable an eligible displaced person to make a down payment (including eligible incidental purchase expenses) on the purchase of an eligible replacement dwelling. Payment is limited to the maximum rent supplement calculated for the displaced person. A 180-day owner occupant is not eligible for this type of payment.
- J. Uneconomic Remnant — The term “uneconomic remnant” refers to a remainder of the owner’s real property which WSDOT has determined will have little or no value or utility to the owner after the department’s acquisition of a portion of the tract.

### 12-4.2 Relocation Planning (Environmental NEPA/SEPA Stage)

#### 12-4.2.1 Preliminary Plans

Detailed information and analysis of displacements may be required at various stages prior to development of a Relocation Project Plan as required by Section 12-4.2.2. Some examples of preliminary stages are Environmental Impact Statements (EIS), Environmental Assessment, Discipline Report, and so on. Information included in the document or report may be obtained by visual inspection of the area and from readily available secondary or community sources. Reports at this level should not include parcel specific information such as names and addresses of potential displacements. This information, if collected, should be kept in a separate project file. It also should be noted that secondary information collected during this phase of the project may cover many different alternatives prior to the selection of the preferred alternative. The document or report usually requires the following information:

- A. Estimate of households to be displaced, including the family characteristics (e.g., minorities, income levels, the elderly, large families, owners or tenants, etc.).
- B. Divisive or disruptive effect on the community, such as separation of residences from community facilities or separation of neighborhoods.
- C. Impact on the neighborhood and housing where relocation is likely to take place.
- D. An estimate of the businesses to be displaced and general effect of business dislocation on the economy of the community.
- E. A description of housing available for sale in the area and the ability to provide replacement housing for the types of families to be displaced.
- F. A description of special relocation advisory services that will be necessary for identified unusual conditions.
- G. A description of the actions proposed to remedy insufficient replacement housing including, if necessary, housing of last resort.
- H. Results of consultation with local officials, social agencies, and community groups regarding the impacts on the community affected.

#### **12-4.2.2 Project Relocation Plans (Right of Way Stage)**

Project relocation plans are required on all projects that will cause the displacement of individuals, businesses, or personal property. The plan itself should provide detailed first hand information regarding the affected occupants of the project. This plan will provide important displacement information as well as estimated relocation costs for the project. A relocation plan is a great planning and communication tool and is considered a framework for the implementation of the relocation program.

##### **12-4.2.2.1 General Requirements**

- A. Negotiations are not initiated on any project which will cause the relocation of any person until the Region Relocation Supervisor has submitted a Relocation Project Plan to the ADRAP for review and approval.
- B. Prior to submitting a request for funds (request for work order authorization) the Region Relocation Supervisor prepares a relocation plan in coordination with personnel assigned to prepare funding estimates. Such plan is submitted to the ADRAP for review and approval. Upon approval by the ADRAP, a copy of the approved plan is returned to the Region showing such approval and a copy is provided to HQ Property Management. The Region Relocation Supervisor should distribute an approved copy of the plan to each discipline within their region.
- C. The relocation agent should deliver a Relocation Brochure to displaced person at the time the agent is collecting the information on the occupancy survey for the preparation of the relocation plan. If appropriate, the relocation agent may also deliver a General Notice of Relocation Rights letter. If the timing is not appropriate it should be given out closer to the initiation of negotiations in accordance with Section 12-5.4.

##### **12-4.2.2.2 Project Relocation Plan Contents**

A Relocation Project Plan covers the methods and procedures by which the needs of every individual to be displaced will be evaluated and correlated with available decent, safe, and sanitary (DS&S) housing within those individuals' financial means and will cover information

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regarding business, farm, and NPO displacements that is required by federal regulations. The input for the plan is developed from the Occupancy Survey prepared by the Region Relocation Agent on each acquisition parcel requiring the displacement of persons or personal property from the project. The plan contains a tabulation of data, photographs and narrative. Contact Headquarters for a sample of an appropriate relocation plan.

### **A. General**

1. The plan should contain a statement of “Assurances” that the department will inform the public of relocation payments and services that will be available and that the department will provide such payments and services. In addition, this statement will advise that no person lawfully occupying real property will be required to move from the acquired dwelling, business, farm or NPO operation without being provided a written assurance at least ninety (90) days prior to the earliest date by which they could be required to vacate the property. No person to be displaced from a residential dwelling shall be required to move unless at least one comparable replacement dwelling is made available.
2. A description of the project including information on limits, area location, purpose of the project, type and extent of work, and any other pertinent information deemed appropriate by the plan author.
3. A brief discussion of the number of parcels to be acquired and the resulting number of displacements by type (residential owner, residential tenant, business, and/or personal property only).

- B. Inventory of Individual Needs (Occupancy Survey)** — An inventory of the characteristics and needs of individuals, families, businesses, and/or personal property to be displaced. Photos of the subject dwelling should be included as an attachment or incorporated into the plan. The completed occupancy surveys should be included as an attachment to the plan. Recent census and other valid survey data obtained from city and county planning departments, redevelopment agencies, precinct registers, etc., may be used to assist in preparing the inventory. The survey process is carried out to the depth necessary to fully identify the characteristics and needs of the displaced person.

#### **Residential Displacements:**

1. This inventory is based upon a complete occupancy survey. See Chapter 13 for the residential occupancy survey form. This shall include a personal interview with the displaced person. The write up for each potential displacement should include specific information as obtained during the occupancy survey.
2. Housing needs are determined by analysis of needs for decent safe and sanitary replacement housing. This does not necessarily mean a replacement in kind for the dwellings to be acquired. It means providing DS&S housing that meets the needs of the occupants being displaced. The financial means of the displaced person are also considered and discussed in the report.
3. The report should include an estimate of the number of residential households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and persons with disabilities when applicable.

## Non-Residential Displacements:

1. The report should determine, for nonresidential (businesses, farm, NPO) displacements, the relocation needs and preferences of each to be displaced. It should also explain the relocation payments and other assistance for which the business, farm, or NPO may be eligible to receive. This shall include a personal interview with each business. See Chapter 13 for the nonresidential occupancy survey form.
  2. At a minimum, interviews with displaced business owners and operators should include the following items:
    - a. The business's replacement site requirements, current lease terms and other contractual obligations and financial capacity of the business to accomplish the move.
    - b. Determination of the need for outside specialists that will be required to assist in planning the move, assistance in the actual move, and in the reinstallation of machinery and/or other personal property.
    - c. An identification and resolution of personalty/realty issues. Every effort must be made to identify and resolve realty/personalty issues prior to, or at the time of, the appraisal of the property.
    - d. An estimate of the time required for the business to vacate the site.
    - e. An estimate of the anticipated difficulty in locating a replacement property.
    - f. An identification of any advance relocation payments required for the move, and WSDOT's legal capacity to provide them.
  3. The report should also include an estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.
- C. Inventory of Available Housing and Business Sites — A reliable estimate of comparable replacement housing currently available on the housing market and an estimate of the availability of replacement business sites for the general project area.
1. The types of buildings and the adequacy of supply of DS&S housing as related to the needs of the persons or families to be relocated. Further discussion of type of neighborhood, proximity of public transportation, commercial shopping areas, and distance to any pertinent social institutions, such as church, community facilities, etc., is desired. The use of maps, plats, charts, etc., is useful at this stage. This estimate is developed to the extent necessary to assure that the relocation plan can be expeditiously and fully implemented.
  2. Data on the availability of housing is gathered by any reasonable method such as: updating and using data previously gathered; using sources such as multiple listing bureaus, individual brokers, real estate management companies, associations of landlords, rental agencies; and direct contact with apartment owners or managers, local planning offices, other governmental offices which regulate construction of homes and other buildings, and public utility companies which continuously study population growth and/or trends. Newspaper advertising and other printed resources should also be utilized.

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3. The inventory of available residential housing should summarize:
    - a. The number of comparable replacement dwellings in the area (including price ranges and rental rates) that are expected to be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, WSDOT should consider housing of last resort actions.
    - b. The monthly (or annual) rate of “turn over” in the sale and rental markets.
    - c. The rate at which new housing is being added.
    - d. A projection of the amount of housing which will become available within the lead time during which acquisition and right of way clearance will take place.
  4. The inventory of available nonresidential sites should summarize:
    - a. The availability of replacement business sites. When an adequate supply of replacement business sites is not expected to be available, the impacts of displacing the business should be considered and addressed.
    - b. Planning for displaced businesses which are reasonably expected to involve complex or lengthy moving processes or small businesses with limited financial resources and/or few alternative relocation sites should include an analysis of business moving problems.
- D. Analysis of Inventories — An analysis and correlation of the above information is used to develop a relocation plan which:
1. Discusses the various relocation problems, which may include cases of low income and minority groups.
  2. Provides an analysis of current and future federal, state, and community programs in the project areas, and nearby areas, which could affect the supply and demand for housing.
  3. Provides an analysis of said problems and offers potential resolutions to these problems.
  4. Estimates the amount of lead time required and demonstrates its adequacy to carry out a timely, orderly, and humane relocation program.
- E. Sources of Information — Identification of the names/sources from which information was obtained and relied upon for the report.
- F. Project Relocation Assistance Office — A brief discussion addressing the intended means by which displaced persons and adjacent occupants will have reasonable access to adequately staffed offices and how such offices will be operated, staffed, and equipped to provide relocation assistance services. This discussion should encompass the need or lack of need for project relocation assistance offices, the hours of operation, the location of said office and the resources to be available at said office.
- G. Alternate and/or Housing of Last Resort Needs
1. Discuss the impact of the project on available replacement housing within the financial means of the displaced person.

2. Explain that either:
  - a. There is an adequate, continuing supply of replacement housing available within the financial means of the displaced person, or
  - b. A “Housing of Last Resort” will be prepared on a case-by-case basis or is incorporated into this report.
- H. Maps, plats, charts pictorial, and/or graphic data which further illustrates the needs of the displaced person or describes the availability or lack of availability of suitable replacement housing may be included with the report. Approved right of way plans are not included as a part of this report but are available in the appropriate region and Headquarters offices.
- I. Include a summary of total estimated relocation project costs, i.e. residential, non-residential, and personal property.

## **12-5 Relocation Advisory Services**

### **12-5.1 General**

WSDOT has established and carries out a Relocation Assistance Advisory Services Program so that displaced persons will receive uniform and consistent services and payments regardless of race, color, religion, sex, or national origin. These services are intended, as a minimum, to assist persons in relocating to decent, safe, and sanitary housing that meets their needs. Services are provided by personal contact by the Region Relocation Agent. If personal contact cannot be made, the Relocation Agent documents the file to show that reasonable efforts were made to achieve personal contact.

#### **12-5.1.1 To Whom Provided**

Relocation assistance advisory services are offered to:

- A. Any “displaced person” as defined in WAC 468-100-002.
- B. Any adjacent occupant when WSDOT determines that such person or persons are caused substantial economic injury because of the acquisition.
- C. Any person who, because of the acquisition of real property used for the person’s business or farm operation, moves from other real property used for a dwelling, or moves personal property from such other real property.

#### **12-5.1.2 Minimum Advisory Services**

- A. The Relocation Agent provides relocation assistance advisory services to include such measures, facilities, or practices as may be necessary or appropriate to:
  1. Determine the need, if any, of displaced persons for relocation assistance.
  2. Explain the services available, the types of relocation payments, and the eligibility requirements to receive relocation payments and to assist in completing any application or other required form.
  3. Provide current information on a continuous basis regarding the availability, purchase prices and rental costs of comparable decent, safe, and sanitary housing, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as described in WAC 468-100-204.
  4. Provide, for nonresidential moves, current and continuing information on the availability, purchase prices, and rental costs of suitable commercial and farm properties and locations.

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5. As soon as feasible, WSDOT shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment and the basis for the determination so that the person is aware of the maximum replacement housing payment for which he or she may qualify.
  6. Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. If such an inspection is not made, WSDOT shall notify the person to be displaced that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.
  7. Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration that are within their financial means. This policy, however, does not require WSDOT to provide a person a larger payment than necessary to enable a person to relocate to a comparable replacement dwelling.
  8. Assist a person displaced from the person's business or farm operation in obtaining and becoming established in a suitable replacement location.
  9. Supply information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons, and technical help to persons applying for such assistance.
  10. Any displaced person that may be eligible for government housing assistance at the replacement dwelling shall be advised of any requirements of such government housing assistance program that would limit the size of the replacement dwelling, as well as of the long term nature of such rent subsidy, and the limited (42 month) duration of the relocation rental assistance payment.
  11. Advise displaced persons that no payments received under the Uniform Act shall be considered as income for the purposes of the Internal Revenue Code of 1954 which has been redesignated as the Internal Revenue Code of 1986 or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal law, except for any federal law providing low-income housing assistance.
  12. Provide other advisory services to displaced persons to minimize hardships to such persons in adjusting to a new location as appropriate.
  13. Offer to provide transportation to displaced persons to search for or view replacement housing.
  14. Advise business owners that prior to entering into a contractual obligation with a professional services specialist, it is highly recommended that the business owner have WSDOT review the Scope of Work to determine which items listed are eligible for reimbursement.
- B. The amount and extent of the advisory services are administered on a reasonable basis commensurate with the needs of the displaced person.

### 12-5.1.3 Exchange of Information With Other Agencies

Relocation Agents maintain personal contact and exchange information with other local agencies providing services useful to persons who will be relocated.

- A. Such agencies may include but are not limited to social welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Department of Housing and Urban Development, Veterans Administration, and Small Business Administration.
- B. Contact is maintained with local sources of information on private replacement properties, including real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.
- C. Contact is maintained with the Department of Housing and Urban Development and Veterans Administration relative to properties owned by those agencies that may be available for sale.

### 12-5.2 Project Relocation Assistance Offices

#### 12-5.2.1 General Criteria

- A. When the volume of work or needs of the displaced person are such as to justify the establishment of a project relocation office, such an office will be established and located reasonably convenient to public transportation or within walking distance of the project.
- B. The determination whether or not to establish a project relocation office is made by the region on an individual project basis based on criteria which include, but are not limited to
  1. The number of displaced persons to be served.
  2. The distance and availability of transportation between the project and the Region Real Estate Service Office.
  3. The nature of the relocation problems in terms of income level, displaced person's needs and characteristics, and special replacement housing problems.

#### 12-5.2.2 Information Available at Project Office

The following information will be made available for the displaced person of each project at both the region office and/or the project office:

- A. Copies or reprints of any published public announcements addressing relocation assistance services and payments.
- B. Current lists of suitable replacement dwellings available to displaced persons without regard to race, color, religion, sex, or national origin. Lists may come from a variety of sources including newspaper listings, apartment directories, multiple listing services, real estate and property management companies, etc.
- C. Current lists of comparable commercial properties and locations for displaced businesses.
- D. Current data for such costs as security deposits, closing costs, typical down payments, interest rates, and terms.
- E. Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in the area where applicable.
- F. Schedules and costs of public transportation where applicable.
- G. Copies of the department's brochure explaining its relocation program.

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- H. Copies or excerpts from local housing, building, and/or occupancy codes.
- I. Other information of value to displaced persons in the particular area.

### **12-5.2.3 Office Hours**

Project offices will be open during hours convenient to the persons to be relocated including evening hours when needed. Hours of operation will be addressed in the relocation plan.

## **12-5.3 Public Information**

### **12-5.3.1 General Hearings**

In order to assure that the public has adequate knowledge of the department's Relocation Assistance Program, such program and its related procedures are discussed at all public hearings. The Region Administrator may require the presence of RES personnel at any hearing in order to assure that the Relocation Assistance Program is adequately explained.

- A. Brochures, pamphlets, or flyers describing the relocation program are made available, without cost, to all persons attending such hearings. The brochures provide the address of the department's region office where copies of the department's regulations implementing the Relocation Assistance Program may be obtained.
- B. If there are extensive relocation problems, which cannot be covered at typical or regular hearings on highway location and other engineering matters, a separate public hearing on relocation assistance will be held, as arranged by the Region Real Estate Services Manager.

### **12-5.3.2 Corridor Hearings**

- A. Right of Way personnel may be called upon by the Region Administrator to assist with the development of needed information and/or for the presentation of information at any corridor hearing. Such information may include, but is not necessarily limited to the following data:
  - 1. Regional and community growth including general plans and proposed land use, total transportation requirements, and status of the planning process.
  - 2. Public facilities and services including religious, health and educational facilities, public utilities, fire protection, and other emergency services
  - 3. Community cohesion including residential and neighborhood character and stability, highway impacts on minority and other specific groups and interests, and effects on local tax base and property values.
  - 4. Displacement of people, businesses, and farms including relocation assistance, availability of adequate replacement housing, and economic activity (employment gains and losses, etc.).
  - 5. The estimated costs of the alternatives considered.
  - 6. Responses to questions or problems raised during the previous hearings.
- B. Discussion on relocation assistance includes but is not necessarily limited to:
  - 1. The availability of relocation assistance services, eligibility requirements, and payment procedures.
  - 2. The estimated number of individuals, families, businesses, farm, and nonprofit organizations that are to be relocated by each of the alternatives under consideration at the hearings.

3. An estimate of the availability of decent, safe, and sanitary replacement housing, within the financial means of the individuals and families affected; a projection of the availability to the anticipated year of right of way acquisition; any alternative plans considered for re-housing displaced persons; and assurance that housing needs of the displaced persons will be met.

### 12-5.3.3 Highway Design and/or Access Hearings

The discussion on relocation assistance at the design or combined hearing supplements the information contained in the Relocation Assistance Program Brochure. Such discussion on relocation includes but is not necessarily limited to:

- A. Assurance that no person is required to move from a residence required for a public works project or program unless a comparable replacement dwelling is available or provided for any person meeting the criteria for a displaced person.
- B. The eligibility requirements and payment procedures including:
  1. Eligibility requirements and payment limits for moving costs.
  2. Eligibility requirements and payment limits for replacement housing payments.
  3. Appeal procedures.
- C. The services available under the state's relocation assistance advisory program, the address and telephone number of the local relocation office, and the name of the relocation agent in charge.
- D. An estimated number of dwelling units presently available to meet replacement housing requirements.
- E. An estimate of the time necessary for relocation and the number of dwelling units meeting the replacement housing requirements that will become available during that period.

### 12-5.4 Written Notices

#### 12-5.4.1 General

- A. Appropriate relocation assistance notices will be provided to each residential occupant (family or individual); non-occupant owner of an occupied dwelling unit; business or farm owner or operator; or owner of personal property that may be directly or constructively displaced by the program or project. A notice is not furnished where there is no displacement.
- B. Written notices will be presented in letter format using the basic formats found in Chapter 13 and shall include the name and telephone number of the agent who may be contacted for answers to questions or other needed help. The letters may be revised to reflect appropriate information for any specific relocation situation. Each notice shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation. A certified translator must be used for those documents needing translation. Contact HQ Relocation for additional information.
- C. Where certain relocation notices fulfill statutory requirements, the displaced person will be requested to sign a copy of the letter as evidence that the notice has been given and received. If the displaced person refuses to sign the notice, the relocation agent should note the refusal on the copy of the notice and transmit this copy to Headquarters for inclusion into the official file. The relocation agent should also note the refusal in the Diary. The ADRAP may request further effort be made to present any notice letter to the displaced person(s).

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- D. If the written notice cannot be delivered in person, it should be sent by certified or registered first-class mail, return receipt requested, and documented in the official file. The returned green card should be attached to copy of the letter sent to HQ for inclusion in the official file.
- E. A non-occupant owner is considered, for purposes of the Relocation Assistance Program, to be displaced whenever there will be a displacement of persons or personal property from the property he owns.
- F. These letters are partially intended to provide the displaced person with a written reference to certain basic information that will be or has been explained in a personal contact by a qualified representative of the department. No letter can answer all the questions in a given case. Much importance is placed on the detailed description in the relocation brochure and on the expertise of the Relocation Agent handling the case.

### **12-5.4.2 Notice of Intent to Acquire**

- A. If the Director of Real Estate Services authorizes the establishment of eligibility for relocation entitlements prior to the initiation of negotiations for acquisition of a parcel, a Notice of Intent to Acquire, along with the Relocation Assistance Program Brochure, may be furnished to displaced persons. When a Notice of Intent to Acquire is issued, for purposes of this chapter, the date of initiation of negotiations for the parcel is considered to be the date of such notice.
- B. This notice is not issued prior to authorization for the initiation of negotiations on the project or prior to authorization for acquisition of individual parcels in the case of protective buying or hardship acquisition.
- C. The notice advises owners and occupants concerning the following:
  - 1. The area of their eligibility for and the requirements to receive moving and replacement housing payments.
  - 2. That any occupant contemplating moving should, to ensure eligibility for moving and replacement housing payments, notify the department before moving.
  - 3. The anticipated date of actual initiation of negotiations.
  - 4. How additional information pertaining to relocation assistance payments and services can be obtained.
- D. If a Notice of Intent to Acquire is furnished to a property owner, it is also furnished to any tenants within fifteen (15) days and the owner is simultaneously notified of such action by furnishing such owner with a copy of the tenant's notice.

### **12-5.4.3 General Notice of Relocation Rights**

- A. This is a notice that is required by statute.
- B. The letter format for this notice will depend on the type of displacement that will occur. An appropriate notice letter, to be selected from the formats found in Chapter 13, must be provided to the person(s) to be displaced by the project.
- C. Delivery of the General Notice letter can occur either of two ways:
  - 1. This notice can be presented to persons to be displaced at the time the relocation agent makes the initial contact to gather information for the Relocation Plan. A Relocation Assistance Program Brochure should be provided to the displaced person at the same time. This method may not be appropriate if the project will not be constructed for a while.

2. This notice can be presented to persons to be displaced at or near the initiation of negotiations by either the relocation agent or upon request, by the acquisition agent.
- D. The notice must include the following information:
1. A statement that the person(s) may be displaced from a public project and a general description of the types of relocation payments, the basic conditions of eligibility and how the payments can be obtained.
  2. A statement that the person(s) to be displaced will be given reasonable advisory assistance including referrals to replacement properties, help in filing claims and other necessary assistance.
  3. Advice that the person(s) will not be required to move without at least 90 days written assurance and that a person displaced from a residential dwelling will not be required to move until at least one comparable replacement dwelling is made available to the displaced person(s).
  4. A statement that the person(s) to be displaced have a right to appeal department determinations regarding relocation eligibility or entitlement amounts.

#### **12-5.4.4 Relocation Assistance Program Brochure**

This “notice” provides additional and more detailed information about the Relocation Assistance Program. It should be provided to each displaced person at the time the General Notice is provided. There are three brochures; one for Residential displacements, one for Business/Farm/NPO displacements, and one for PPO displacements. WSDOT brochures should not be distributed by LPA's on non-WSDOT projects. Generic brochures for their use have been created and are available on our RES web page. The “receipt” on the General Notice also states the brochure has been provided.

#### **12-5.4.5 Notice of Relocation Eligibility, Entitlements, and 90-Day Assurance**

- A. This is a combination of two notices that are required by statute.
- B. This notice advises the displaced person(s) that they are now eligible for relocation assistance and entitlements because initiation of negotiations has begun. This notice should be provided to each displaced person as soon as possible after the date of initiation of negotiations or, if possible, at the same time of said initiation.
- C. The department also uses this notice to provide displaced persons with a description of the relocation entitlements, which they are eligible to receive as well as other information as follows:
  1. For a 180-Day Owner Occupant:
    - a. Date of initiation of negotiations
    - b. Date the displaced person first occupied the parcel
    - c. Amount of Maximum Price Differential
    - d. Addresses of Available Comparable Dwellings
    - e. How the Price Differential was calculated

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- f. Other Replacement Housing Entitlements
    - (1) Mortgage Interest Differential Payment (MIDP)
    - (2) Incidental Purchase Expenses
  - g. Moving Entitlements
  - h. How to claim the entitlements
  - i. 90-Day Assurance (**Note: This is a required notice.**)
    - (1) States the earliest date an occupant could be required to move,
    - (2) The 90-day period cannot begin until the department has made at least one comparable replacement dwelling available to the displaced person.
  - j. The Right of Appeal
2. For a 90- to 179-Day Owner Occupant, a 90-Day Tenant or less than 90-Day Occupant/Subsequent Occupant:
    - a. Date of Initiation of Negotiations
    - b. Date of Occupancy by the Displaced Person
    - c. Amount of Maximum Rent Supplement
    - d. Addresses of Available Comparable Dwellings
    - e. How the Rent Supplement was calculated
    - f. Down Payment Assistance Option
    - g. Moving Entitlements
    - h. How to claim entitlements
    - i. 90-Day Assurance (**Note: This is a required notice.**)
      - (1) States the earliest date an occupant could be required to move,
      - (2) The 90-day period cannot begin until the department has made at least one comparable replacement dwelling available to the displaced person.
    - j. The Right of Appeal
    - k. In the case of a tenant occupant, the eligibility letter should include information regarding the economic rent of the displacement dwelling and a template of the displacee lease format. This is intended to provide additional information early in the process and does not require a prepared lease at the time of delivery. RES Manager will assign an agent to deliver the prepared lease.
  3. Business, Farm, or NPO:
    - a. Actual Move Costs
      - (1) Personal Property Move Expenses
      - (2) Other Related Move Expenses
      - (3) Equipment Disconnect and Reconnect Expenses
    - b. Re-establishment Costs
    - c. Fixed Payment Entitlement Amount In Lieu if selected in place of actual costs and re-establishment

- d. 90-Day Assurance (*Note: This is a required notice.*)
    - (1) States the earliest date an occupant could be required to move,
  - e. Right of Appeal
  - f. In the case of a tenant business occupant, the eligibility letter should include information regarding the economic rent of the displacement dwelling and a template of the displacee lease format. This is intended to provide additional information early in the process and does not require a prepared lease at the time of delivery. RES Manager will assign an agent to deliver the prepared lease.
4. Personal Property Only:
- a. Actual Move Costs
    - (1) Personal Property Move Expenses
  - b. 90-Day Assurance (*Note: This is a required notice.*)
    - (1) States the earliest date an occupant could be required to move their personal property.
  - c. In the case of a tenant occupant, the eligibility letter should include information regarding the economic rent of the displacement dwelling and a template of the displacee lease format. This is intended to provide additional information early in the process and does not require a prepared lease at the time of delivery. RES Manager will assign an agent to deliver the prepared lease.
  - d. At the time of delivery of this notice, the relocation agent should also provide the displaced person with a W-9 form to complete in accordance with procedures set forth in Chapter 10 of the Right of Way Manual.

#### 12-5.4.6 Other Notices

- A. Notice of Revised Maximum Price Differential
  - 1. If an owner occupant does not or is not actively seeking replacement housing at the time the Notice of Eligibility is delivered, it may become necessary to recalculate the price differential entitlement because the offered replacement dwelling(s) may not be available any longer. If the price differential must be recalculated, a revised notice must be presented to the displaced person.
  - 2. If the owner occupant receives an administrative settlement for the displacement dwelling which is more than the price of the best available comparable on which the entitlement was calculated, a revised notice of the maximum price differential should be presented stating that the displaced person is no longer entitled to a price differential payment as the acquisition price of the displacement property is greater than the asking price of the best available comparable. See Chapter 13 for the correct RES form. In accordance with Chapter 6, the relocation agent should receive notification from the acquisition agent if an administrative settlement is given.
  - 3. If an owner occupant decides to become a tenant, a revised notice should be presented which states the maximum entitlement for a rent supplement. See Chapter 13 for the correct RES form.

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- B. Notice of Revised Maximum Rent Supplement
  - 1. If a tenant does not or is not actively seeking replacement housing at the time the Notice of Eligibility is delivered, it may become necessary to recalculate the rent supplement entitlement because the offered replacement dwelling(s) may no longer be available. If the rent supplement must be recalculated, a revised notice must be presented to the displaced person.

### **12-5.5 Appeals**

- A. General — Any person aggrieved by a determination as to eligibility for, or the amount of, any payment authorized by Chapter 8.26 RCW and these operating rules and procedures, may have such determination reviewed and reconsidered by WSDOT. See Chapter 468-100-010 of the Washington Administrative Code (WAC).
- B. Preliminary Review Procedures
  - 1. Request for Review — A request for review must be filed with the ADRAP, within sixty (60) days following written notification of WSDOT's determination on the person's claim. A different eligibility period may be approved by the ADRAP on an individual case basis. Review proceedings are initiated upon receipt by the department of a statement or letter from the displaced person or the displaced person's representative.
  - 2. Form of Statement — No specific form or format is required; however, the displaced person's statement or letter, at a minimum, includes:
    - a. Date of statement.
    - b. Name of the displaced persons.
    - c. Project title.
    - d. Parcel number.
    - e. An explanation of what the displaced person is claiming; all facts, reasons, and any supporting evidence as to why the displaced person believes the claim should be paid; or why the displaced person is otherwise aggrieved.
    - f. Address, telephone number, and signature of the displaced person or the displaced person's attorney.
  - 3. Response to Preliminary Review — If the ADRAP finds that the displaced person's request for a review is unclear or insufficient, the ADRAP may require the displaced person to correct, clarify or amend the request or provide additional information. If the displaced person fails to make any required corrections, etc., within a reasonable specified time, the ADRAP should respond to the original request according to its merits. This response shall notify the aggrieved person of the right to an Administrative Hearing.
  - 4. Request for Administrative Hearing — The aggrieved person shall have 30 days from the date of the ADRAP response to the original review within which to request, in writing, a formal hearing before a Relocation Review Board.
- C. Relocation Review Board Hearing
  - 1. The ADRAP assembles the Relocation Review Board which consists of the Director, Real Estate Services, the Director of Environmental and Engineering Programs, and the Region Administrator of the Region where the displacement has occurred.

2. The ADRAP:
  - a. Notifies the aggrieved person of the time and place of the Relocation Review Board hearing at least twenty (20) days in advance of the hearing.
  - b. Advises the aggrieved person to provide any additional documents, written statements or other evidence in support of their claim.
  - c. Submits all explanations, documentation, evidence, etc., to the Review Board for consideration prior to the hearing.
3. The Relocation Review Board:
  - a. Holds a meeting to analyze all evidence in the request for review, and renders its decision which may be to either accept or reject, in whole or in part, the claim, or may authorize an alternative agreement with aggrieved person.
  - b. Within ten (10) days after the conclusion of the meeting, notifies the aggrieved person of the Board's decision. If the decision is a rejection of the claim, in whole or in part, provides the aggrieved person with twenty (20) days in which to file a formal appeal.
    - (1) If the aggrieved person accepts the decision, or fails to file a formal appeal within twenty (20) days, the case is closed, provided all payments have been made and other services have been provided.
    - (2) If the aggrieved person files a formal appeal, the case is referred immediately for a formal hearing before a Hearing Officer.
- D. Formal Hearing Procedures — As soon as possible a formal hearing is scheduled and the appeal will be carried out under the provisions of WAC 468-100-010.

### **12-5.6 Civil Rights**

- A. The department takes affirmative action to ensure that replacement housing resources are, open to all races and sexes without discrimination. This is determined at the time the Relocation Agent is searching for available replacement housing. Potential replacement dwellings not considered "open housing" are not used as available housing.
- B. The department fully informs displaced persons of procedures for hearing fair housing discrimination complaints.
  1. The displaced person is advised of the department's procedure at the time of initial contact.
  2. Upon receipt of a fair housing discrimination complaint, the Relocation Agent refers the displaced person to the Division of Equal Opportunity and Fair Housing, Department of Housing and Urban Development, or to the nearest area office of the Washington State Human Rights Commission.
- C. The department fully informs displaced persons of their fair housing rights and options in selecting replacement housing in areas of their choice and the available assistance from the department in ensuring displaced persons that their fair housing rights are protected by the Washington State Human Rights Commission under Chapter 49.60 Revised Code of Washington in accordance with Title VIII of the Civil Rights Act of 1968 and the HUD Amendment Act of 1974. This information is given to the displaced person at the time of initial contact.

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- D. The department, to the extent possible, assists displaced persons in ensuring against discriminatory practices in the purchase and rental of residential units on the basis of race, color, religion, sex, or national origin.

## **12-6 Residential Relocation Entitlements**

### **12-6.1 Eligibility**

- A. Individuals and families displaced from a dwelling acquired for a highway project or program are eligible for replacement housing payments and moving payments in addition to the advisory services described in Section 12-5.
- B. The type of Replacement Housing Payments for an individual or family depends on the type and length of occupancy.
  - 1. 180-day Owner — A person who owns and occupies the displaced dwelling for at least 180 days prior to initiation of negotiations would be eligible for a price differential or a rent supplement. This includes those persons defined as owners of dwellings in WAC 468-100-002 which includes life estates. These persons should be handled in the same manner as a 180-day owner occupant.
  - 2. 90- to 179-day Owner — A person who owns and occupies the displaced dwelling for at least 90 days but less than 180 days prior to initiation of negotiations would be eligible for a rent supplement or down payment assistance.
  - 3. 90-day Tenant — A person who rents and occupies the displaced dwelling for at least 90 days prior to initiation of negotiations would be eligible for a rent supplement or down payment assistance.
  - 4. Less than 90-day Occupant (Subsequent Occupant) – A person who fails to meet the length of occupancy requirements as stated above in items 1 through 3 would be eligible for a replacement housing payment under the provision of Housing of Last Resort.
- C. The displaced individual or family is not required to relocate to the same occupancy (owner or tenant) status and has certain options regarding their status.
  - 1. A 180-day owner may elect to become a tenant and receive a rent supplement. The rent supplement cannot exceed the maximum price differential payment the displaced person would have received as a 180-day owner who elected to purchase and occupy a comparable replacement dwelling.
  - 2. A 90- to 179-day owner or 90-day tenant may elect to become owners and receive down payment assistance. The entire rent supplement can be applied to the purchase of the replacement dwelling.
  - 3. A less than 90-day occupant (subsequent occupant )may elect to become owners and receive down payment assistance. This should be handled under the Housing of Last Resort provision.
- D. Only one Replacement Housing Payment is authorized for each dwelling unit except in case of multi-family occupancy of a single family dwelling or possibly a mobile home and lot situation.

### **12-6.2 Decent, Safe, and Sanitary Standards – (Replacement Dwelling Inspection Report)**

Decent, Safe, and Sanitary Standards (DS&S) are defined in the regulations under WAC 468-100-002. A DS&S inspection is required to make sure that to the best of the agent's knowledge and abilities the replacement dwelling meets the agency's minimum standards for qualified replacement housing. This inspection must be performed even if the displaced person is only claiming incidental expenses. Once the inspection is complete the form plus any photographs or requested supporting documentation must be forwarded to HQ.

NOTE: If the displaced person elects to move out of state, contact HQ Relocation and they will provide you with a contact name and number of the respective state DOT for a complimentary inspection.

- A. Local Codes — A decent, safe, and sanitary dwelling is one which conforms with all applicable provisions for existing structures that have been established under state or local building, plumbing, electrical, housing, and occupancy codes and similar ordinances or regulations. The project file should contain an actual copy of the local codes for the county in which the project is located. The parcel file only needs to reference the information and state it can be located in the general project file. A copy of this information should be sent to HQ.
- B. Minimum Standards — In those cases where local codes do not exist, do not address, or are less restrictive than the minimum standards listed hereinafter, the following minimum housing/dwelling standards shall apply:
  1. Water — Such dwelling unit, excluding a rental sleeping room, has a continuing and adequate supply of potable safe water. If the replacement dwelling has a private well, the agent must obtain documentation indicating when the last water test was done or if the dwelling has a community well, the agent must obtain and attach a copy of the Health Department water test results to the Replacement Dwelling Inspection Report (see Chapter 13 for RES form).
  2. Kitchen — Such dwelling, excluding a rental sleeping room, has a kitchen or an area set aside for kitchen use, which contains:
    - a. A sink in good working condition and connected to hot and cold water and an adequate sewer system.
    - b. Utility service connections and adequate space for the installation of a stove and refrigerator.
  3. Heating System — Such dwelling unit or rental sleeping room has an adequate heating system in good working order, which will maintain a minimum temperature of 70 degrees Fahrenheit in the living area except in those areas where local climatic conditions do not require such as system.
  4. Bathroom Facilities — Such dwelling unit or rental sleeping room has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system. For rental sleeping rooms, also provides a lockable bathroom door if such bathroom is separate from the sleeping room.

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5. Electric System — Such dwelling unit or rental sleeping room has an adequate and safe wiring system for lighting and other electrical services.
6. Structurally Sound — Each building used for dwelling or rental sleeping room purposes is structurally sound, weather-tight, in good repair, and adequately maintained.
7. Egress — Each building used for dwelling or rental sleeping room purposes has a safe, unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building has access either directly or through a common corridor to a means of egress to open space at ground level.  
In multi-dwelling buildings of three stories or more, the common corridor on each story has at least two means of egress.
8. If the displaced person has a disability, the replacement dwelling shall be adequate in terms of access and livability with respect to the person's limitations and meet the American Disabilities Act (ADA) requirements. The agent should identify ADA items at the displacement dwelling to determine the needs at the replacement dwelling. Required ADA items need to be supported by adequate documentation from the displaced person's medical provider.
9. Sleeping Rooms –The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes. In addition, WSDOT shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes. In the absence of local codes, the following procedures should be followed:
  - a. Number of persons per sleeping room – The dwelling unit must have not less than 120 square feet of floor area, sleeping areas must have a minimum of 70 square feet, with an additional 50 square feet for each occupant in excess of two persons. Efficiency apartments (studios) must have a living room that is at least 220 square feet, and an additional 100 square feet for each occupant in excess of two.
  - b. Sharing sleeping rooms with opposite gender –Children of the opposite gender, at the option of the family, may share the same bedroom or living/sleeping room in order to obtain replacement housing within their financial means.
- C. Exceptions — The ADRAP may grant exceptions to decent safe and sanitary standards when requested in writing by the displaced person. Such exceptions are limited to items and circumstances that are beyond the reasonable control of the displaced person to adhere to the standards. Approved exceptions do not affect the computation of the replacement housing payment.
- D. The purpose of the DS&S inspection on the replacement dwelling made by the agent is to determine eligibility for payments for replacement housing payments and is not intended to be, nor constitutes, warrants or guarantees that the replacement dwelling is free from defects. The relocation agent should encourage the displaced person to obtain a home inspection on the replacement dwelling prior to making the purchase. The cost of the home inspection is reimbursable as an incidental purchase expense.

### **12-6.3 Replacement Housing Payments**

#### **12-6.3.1 180-Day Owner Occupant**

##### **12-6.3.1.1 Replacement Housing Payments for 180-Day Owner Who Purchases**

###### **A. General**

1. A displaced owner-occupant may receive payments, the combined total of which may not exceed \$22,500 for the additional cost necessary to:
  - a. Purchase replacement housing (also referred to as Price Differential).
  - b. Compensate the owner for the loss of favorable financing on the existing mortgage in the financing of replacement housing (also referred to as "Mortgage Interest Differential Payment (MIDP)").
  - c. Reimburse the owner for expenses incidental to the purchase of replacement housing (also referred to as "Incidental Purchase Expense.")
2. The displaced owner-occupant is eligible for such payments provided:
  - a. The displaced owner is in occupancy at the initiation of negotiations of the acquisition of the real property, or at the time a written notice is given stating WSDOT's intent to acquire the property by a given date.
  - b. Such ownership and occupancy has been for at least 180 consecutive days immediately prior to the earlier of:
    - (1) The initiation of negotiations.
    - (2) The date the occupant vacates, if the displaced owner has been given a notice of intent to acquire.
  - c. The property is acquired by WSDOT, or WSDOT issues an order to vacate even though the property is not acquired.
  - d. The displaced owner purchases and occupies a decent, safe, and sanitary dwelling within the time period specified in Section 12-6.2.
  - e. For the purposes of d. above, a dwelling is considered to be purchased by the displaced owner when:
    - (1) An existing dwelling is acquired by the displaced owner; or
    - (2) The displaced owner purchases a life estate in a retirement home or contracts for extended residence in a limited care or full care facility that provides medical and residential services to persons unable to live independently and provide their own care. The actual cost is the entrance fee plus any other monetary commitments to the home, not including periodic service charges; or
    - (3) The displaced owner relocates and/or rehabilitates a dwelling which the displaced person owns or acquires. If the replacement dwelling selected by the displaced owner does not meet the "decent, safe, and sanitary" criteria or lacks "major exterior attributes," the cost to correct such deficiencies is eligible to the extent that the sum of the cost of the replacement dwelling and the cost of correcting the deficiencies do not exceed the price differential based on comparable replacement properties.

Major exterior appurtenances are explained in more detail later in this section. **Note:** Improvements to the replacement property beyond those reasonable and necessary to correct DS&S deficiencies are not considered in qualifying for replacement housing payments; or

- (4) The displaced owner contracts for the construction of a new decent, safe, and sanitary dwelling on a site which the displaced person owns or acquires. Reimbursement is limited to only those costs necessary to construct a dwelling comparable to the one acquired. The cost of adding new features to bring the cost up to the maximum replacement housing amount is not eligible for reimbursement.

**B. Price Differential**

**1. Amount of Payment**

- a. The price differential is the calculated amount of any difference between the acquisition price of the dwelling and the actual costs which the owner is required to pay for a decent, safe, and sanitary dwelling or the amount determined by WSDOT that would be necessary to purchase such a decent, safe, and sanitary comparable dwelling, whichever is less. The maximum price differential payment is calculated by using a Price Differential Report and Housing Comparison Worksheet. See Chapter 13 for RES forms.
- b. If the displaced person elects to construct a replacement dwelling, the base cost of the newly constructed replacement dwelling can be determined by adding the cost necessary to construct a comparable dwelling and the current fair market value for residential use of the replacement site unless the site is rented and there is a reasonable opportunity to rent a suitable replacement site.
- c. If the displaced person elects to retain ownership of, or obtains salvage rights to, the person's dwelling (in accordance with procedures described in Chapter 6), moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be the sum of the following:
  - (i) The cost of moving and restoring the dwelling to a condition comparable to that prior to the move; and
  - (ii) The cost of making the unit a DSS replacement dwelling as defined in WAC 468-100-002; and
  - (iii) The current market value for residential use of the replacement dwelling site unless the site is rented and there is a reasonable opportunity to rent a suitable replacement site.
  - (iv) The retention/salvage value of the displacement dwelling, if such retention value is reflected in the "acquisition cost" used when computing the replacement housing payment.
  - (v) Limitations – The payment computed under this subsection cannot exceed the amount of the calculated maximum price differential payment.
- d. If a displaced owner desires to enter into an assisted living situation, WSDOT will make a reasonable effort to accomplish the request. This will be treated as if the displaced owner is purchasing a "life estate" considering it is their intent to live out the rest of their life in a retirement or extended care facility. The price

differential will be the amount of the calculated RHP and paid according to the HQ disbursement policy to the displaced owner or facility once an agreement is signed for the replacement living situation.

- e. If the displaced owner desires to change dwelling status to a tenant, WSDOT makes a reasonable effort to accomplish the request. The rent supplement is computed in accordance with Section 12-6.3.3.1, except that the base monthly rent is the economic rent of the acquired dwelling. Refer to the appraisal for the economic rent of the displacement dwelling. The maximum rent supplement to an owner who chooses to become a tenant is cannot exceed the computed price differential payment that they would have received as an 180-day owner occupant.
2. Amount of Payment to Occupant With a Partial Ownership
    - a. When a single family dwelling is owned by several persons, but occupied by only some of said owners, the maximum price differential entitlement is calculated as if all owners occupied the dwelling. The occupant(s) would then be required to spend all of their proportionate share of the acquisition payment plus the full amount of the calculated price differential to receive the maximum price differential.
    - b. A partial owner occupant who cannot afford to purchase a comparable replacement dwelling may be relocated as a tenant and provided a rental assistance payment in accordance with the procedures set forth in section 12-6.3.3.
    - c. The agency is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the agency would be required to provide the displaced person if they owned fee simple title to the displacement dwelling.
    - d. If unusual circumstances create an undue hardship on the displaced occupant(s) with partial ownership, other solutions may be provided if approved by the ADRAP. Any such solution would be treated as Housing of Last Resort.
    - e. If the displaced owner-occupants do not purchase and occupy a decent, safe, and sanitary dwelling, they are entitled to receive a rent supplement payment provided they rent and occupy a decent, safe, and sanitary dwelling.
  3. Calculation of Maximum Price Differential
    - a. Three Comparable Method — The asking price of at least three comparables are analyzed to determine the replacement housing payment. The analysis is not a mere averaging but a correlated conclusion based on the most comparable available dwelling that is as good as or better than the dwelling to be acquired. Less than three comparables may be used for this determination when sufficient comparables are not available on the market. The Relocation Agent in the "Remarks" section of the Housing Comparison Worksheet explains the reasons leading to the use of less than three comparables. Selection of comparables and computation of payment is made by a qualified employee.
    - b. Major Exterior Attributes — The replacement dwelling used in computing the replacement housing payment must be comparable to the living unit acquired. When the comparable replacement dwelling used in computing the replacement

housing payment is similar except that it lacks a major exterior attribute such as a garage, an outbuilding, a swimming pool, etc., the value of such items is subtracted (carved out) from the acquisition cost of the displacement dwelling.

- c. Mixed Use Property, Multifamily Property, or Lot Larger than Typical — If the displacement dwelling is part of a property that contains another residential dwelling unit, and/or is part of a property that is partially used for non residential purposes, and/or is located on a tract of land that is larger than a site that is typical for residential purposes, only that portion of the property which is attributable to the residential use shall be considered as the acquisition cost when computing the price differential. Contact Headquarters for samples of appropriate carve out applications of this provision.
  - d. Multiple occupants of one displacement dwelling – In general, all of the occupants of a single dwelling unit should be considered one family for the purposes of payment calculations. If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. In this case, the agent would compute one replacement housing payment and determine the prorated share for each occupant. However, if the agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments. The agency is responsible for determining the number of households in a dwelling based on the use of the dwelling, the relationship of the occupants, and any other information obtained. The payment computation for each household should be based on the part of the dwelling that the household occupies and the space that is shared by others. An attempt should be made to locate similar comparable DS&S living facilities. The agent diary should be sufficiently documented to support the decision.
  - e. Remainder offer — If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a remnant of the displacement dwelling site or a buildable residential lot, the agency may offer to purchase the entire property. If such an offer is made and the owner refuses to sell the remainder to the agency, the value attributable to that remainder, shall be added to the acquisition price paid for the displacement dwelling for purposes of computing the price differential.
  - f. Computing an RHP when a Higher and Better Use is Indicated – In computing a replacement housing payment for an owner occupant whose residential property to be acquired is appraised for a higher and better use (usually as if vacant), the acquisition cost of the displacement dwelling used in the computation is the value of the dwelling occupied by the owner plus the value of that portion of the acquired land representing a typical residential lot for the area. The dwelling and land values are based on the Agency’s approved appraisal.
- C. Incidental Purchase Expenses — The amount of the incidental purchase expense payment is the amount necessary to reimburse the displaced owner for the actual cost incurred incidental to the purchase of the replacement dwelling, not including prepaid expenses such as purchaser’s advance payment into a reserve account for payment of future taxes, insurance, etc. These regulations pertain solely to incidental expenses in connection with a displaced owner’s acquisition of a replacement dwelling. The relocation agent should

work closely with the lender and the escrow company to facilitate the closing of the replacement dwelling and make sure funds are applied and shown correctly on the closing statement. The agent should prepare the Incidental Expense Worksheet, Entitlement Instructions, and process a warrant once the preliminary closing statement is received. See Chapter 13 for RES forms. Once the loan closes the agent is required to perform an analysis of the final closing statement to make sure all funds were applied correctly and send it and supporting documentation to HQ.

1. Incidental purchase expenses may include the following items if normally paid by the buyer and must be typical of the selected loan program:
    - a. Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings, or plats and charges paid incidental to recording.
    - b. Lender's, FHA, or VA appraisal fees.
    - c. FHA or VA application fees – limited to amount necessary to purchase the comparable used to establish the RHP.
    - d. Certification of structural soundness when required by the lending agency, FHA, or VA.
    - e. Credit report.
    - f. Lender's title policy or abstract of title, limited to outstanding balance of old mortgage on the displacement dwelling or the new mortgage, whichever is less.
    - g. Escrow Agent's fee/Settlement fee – limited to amount necessary to purchase the comparable used to establish the RHP.
    - h. Professional Housing Inspections fees.
    - i. Sales or transfer taxes.
    - j. Loan origination or assumption fees that do not represent prepaid interest – limited to the amount of the old or new mortgage, whichever is less. Fees should be reflective or typical of industry standards.
  2. No fee, cost, charge, or expense is reimbursable as an incidental expense which is determined to be a part of the debt service or finance charge payable as part of the mortgage interest differential payment.
  3. Incidental purchase expenses are determined from a copy of the preliminary closing statement (preferred) or a good faith estimate and verified from a copy of the final closing statement.
- D. Mortgage Interest Differential Payment (MIDP) — The payment for increased mortgage interest cost is that amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. Increased mortgage interest costs are based only on bona fide mortgages that were valid liens on the displacement dwelling for at least 180 days prior to the initiation of negotiations. The agent needs to obtain the following information in order to calculate the MIDP:
1. The payment shall be based on the unpaid mortgage balance(s) on the displacement dwelling. The MIDP will be computed based on an available loan program similar to the loan on the displacement dwelling. The displaced person can elect to change loan

- programs once the department determines a threshold for the level of reimbursement on a similar loan program. In the event the person obtains a smaller mortgage than the mortgage balance(s) used to compute the “buy down” amount, the payment will be prorated and reduced accordingly. In the case of a home equity loan, the unpaid balance is that balance which existed 180 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less. Agent will need to obtain copies of displacement dwelling loan documents from the displaced person.
2. The payment is based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.
  3. The interest rate on the new mortgage used in determining the amount of the payment cannot exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located. The agent needs to work closely with the lender to obtain Good Faith Estimates (GFE) on several different options for closing to determine if paying discount points on the replacement loan to obtain the lower rate is more cost effective than payment of an entire MIDP. A combination of both the MIDP and discount points can also be used. It might be helpful to obtain the following:
    - a. GFE to close at today’s rate w/no discount points
    - b. GFE to close at the interest rate of the displacement loan using discount points
    - c. GFE to close with a mid-range interest rate and discount points
  4. Purchaser’s points (discount points) and loan origination or assumption fees, but not seller’s points, are paid to the extent:
    - a. They are not paid as incidental expenses;
    - b. They do not exceed rates normal to similar real estate transactions in the area;
    - c. WSDOT determines them to be necessary; and
    - d. The computation of such discount points and fees are based on the unpaid mortgage balance on the displacement dwelling unless the cost to buy down the interest rate on the entire replacement loan is more cost effective for the agency than paying the calculated MID.
  5. The displaced person shall be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the person’s current mortgage(s) are known. The payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended. Communication with the lender and escrow/title company is necessary to make sure payment can be made available at closing. The calculation should be verified using the excel MIDP program. Contact HQ Relocation for more information.
  6. The payment is contingent upon an actual mortgage being placed on the replacement dwelling.
  7. Other Loan Programs - Contact HQ Relocation for guidance.
- E. Total Payment — The total of the payments for purchase of replacement housing (Price Differential, increased interest, and incidental purchase expenses) cannot statutorily exceed \$22,500 under this section. If the amount exceeds this maximum, housing of last resort is required (see Section 12-6.4).

**12-6.3.1.2 Rent Supplement Payment for 180-Day Owner Who Rents**

- A. General — A displaced owner who is eligible for a replacement housing payment but who elects to rent a replacement dwelling is eligible for a rent supplement payment not to exceed the price differential amount the displaced person would have received as a 180-day owner occupant.
- B. Computation and Disbursement of Payment — The payment is computed and disbursed as provided for a 90-day tenant who rents. The base rental rate is defined as the economic rent plus utilities. Computation for this payment is submitted on a Rent Supplement Report and the Housing Comparison Worksheet. See Chapter 13 for the RES form.

**12-6.3.2 90- to 179-Day Owner Occupant****12-6.3.2.1 Replacement Housing Payments for 90-Day Owner Who Purchases**

- A. A displaced “90-day owner” is treated in the same manner as a 90-day tenant. The replacement housing payment would be calculated as a rent supplement using economic rent obtained from the appraisal for the displacement dwelling.
  - 1. The displaced owner may elect to use the rent supplement as a down payment to purchase a replacement dwelling.
  - 2. The maximum calculated rent supplement cannot exceed the amount of a price differential if the owner had qualified as a 180-day owner.
- B. The owner may salvage and relocate the displacement dwelling in the same manner as a 180-day owner. The Replacement Housing Payment would not exceed the calculated rent supplement.
- C. If the displaced owner elects to rent for a period of time before purchasing a replacement dwelling, any rent already paid shall be deducted from the total calculated Replacement Housing Payment and only the remaining balance will be available as a down payment.

**12-6.3.2.2 Rent Supplement Payment for 90-Day Owner Who Rents**

A displaced 90-day owner, who elects to rent a replacement dwelling rather than purchase is eligible for a Replacement Housing Payment not to exceed \$5,250.

**12-6.3.3 90-Day Tenants****12-6.3.3.1 Rent Supplement for a 90-Day Tenant Who Rents**

- A. General — A displaced 90-day tenant is eligible for a rent supplement payment not to exceed \$5,250 when the following conditions are met:
  - 1. The displaced tenant is in actual and lawful occupancy at the initiation of negotiations for the acquisition of the real property, or is in occupancy at the time a written notice is given by WSDOT that it intends to acquire the property by a given date.
  - 2. The displaced tenant has been in occupancy for at least ninety (90) consecutive days immediately prior to the initiation of negotiations or 90 days prior to the date of vacation, if a notice of intent to acquire was previously delivered.
  - 3. The property is subsequently acquired or an order to vacate is delivered even though the property is not acquired.

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4. The displaced tenant rents and occupies a decent, safe, and sanitary dwelling within one year from the date they move from the displaced dwelling.
- B. Computation of Payment
1. Amount of Payment — A maximum rent supplement payment is calculated using a Rent Supplement Report and Housing Comparison Work Sheet See Chapter 13 for RES forms. The payment is determined by multiplying 42 times the amount obtained by subtracting the base monthly rent and utility costs for the displacement dwelling from the monthly rent and cost of utilities, as determined below in item #2 – Utility Costs, for a comparable replacement dwelling.
  2. Utilities Costs — Utilities include electricity, gas, other heating and cooking fuels, water, and sewer. The relocation agent may use various sources to obtain this information including displaced tenant's receipts or monthly billings, a schedule or average cost provided by the respective utility company or a utility rate cost schedule if available, from the local housing authority. The latter method is preferred by WSDOT. Schedules may be based upon number of adults and children in the family, approximate square footage of the dwelling, type of construction, etc. The data source must be identified under the Correlation and Conclusion portion of the Housing Comparison Worksheet. The method chosen to calculate utility costs must be utilized throughout the entire project (subject dwelling and comparables) to maintain consistent and uniform treatment of all displaced persons.
  3. Base Monthly Rent — This amount is the lesser of:
    - a. The actual monthly rent and average utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the agency (for an owner occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use fair market rent, unless it would result in a hardship because of the person's income or other circumstances.); or
    - b. Thirty percent of the displaced persons's average monthly gross 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 the Public Housing and Section 8 Programs (web site: <http://www.fhwa.dot.gov/realestate/ua/ualic.htm>). The base monthly rent shall be established solely on the criteria in "a" above for persons with income exceeding the survey's "low income" limits, for persons refusing to provide appropriate evidence of income, and for persons who are dependents. A full time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise. The displaced person will need to furnish documentation (i.e. pay stubs, income tax return, bank statements, etc.) of income to support monthly income figures. If the displaced person refuses to provide accurate information regarding income, actual or economic rent is used; or
    - c. The monthly 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.
- C. Change of Occupancy — Displaced Tenant Has Not Used Maximum Entitlement — A tenant, after initially moving to a decent, safe, and sanitary dwelling that does not maximize the calculated rent supplement, may relocate to another higher cost replacement

dwelling within the one-year period, and may submit another claim for the amount in excess of what was originally claimed, but not to exceed the maximum rent supplement computed. The relocation agent makes a decent, safe, and sanitary inspection, confirms the new rental amount, and re-computes the rent supplement based upon the new rental amount. The claim is then processed in accordance with this manual. An additional DS&S inspection is not required if a displaced person maximizes their replacement housing payment and chooses to move to another dwelling prior to the release of their final payment. Once the displaced person rents and occupies a replacement dwelling within the allotted timeframe, the displaced person vests fully in the calculated replacement housing payment.

- D. Government Subsidized Housing – Comparable housing for those occupying government subsidized housing will be determined by the family composition at the time of displacement and current housing program criteria, not the size of the unit currently occupied. WSDOT will not impose their rules of comparability for those occupying government housing.

#### **12-6.3.3.2 Replacement Housing Payment for a 90-Day Tenant Who Purchases**

- A. General — A displaced tenant eligible for a rent supplement payment who elects to purchase a replacement dwelling is eligible to receive an amount, not to exceed the amount of the maximum rent supplement or \$5,250 whichever is greater, to enable the displaced tenant to make a down payment toward the purchase of a replacement dwelling.
- B. The full amount of the replacement housing payment must be applied to the purchase price of the replacement dwelling and related incidental purchase expenses, not including prepaid costs like taxes and insurance. Incidental expenses are inclusive of the total entitlement and cannot exceed the RHP. Since the displaced tenant usually lacks sufficient funds to make the down payment, an escrow arrangement is usually established. The relocation agent should obtain a preliminary closing statement or a good faith estimate from the lender or the escrow company. The agent will need to work closely with the lender and escrow/title company to make sure the down payment is applied and shown correctly on the closing statement. Once the loan closes the agent is required to perform an analysis of the final closing statement to make sure all funds were applied correctly and send it and supporting documentation to HQ.

#### **12-6.3.4 Short-Term Occupants (Less than 90-day occupants) and Subsequent Occupants**

Short-term occupants are persons who have been in occupancy less than ninety (90) days prior to initiation of negotiations. Subsequent occupants are persons who move into the displacement dwelling after initiation of negotiation, but prior to WSDOT's actual acquisition of the property. Displaced persons failing to meet the length of occupancy requirements continue to be eligible for relocation entitlements under housing of last resort. Base monthly rent will be computed in accordance with Section 12-6.3 and displaced tenants will be required to provide the same required documentation.

### **12-6.4 Housing of Last Resort**

#### **12-6-4.1 Applicability**

- A. Basic Rights of Persons to be Displaced — Notwithstanding any provision of this subpart, no person shall be required to move from a displacement dwelling unless comparable replacement housing is available to such person. No person may be deprived of any rights

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the person may have under the Uniform Act or this section. WSDOT will not require any displaced person to accept a dwelling provided by WSDOT under these procedures unless WSDOT and the displaced person have entered into a contract to do so. A displaced person may choose other replacement housing and receive relocation entitlements if all requirements are met by the chosen replacement dwelling.

- B. A number of situations may arise which require the application of this section:
  - 1. The replacement housing payment will exceed the statutory monetary limits set forth as follows:
    - a. \$22,500 for 180-day owner occupants. This amount represents the sum of the price differential, increased mortgage interest, and incidental expenses.
    - b. \$5,250 for 90-day tenant occupant. This amount is the rent supplement.
  - 2. There is no comparable housing available for sale in the entire project area.
  - 3. Comparable housing is not available within the financial means of a displaced person who fails to meet the necessary length of occupancy requirements.
  - 4. A program or project cannot be advanced to completion in a timely manner without housing of last resort.

### **12-6.4.2 Methods of Providing Housing of Last Resort**

- A. Super Payments
  - 1. In the case of a 180-day owner occupant whose total calculated replacement housing payment exceeds \$22,500, usually the most economical and reasonable method of providing housing is by paying the entire calculated RHP towards the purchase of the replacement dwelling.
  - 2. In the case of a 90-day occupant, short-term occupant, or subsequent occupant whose estimated replacement housing payment exceeds \$5,250, usually a rent supplement payment is selected as the most economical method of providing replacement housing.
- B. Rehabilitation or other modifications to an existing dwelling. This may be necessary to enable the dwelling to meet minimum DS&S standards and/or to provide additional bedrooms and other living area.
- C. Purchase of land and improvements.
- D. Construction of new dwellings.
- E. Other methods of providing last resort housing, as approved by the ADRAP.

### **12-6.4.3 Last Resort Housing Narrative**

- A. A last resort housing narrative is required for all cases under this section, where it is estimated that replacement housing payments will exceed statutory limits or comparable DS&S housing is not available, etc.
- B. Anticipated shortfalls of replacement housing, which will require construction or purchase and rehabilitation of existing housing should be addressed as early as the Environmental Impact Statement, if possible. This will allow for sufficient lead-time to ensure that replacement housing will be in place at the appropriate time. Housing of last resort requiring super payment or other solutions must be addressed at the Relocation Plan Stage.

- C. The narrative should be included as part of the agent’s correlation and conclusions which is submitted with the Housing Comparison Worksheet to HQ Relocation.
- D. Relocation payments in excess of \$22,500 for owner occupants and \$5,250 for tenants must be coded properly in the “object of expenditures” portion of the Relocation Assistance Voucher. The payment must be broken out to show that the amount of payment within the statutory limits will be a non-last resort payment while the amount in excess of the limits would be shown as last resort.

### **12-6.5 Residential Moving Entitlements**

A “displaced person” is entitled to receive a payment for moving the personal property located on the displacement property. The displaced person has the option of selecting a commercial move, a self move, or a combination of both. A commercial move is ordered by HQ Relocation upon receipt of the Moving Expense Agreement in accordance with the procedures set forth by the contract administered by the Department of General Administration. A fixed residential move cost is based on a fixed schedule based on the number of eligible rooms. An actual cost self move is support by receipted bills for labor and equipment. Self moves based on the lower of two bids or estimates are not eligible for reimbursement.

- A. Multiple Occupancy of Dwelling Units — Two or more families occupying the same dwelling unit who relocate into separate dwelling units may elect to receive a commercial move or receive a self move for each family. A self move is based on the number of rooms actually occupied by each family plus community rooms utilized by each family.
- B. Dwelling Salvage — When an owner acquires salvage rights to the acquired dwelling, the cost of moving that dwelling onto remainder or replacement land is not eligible for reimbursement as a part of the cost of moving personal property. However, if the displaced person chooses to use this dwelling as a means of moving personal property, the cost of moving personal property is considered eligible. Payment in these cases would be on a self move basis.
- C. Moving Advisory Assistance — The Relocation Agent encourages the displaced person to select a commercial move if there is any concern for the displaced person’s ability to accomplish the move economically or safely by any of the other methods for which the displaced person is eligible. The agent points out the advantages of a commercial move including: professional labor, appropriate equipment, insurance against risks, professional management, and other factors as compared to the risks and other management problems present in any other method of moving.
- D. Disposal of Personal Property and Hazardous Materials – This should be handled according to the procedures set forth in 12-7.2.1 – actual move costs for non-residential displacements.

#### **12-6.5.1 Self Move, Fixed Residential Moving Cost Schedule**

- A. Methods for Providing Scheduled Move Payments – A displaced individual or family is eligible to receive a moving expense and dislocation allowance according to the schedule shown below. The schedule applies to residential occupants of furnished or unfurnished dwelling units. In certain cases, it may be necessary to utilize both methods to calculate a scheduled move payment.

**Fixed Moving Payment Schedule**

**1. Room Count Method**

(For relocating personal property to be moved from a dwelling unit.)

Number of Eligible Rooms	Occupant Owns Furnishings	Payment to Occupant Who Does Not Own Furnishings
1	\$600	\$300
2	\$800	\$350
3	\$1,000	\$400
Additional Rooms	\$200 each	\$50

Dislocation Allowance = \$400 and is included in the 1st room count above

**2. Additional Personal Property Method**

The above schedule can be used when relocating personal property such as vehicles, RV's, boats, and trailers from the outside areas surrounding the residential dwelling unit. The agent must figure the number of eligible rooms based on the volume of the property to be moved. Excessive room counts for this type of move would be best handled as an actual cost self move.

**B. Computation**

1. The moving expense payment is computed on the number of furnished rooms in the dwelling unit (not to include bathrooms) plus basements, attics, garages, and "out buildings" if such spaces do, in fact, contain sufficient personal property to constitute a room or rooms.
2. The number of eligible rooms are documented by the Relocation Agent in the diary. This room count shall be approved by the Region Relocation Supervisor. Where unusual personal property situations exist, other rooms may be added as long as justification and documentation are provided and the Region Relocation Supervisor approves.
3. In cases where there is an abundance of personal property in the residence and there are more than the typical number of operating or non-operating vehicles such as boats, trailers, etc. on a residential dwelling site, the cost to move the personal property items located in the residence should be handled by a room count and the remainder should be handled as an actual cost move supported by receipts and/or invoices. Typically moves of this size are difficult for a displaced person to handle on their own and it might be difficult for them to move the items off the right of way in a timely manner.

**C. Occupant Landlords** — Occupant landlords may elect either move method but only for their own living unit. Landlords are considered to be business operators and as a business operator, such landlord may be eligible for the business moving payments with respect to the personal property furnishings in rental units.

**D.** In cases where the displacement is a sleeping room, such as a dormitory, and the displaced occupant has little personal property, the fixed payment is limited to \$50. See above fixed residential move schedule.

**E. Authorization** — Before the move, the Relocation Agent and the displaced person complete the Moving Expense Agreement, which confirms the type of move and agreed upon amount (for a self move.)

- F. Inspection — After the move, the Relocation Agent inspects the acquired dwelling and verifies that all the personal property has been removed. If sufficient quantities of personal property remain, which would constitute a room or rooms, the agent will reduce the number of rooms and adjust the payment accordingly. Diary entries are required to verify the results of the inspection and any adjustments to the moving expense payment. The agent should also record the vacate date in the diary and make the necessary computer entries.

#### **12-6.5.2 Self Move – Actual Cost**

- A. The displaced person may elect to perform an actual cost move supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.
1. The relocation agent works closely with the displaced person to develop a written and photo inventory of the personal property items to be moved.
- B. Computation - The relocation agent reviews the supporting documentation submitted by the displaced person to make sure the charges are considered reasonable and necessary for the amount of personal property that was moved. If there is a question as to the reasonableness of the costs submitted, the agent may have to provide both the photo and written inventory to a commercial mover and ask for an estimate.
1. The computation and supporting documentation is sent to the ADRAP for review and approval.

#### **12-6.5.3 Residential Commercial Move**

- A. A displaced person may elect to have the department contract for and pay a commercial mover directly for the move of their personal property. A Moving Expense Agreement is required and completed and forwarded to HQ so the move can be ordered. The move will be ordered in accordance with procedures set forth by the Department of General Administration. The Relocation Agent will advise the displaced person that any item considered to be irreplaceable or of exceptional value should be identified. The relocation agent should also obtain from the displaced person a value of the personal property to be moved. Special arrangements may need to be made for moving these items separate from the rest of the displaced person's property. A memorandum to the ADRAP describing the items requiring special handling is required along with the agent's recommendation on a moving method.
- B. Other Expenses — Under certain unusual and/or unforeseen circumstances, it may be necessary to reimburse the displaced person for actual costs incurred during their move. The region submits a memorandum to the ADRAP explaining the situation and requests approval for reimbursement of certain expenses as follows:
1. Actual costs of temporary lodging and meals based on either actual receipts or using state per diem rates.
  2. Actual costs of transportation of displaced persons to the replacement dwelling if necessary in special cases such as ambulance transport or special transport of disabled persons.

#### **12-6.5.4 Ineligible Moving and Related Expenses**

Refundable security deposits and utility deposits are considered ineligible expenses and cannot be reimbursed to the displaced person.

## 12-6.6 Claiming Relocation Entitlements

### 12-6.6.1 Replacement Housing Claims

#### A. Requirements

1. 180-Day Owner — must purchase or rent and occupy a DS&S replacement dwelling within one year from the later of:
  - a. The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in court; or
  - b. The date the person moves from the displacement dwelling.
2. 90- to 179-Day Owner — must purchase or rent and occupy a DS&S replacement within one year from later of:
  - a. The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in court; or
  - b. The date the person moves from the displacement dwelling.
3. 90-day, Less than 90-day, or Subsequent Tenant — must purchase or rent and occupy DS&S within one year from the date the person moves from displacement dwelling.

#### B. Disbursement of Replacement Housing Payments

1. RHP to 180-day owner occupant –Replacement housing payments can be disbursed in the following manner:
  - a. Escrow Option - This is accomplished by utilizing the Entitlement Instructions format found in Chapter 13. The relocation agent explains to the displaced owner (buyer), the seller, and the Escrow Agent, that:
    1. The entire amount of WSDOT’s payment is to be applied toward the purchase price and applicable closing costs associated with the purchase of the replacement dwelling as stated in the Entitlement Instructions.
  - b. Direct Payment to the Displaced Owner Option - This is accomplished by the following:
    1. Reimbursement will be made directly to the displaced owner based on a **final** closing statement and submittal of all other supporting documentation (i.e. purchase & sale agreement, contract, receipts, etc.).
      - (a) If a displaced owner goes into an assisted living situation, the payment can be made directly to the displaced owner based on a signed resident agreement and copy of monthly charges along with any other supporting documentation (i.e. terms of care, breakdown of fees, etc.). Contact HQ for current policy on disbursement of funds for this situation.
    2. Direct payment can be made to the Seller on behalf of the displaced owner based on a final closing statement and submittal of all other supporting documentation (i.e. purchase & sale agreement, contract, receipts, etc.). In this case, the relocation assistance voucher must be made out to both the displaced owner and the Seller.

- (a) If a displaced owner goes into an assisted living situation, the payment can be made to the care facility on behalf of the displaced owner based on a signed resident agreement and copy of monthly charges along with any other supporting documentation (i.e. terms of care, breakdown of fees, etc.). In this case, the relocation assistance voucher must be made out to both the displaced owner and the care facility. Contact HQ for current policy on disbursement of funds for this situation.
2. RHP to 90-day occupant/less than 90-day occupant/subsequent occupant – The following types of replacement housing payments can be made:
  - a. Full payment to the displaced tenant if the RHP does not exceed \$5,250.
  - b. A split payment with the initial payment of \$5,250 made at the time the displaced tenant occupies a qualified replacement dwelling and the remaining entitlement amount paid six months later.
  - c. The entire amount of the rent supplement is applied toward down payment and closing costs for the replacement dwelling. Incidental expenses are inclusive of the total entitlement and cannot exceed the RHP.
    1. Escrow Option – This is accomplished by using the Entitlement Instructions for Down Payment Assistance format found in Chapter 13. The relocation agent explains to the displaced tenant (buyer), the seller, and the Escrow Agent, that:
      - (a). The entire amount of WSDOT’s payment is to be applied toward the purchase price and applicable closing costs associated with the purchase of the replacement dwelling as stated in the Entitlement Instructions
    2. Direct Payment to the Displaced Tenant – This is accomplished by either of the following:
      - (a). Reimbursement will be made directly to the displaced tenant based on a final closing statement or equivalent documentation.
      - (b). Direct payment can be made to the Seller on behalf of the displaced tenant. In this case, the relocation assistance voucher must be made out to both the displaced tenant and the Seller.
- C. The relocation agent completes a DS&S inspection to determine if replacement dwelling meets minimum standards to receive replacement housing payment.
- D. The relocation agent obtains all necessary documentation to substantiate the purchase price of the replacement dwelling, i.e. purchase and sale agreement or owner contract.
- E. The relocation agent completes the actual calculation portion of the Price Differential Report or Rent Supplement Report, obtains necessary signature on form and sends to HQ with supporting documentation, i.e. purchase and sale agreement, rental agreement, and DSS report for approval prior to the submittal of the relocation assistance voucher for payment of the replacement housing entitlement. The agent should consult with the acquisition agent to determine if the displaced person received an administrative settlement. If so, this will have an affect on the actual calculation of the RHP and the agent will need

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to send the displaced person a revised entitlement letter. See Chapter 13 for the appropriate RES form. If an administrative settlement eliminates the price differential payment, the displaced person is still eligible to receive reimbursement of the following:

1. MIDP
2. Incidental Closing Expenses

The agent must perform a DS&S inspection on the replacement dwelling prior to making any of the above payments.

- F. The relocation agent obtains preliminary information from the escrow company or displaced person to determine eligible incidental closing costs, if any. Typically, this information is supplied to the relocation agent by the escrow company in the form of a HUD statement (preliminary closing statement).
- G. The relocation agent works with the displaced person and the lender when necessary to calculate the Mortgage Interest Differential Payment (MIDP), if any, prior to closing.
- H. The relocation agent prepares the appropriate vouchers which are used as the claim for payments, obtains displaced person's signatures, and secures agency signatures as provided on the Relocation Assistance Voucher form. The relocation agent should also obtain a W-9 form from the payee listed on the relocation assistance voucher, i.e. displaced person or vendor. This form should be obtained in accordance with the procedures set forth in Chapter 10.
- I. The relocation agent submits all claims, on behalf of the displaced person with W-9 form, to Headquarters for approval and payment.

### 12-6.6.2 Moving Claims

- A. The relocation agent and the displaced person should agree on the type of move to be selected by the displaced person prior to any move taking place.
  1. If a self move is chosen, all parties should agree on room count, any additional compensation for personal property items to be moved as addressed in the scheduled payments section of Section 12-6.5 and sign the Moving Expense Agreement.
  2. If a commercial move is chosen, the relocation agent should obtain from the displaced person a value for the personal property to be moved and all parties should sign the Move Expense Agreement and submit it to Headquarters for ordering a mover in accordance with the GA contract for residential moves.
- B. The relocation agent is responsible for monitoring the residential move. This can be accomplished by an on-site visit or phone call the day the move begins. This will ensure the personalty is moved to the replacement site and will help to answer any questions that may arise the day of the move. The agent should document all monitoring activities in the diary.
- C. When the move is complete, the relocation agent verifies that all personal property is removed from displacement property and verified to be at the replacement property and completes the Vacate Inspection form (see Chapter 13 for the RES form). Verification can include photos of the vacated site and photos of the replacement site. The relocation agent should clearly document the on-site vacate inspection in the diary and enter the vacate date on the relocation voucher and in the RES data collection system. Upon such verification, the relocation agent prepares a claim (voucher), secures the appropriate signatures and submits the claim to Headquarters for processing and payment. If the displaced person fails to move all the personal property an adjustment should be made in the payment

amount prior to getting a voucher signed. The agent is then responsible to clear the items which can be accomplished by hiring a professional mover or coordinating with Property Management for removal of items. The relocation agent should also obtain a W-9 form from the payee listed on the relocation assistance voucher, i.e. displaced person or vendor. This form should be obtained in accordance with the procedures set forth in Chapter 10.

- D. In case of a commercial move, the relocation agent verifies that the move is complete.
1. If personal property is not removed and not abandoned, the relocation agent should consult with HQ Relocation and the moving company to arrange to have said remaining property moved to the replacement property. If they are items that the commercial mover is unable to move then the agent should make necessary arrangements with a specialty mover or the displaced person to get the items moved to the replacement location.
  2. If the personal property is not removed and is abandoned, the relocation agent should get an abandonment notice signed by the displaced person and should make the necessary arrangements with a mover or Property Management to get the items removed from the property.
  3. When the move is complete, invoices from the movers will be received in HQ and processed for direct payment to the movers. The relocation agent will need to obtain a W-9 form from the mover in accordance with the procedures set forth in Chapter 10.
- E. The relocation agent assures that the displaced person makes a claim for move payment within 18 months after vacating the displacement property or receiving final payment, as appropriate. If the displaced person has not claimed moving entitlements, the relocation agent advises the displaced person of time remaining within which to file a claim using the RES form located in Chapter 13.

#### **12-6.6.2.1 Abandonment of Personal Property**

The agent should work closely with the displaced person to remove all personal property items from the right of way. The agency will pay the cost to move the items as set forth in 12-6.5 – Moving Entitlements and appropriate calculations should be performed and required notices provided. Disposal costs are not paid in addition to the move costs. The agent should not encourage items to be left on the property. In the rare instance personal property is left at the displacement property, the relocation agent will need to obtain ADRAP approval prior to obtaining a signed abandonment letter from the displaced person stating the displaced person is abandoning the personal property to the state and will not claim payment for moving said abandoned property. Once ADRAP approval is obtained, the moving expense attributable to the abandoned property should be deducted from the displaced person's final move payment. (Refer to Chapter 13 for the RES form.) The relocation agent should make the necessary arrangements through the relocation assistance program to hire a mover to clear the property or check with Property Management to get the items removed from the property. If the property is clear upon vacate inspection, the agent should not obtain a signature from the displaced person on the abandonment notice.

#### **12-6.6.3 Residential Payment Claims**

As a general rule, moving cost payments and replacement housing payments are not made prior to completion of the move, and/or occupancy of the replacement dwelling. However, exceptions arise where, due to extenuating circumstances, the case merits special consideration. When these special cases arise, the ADRAP may authorize advance payment of relocation claims.

- A. Advance Replacement Housing Payments**
1. Advance payment may be necessary in cases where a displaced person is entitled to a replacement housing payment for a replacement dwelling but does not have sufficient funds with which to gain the right of occupancy prior to receiving relocation payments.
  2. It is a good idea to make advance replacement housing payment for an owner occupant to an escrow agent. However, there may be certain situations where a displaced owner may elect to purchase a replacement dwelling on contract or pay the purchase price in full and may choose not to have the transaction closed in escrow.
  3. Any displaced occupant must be in agreement with making payments directly to a 3rd party on their behalf. This is accomplished by having the displaced person sign the relocation voucher. The relocation agent must also clearly document in the diary that the payment is being made at the request of the displaced person. The relocation agent should obtain a W-9 form from the payee listed on the voucher in accordance with the procedures set forth in Chapter 10.
  4. Requests for down payment and rent supplement advances are authorized where payment of the down payment or a rental deposit is a prerequisite to occupancy.
  5. Requests for advanced replacement housing payments to owners are considered necessary when the funds made available directly to the displaced person from the department's acquisition of the property are insufficient to secure occupancy of a replacement dwelling.
  6. The burden of proving the reasonableness and necessity of advance payments rests upon the displaced person requesting the advance payment.
- B. Advance Moving Payment - When a displaced person is financially unable to pay the expenses involved in a move, a payment in advance of the move may be authorized. Payments reasonably necessary to cover the costs incidental to moving may be approved by the Regional RES Manager and paid in advance of the move. This advance payment may cover such incidental expenses as transportation, equipment and materials. Advance payment must be authorized by the ADRAP, acting upon a written request from the displaced person or region relocation agent. The amount of any proposed advance payment should not exceed 25 percent of the total move amount, unless there are unusual and extraordinary circumstances. The amount previously paid is deducted from any reimbursement for moving expenses which is due the displaced person upon completion of the move.**

**12-6.6.3.1 Processing and Payment of Claims**

- A. When the displaced person is ready to make claims for any or all of their relocation entitlements, including moving costs, price differential payments and associated incidental costs, rent supplement or down payment, the relocation agent provides the displaced person with appropriate forms for making the claim and secures necessary documentation from the displaced person, which includes a W-9 form.
- B. Once these forms are signed by the displaced person, the claim (voucher), completed W-9 form, and associated documentation are transmitted to Headquarters for final approval.
- C. Upon final approval by Headquarters, the ADRAP authorizes payment and the voucher is forwarded to the accounting section for processing and generation of the payment (warrant).

- D. Both the region and Headquarters should monitor partial and advanced payments to assure that the displaced person does not receive payment in excess of their maximum entitlements.

## 12-7 Non-Residential Relocation Entitlements - (Business, Farm, and NPO)

### 12-7.1 Eligibility

- A. Displaced businesses, farms, and nonprofit organizations may become eligible to receive moving payments for the following:
1. Moving of personal property located within the acquired right of way.
  2. Moving of personal property when the acquisition of real property used for a non-residential use causes the displaced occupant to vacate a dwelling or other real property not acquired.
  3. Reasonable and necessary moving payments for moving a property owner's non-residential related personal property from a non owner occupied residential property.
  4. One move, except where it is determined by the ADRAP that it is in the public interest to authorize more than one move.
- B. A non-residential displacement must be in lawful occupancy of the displacement site at the time of initiation of negotiations or subsequent to the initiation of negotiations but prior to its acquisition.

### 12-7.2 Non-Residential Moving Payments

#### 12-7.2.1 Actual Move Costs

The determination of realty versus personalty should be resolved prior to working with the displaced business to prepare an inventory of the personal property items to be relocated. This should be accomplished early in the process (the occupancy survey stage) as described in section 12-4.2 Relocation Planning. The agent should be able to consult the appraisal for a list of those items determined to be real property.

- A. A displaced business is entitled to payment for actual moving costs which are determined by the department to be reasonable and necessary. Actual moving costs include:
1. Transportation of personal property within a 50-mile radius.
  2. Packing, crating, unpacking, and uncrating of personal property.
  3. Disconnecting, dismantling, removing, reassembling, and reinstalling equipment, machinery, and other personal property.
  4. Storage of personal property for a period not to exceed 12 months if such expense is determined to be reasonable and necessary. Requests for storage from the displaced person must be in writing and submitted to the ADRAP for pre-approval.
  5. Insurance for the replacement value of the personal property during the move and necessary storage.
  6. Any license, permit, or certification required at the replacement site, which the displaced business had at the displacement location. The amount of this payment may be based on the remaining useful life of the existing license, permit, or certification.

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7. The replacement value of property lost, stolen, or damaged during the move (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
8. Professional services for planning, moving, and reinstalling the personal property. Refer to Section 12-7.5 for a list of those professional services considered to be eligible for reimbursement by WSDOT. The business owner should be advised to obtain Scope of Work bids as outlined in section 12-5 Advisory Services.
9. Relettering signs and replacing printed materials made obsolete by the move.
  - a. The agent should work with the displaced business to complete an inventory (see Chapter 13 for appropriate RES form) of those items considered obsolete due to the move. This should be done no later than the day of the move. The agent should also obtain samples of any items to be reprinted. The department will reimburse the displaced business owner either the cost to reprint the stock on hand or the minimum print run. Once the items have been reprinted, the agent must obtain invoices and verify with the printing company the minimum print runs.
  - b. Costs incurred by a displaced business to notify its customers of its move to a replacement site, which may include but not limited to post card mail-outs to existing customers or the revision of a yellow pages advertisement and/or website are eligible reimbursement costs subject to the following conditions:
    1. The cost must be documented, actually incurred, and reasonable. For example, the reimbursement for revising a website must be supported by documentation evidencing the costs incurred and would not extend beyond basic changes such as the change of address, phone number, directions, and/or map to the new site. The design and incorporation of product descriptions and photographs, links, etc., would not be reasonable.
    2. The costs for notifying customers and the public of the business' change of location are eligible as a actual moving expenses and considered as other moving related expenses that are not listed as ineligible.
    3. Actual and reasonable costs incurred by the business to advertise the replacement location beyond notification to customers and public of the business' change of location, are eligible reestablishment expenses. This may include newspaper ads, flyers, or other forms of media advertising to attract customers to the new location, i.e. the business might place a newspaper ad for a grand opening. Such costs are limited to advertisement of the replacement location and do not include costs to advertise products.
10. Actual Direct Loss of Tangible Personal Property. This payment is the lesser of the fair market value in place of the personal property item as is for continued use at the displacement site or the estimated cost to move the item as is (not including storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site) (see 12-7.2.1.1 for details).
11. The reasonable cost incurred in trying to sell an item that is not to be relocated.
12. Purchase of Substitute Personal Property. If an item of personal property is not moved, but is promptly replaced with a substitute item, this payment is the lesser of the cost to purchase this substitute item, including installation, or the estimated cost to move the item (see 12-7.2.1.2 for details).

13. Expenses for searching for a replacement location, including transportation costs; meals and lodging; time or labor costs based on reasonable salary or earnings; fees paid to real estate agents or brokers to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites; time spent in obtaining permits and attending zoning hearings; and time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings. This payment shall not exceed \$2,500.
  - a. Agent should obtain a detailed site search log from the displaced business along with appropriate backup documentation, i.e. listing sheets, photos, list of contacts, receipts for lodging, mileage tracking sheets, etc.
14. Reasonable costs to secure professional move bids.
15. Low Value/High Bulk. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the displacing Agency, the allowable moving cost payment shall not exceed the lesser of: The amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the Agency. It is WSDOT's responsibility to determine what is reasonable and necessary for the relocation of those items, for the purposes of establishing a reimbursement threshold. For example, if the personal property to be moved includes an item which, because of its bulk or excessive costs required for disconnecting, moving and reconnecting such item, would be cheaper to replace than to move, WSDOT must limit reimbursement to the cost to replace—even if the displaced person elects to move the item.
16. Disposal of Personal Property and Hazardous Materials. A displaced person is eligible to be reimbursed for relocating personal property to a replacement site. The requirement includes items that may be of little value or use, items which because of their bulk are more costly to move than to sell or replace, and continued or free-standing personal property which is considered to be hazardous material. WSDOT does not have the ability to preclude the displaced person from relocating these items; nor, can we refuse the reimbursement if these items are relocated. WSDOT does have the authority and the responsibility to base the reimbursement of these items on what is "reasonable and necessary". While the displaced person's wishes with regard to the move of the personal property will be considered, the WSDOT is accountable for the expenditure of public funds and must apply the test of "reasonable and necessary".
  - a. As a general rule, WSDOT will not pay disposal costs for personal property in addition to move costs. If the displaced person wishes to dispose of the personal property, any amounts that exceed the calculated move costs will not be reimbursed.
  - b. In the case of hazardous materials which are considered to be personal property and eligible for moving cost reimbursement, the following guidelines will be used in applying the "reasonable and necessary" criteria:
    1. The costs determined by bid, estimate, or other procedural process for moving these materials to the replacement site (for a business that is reestablishing) are eligible for reimbursement.

2. If the displaced person voluntarily elects to dispose of these materials at a dump or other authorized disposal site, they can be reimbursed for the actual costs to transport and disposal, but not to exceed the costs of transporting the materials to the replacement site to which the business is relocating. (For example, if the estimated cost to move the materials to the replacement site is \$5,000 and the cost to transport to a disposal site plus the disposal fees are \$10,000, the reimbursement will be limited to \$5,000 if the displaced person used the disposal option.)
3. If the displaced person must transport those hazardous materials to a dump or disposal site based on Federal, State, or local code or ordinance that precludes them from moving the materials to the replacement site, then the costs of transport and disposal would be eligible. Such code or ordinance must be adequately documented in the official relocation file.
4. If the displaced person cannot move these materials to the replacement site because of inadequate storage space, then WSDOT must determine whether there were reasonably available sites to which they could have moved that would have allowed storage space for these materials. If the determination is that alternate sites were not reasonably available, then WSDOT can reimburse the displaced person for the costs of transporting and dumping of these materials at a disposal site. If, on the other hand, alternate sites were reasonably available, then reimbursement for the costs of transporting and disposing of the materials will be limited to the estimated cost to move the materials to the replacement site (or, if there is any appreciable difference, the cost of moving the materials to a reasonably available alternate site). The key issue here is WSDOT will not reimburse the costs of disposing of these materials if WSDOT's project does not limit the displaced person's options for relocating these materials or necessitate disposal.

B. Move Options

Personal property as determined by an inventory from a business, farm or nonprofit organization may be moved by one or a combination of the following methods:

1. Commercial Move – based on the lowest acceptable bid of two bids or estimates prepared by a commercial mover. WSDOT prefers to obtain three bids if possible. WSDOT will reimburse the bidder a reasonable amount to prepare requested bids. The agent should discuss and come to an agreement with movers either prior to or during the walk through of the displacement site. The bid prep fee can be based on a flat fee or hours of preparation.
  - a. The owner of a displaced business can request that WSDOT provide a commercial mover and pay that mover directly. The displaced business must indicate this option on the Moving Expense Agreement and cooperate with WSDOT by preparing a photo and written inventory and working with the Relocation Agent to prepare a Request for Proposal and Moving Specification. See Chapter 13 for RES form and contact Headquarters for samples of appropriate RFPs.
  - b. Based on the inventory, moving specification, and any other information available, the Relocation Agent must obtain three bids, if possible, from qualified

- commercial movers. If a mover submits a bid, they will be compensated for their reasonable costs of preparing said bid. The bids, Moving Expense Agreement, inventory, Request for Proposal and Moving Specification, and region recommendation are then submitted to the ADRAP for review/approval.
2. Self-Move, Negotiated Cost – a self move payment may be based on one or a combination of the lowest acceptable bid of two bids or estimates prepared by a commercial mover or qualified Agency staff person if the move is considered small and uncomplicated and estimated move costs are less than \$5,000. Payment for a low cost or uncomplicated move may be based on a single bid or estimate. The agent must provide a recommendation for approval to HQ requesting the use of a single bid or estimate.
    - a. The displaced business may elect to take full responsibility for the move of their business or farm operation. In this event, the displaced business must prepare an inventory of the personal property to be relocated and assist the Relocation Agent in the preparation of a Request for Proposal and Moving Specification. The relocation Agent then obtains three bids from qualified commercial movers. The region submits the bids with all supporting information to the ADRAP for review and approval with their recommendation to offer a payment to the displaced business for move costs.
    - b. The amount of the payment to be offered to the displaced business may not exceed the lowest acceptable bid submitted by a commercial mover. The Relocation Agent may negotiate a move cost lower than the lowest acceptable bid, taking into account the profit and overhead costs which the commercial mover includes in their bids.
    - c. In cases where the move cost appears to be \$5,000 or less and the move is considered small and uncomplicated, the relocation agent can expedite the process and develop an agent move cost estimate in accordance with Chapter 12-7.4 of this Right of Way Manual. The displaced business, with the help of the relocation agent, will prepare an inventory of the items to be moved. The region will submit the move cost estimate with all supporting documentation to the ADRAP for review and approval.
  3. Self-Move, Actual Cost – an actual cost self move may be necessary if time constraints or unreasonable circumstances prevent the agent from obtaining move bids or estimates.
    - a. If bids cannot be obtained due to time constraints or unreasonable circumstances (like fluctuating inventory), the displaced business may move their business using their own resources. The displaced business will be reimbursed their actual and reasonable moving costs as documented by paid receipts or other reasonable evidence of expenses. The agent reviews the supporting documentation submitted by the displaced business to make sure the charges are considered reasonable and necessary for the amount of personal property that was moved. If there is a question as to the reasonableness of the costs submitted, the agent may have to provide both the photo and written inventory to a commercial mover and ask for an estimate.

4. Combination of Commercial and Self Move - A displaced business may elect to have a combination of both a commercial and a self move. The displaced business must coordinate with the Relocation Agent and the commercial mover to insure that all parties have a clear understanding of the respective roles and responsibilities. The relocation agent must closely monitor the move to confirm that each party is performing the correct tasks and duties. A moving expense agreement should be signed prior to the move.
5. Move Monitoring – The relocation agent is responsible for monitoring the move of the displaced business. This can be accomplished by an on-site visit or phone call the day the move begins. This will ensure the personalty is moved to the replacement site, will help to support the inventory, will help to identify those items not moved which could potentially lead to a claim for a direct loss of tangible or substitute personal property, and will help to answer any questions that may arise the day of the move. The agent should document all monitoring activities in the diary.
6. Upon completion of the move, the relocation agent should perform a post move inventory. This may include photos of the vacated site, photos of the replacement site, identification of equipment requiring disconnects and reconnects, and/or any special considerations used to calculate the move cost estimate. For example, the agent would need to substantiate that a crane was used to move a specialized piece of equipment if, in fact, the cost of crane was included in move cost estimate or bid. This post move inventory can be accomplished in the diary or as a separate document.

**12-7.2.1.1 Actual Direct Losses of Tangible Personal Property**

- A. Eligible Items — Actual direct losses of tangible personal property are allowed when incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:
  1. The fair market value in place of the item as for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless WSDOT determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or
  2. The estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. (If the business or farm operation is discontinued, the estimated moving cost is based on a distance of 50 miles.)
- B. Evidence of Sale and Cost — The owner is required to document the sale prices, if any, and the actual reasonable cost of advertising and conducting a sale. The owner must provide WSDOT with a copy of the bills of sale or similar documents and copies of any advertisements, offers to sell, auction records, and other data supporting the bona fide nature of the sale.
- C. Determination of Expenses and Losses — The region compares the amount of the loss (value for continued use) with the reasonable moving expense and recommends payment of the lesser amount in an explanatory memo addressed to the ADRAP.
- D. Losses Due to Unsuccessful Sale and Abandonment — Whenever a bona fide sale is not completed because no offer is received for the eligible item and the item is abandoned, the amount of the eligible payment is the lesser of the fair market value in place of the item(s)

for continued use at its location prior to displacement or the estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site.

- E. When personal property is abandoned with no effort being made by the owner to dispose of such property by sale, the owner is not entitled to moving expenses or losses for the items involved. This requirement can be waived by the ADRAP on a case by case basis depending on circumstances.
- F. The cost for removal of abandoned personal property will not be considered as an offsetting charge against other payments that the displaced person is entitled to receive.

#### **12-7.2.1.2 Purchase of Substitute Personal Property**

- A. If an item of personal property, which is used as part of a business or farm operation, is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:
  1. The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
  2. The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. The estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.
- B. "Trade-in value" may be substituted for net proceeds of sale where applicable.
- C. Losses Due to Unsuccessful Sale and Abandonment — Whenever a bona fide sale is not completed because no offer is received for the eligible item and the item is abandoned, the amount of the eligible payment is as stated in "A" above.
- D. When personal property is abandoned with no effort being made by the owner to dispose of such property by sale, the owner is not entitled to moving expenses or losses for the items involved. This requirement can be waived by the ADRAP on a case by case basis depending on circumstances.
- E. The cost for removal of abandoned personal property will not be considered as an offsetting charge against other payments that the displaced person is entitled to receive.

#### **12-7.2.2 Ineligible Move Costs**

A displaced business is not entitled to payment for:

- A. The cost of moving any structure or other real property improvement in which the displaced person reserved ownership.
- B. Interest on a loan to cover moving expenses.
- C. Loss of goodwill.
- D. Loss of profits.
- E. Loss of trained employees.
- F. Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided as a re-establishment expense.
- G. Personal injury.
- H. Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the agency.

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- I. Physical changes to the real property at the replacement location of a business or farm operation except as provided as a re-establishment expense.
- J. Costs for storage of personal property on real property already owned or leased by the displaced person.
- K. Refundable security and utility deposits at the replacement location.

### **12-7.2.3 Reestablishment Expenses**

In addition to actual move costs, a small business, farm, or nonprofit organization may be eligible to receive a payment, not to exceed \$50,000, for expenses incurred in re-establishing their operations at a replacement location. These re-establishment expenses must be actual, reasonable, and necessary as determined by the department.

#### **A. Eligible Expenses**

- 1. Repairs or improvements to the replacement property as required by law or code.
- 2. Modification to the replacement property to enable the business to operate.
- 3. Construction and installation of new signage to advertise the business.
- 4. Redecoration or replacement of soiled or worn surfaces such as carpeting, paint, paneling.
- 5. Advertisement of the replacement location.
- 6. Increased cost of operations for two years at the replacement site for items such as rent, taxes, insurance, and utility costs.
- 7. Other items WSDOT considers essential to the reestablishment of the business.

#### **B. Ineligible Expenses**

- 1. Purchase of capital assets such as office furniture, machinery, trade fixtures.
- 2. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of business.
- 3. Interior or exterior refurbishments at the replacement site for aesthetic purposes that exceed the maximum reestablishment payment.
- 4. Interest on money borrowed to make the move or purchase the replacement property.
- 5. Payment to a part-time business in the home which does not contribute materially to the household income.

### **12-7.2.4 Related Nonresidential Eligible Expenses**

The following expenses, in addition to those move costs discussed in section 12-7.2.1 are eligible for reimbursement provided they are actual, reasonable and necessary:

- A. Connection to available nearby utilities from the right-of-way to the improvements at the replacement site. This does not include the costs of installing a well or septic at the replacement site. This constitutes the purchase of a capital asset per WAC 468-100-306(2)(a) and are considered not eligible for reimbursement.
- B. Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but

not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of WSDOT, a reasonable pre-approved hourly rate may be established.

- C. Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by WSDOT. For clarification, the term “impact fees”, as it appears in WAC 468-100-303(3), pertains strictly to heavy utility usage. The full sentence in that regulation reads: “Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by the Agency.” The meaning of that sentence is that the prepositional phrase “for anticipated heavy utility usage” applies to both “impact fees” and “one time assessments”.

### **12-7.3 Fixed Payment for Nonresidential Moving Expenses**

A business, farm, or nonprofit organization may be eligible to choose a fixed payment in lieu of any payment(s) for actual costs for moving and re-establishment. This payment is sometimes referred to as an “In Lieu” payment. The payment is based on net earnings rather than actual moving costs. The minimum payment is \$1,000 and the maximum payment cannot exceed \$20,000 depending on the net earnings of the displaced business, farm, or NPO.

#### **12-7.3.1 Business Eligibility**

- A. The displaced business will be eligible for the Fixed payment if the department determines that:
1. The business is not part of a commercial enterprise having more than three other establishments (not being acquired by the state) engaged in the same or similar business.
  2. The business is not operated at the displacement dwelling or site solely for the purpose of renting said dwelling on site to others.
  3. The business cannot be relocated without a substantial loss of its existing patronage.
  4. The business contributed materially to the income of the displaced person during the two taxable years prior to the displacement. The term “contribute materially” is defined in Section 12-4.1.
  5. The business owns or rents personal property which must be moved as a result of WSDOT’s acquisition and for which the displaced business would incur an expense.
- B. Determining the Number of Businesses — In determining whether two or more business activities constitute a single business (entitled to only one fixed payment) or two or more separate businesses (each entitled to fixed payment), all pertinent factors shall be considered, including the extent to which:
1. The same premises and equipment are shared;
  2. Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;
  3. The entities are held to the public, and to those customarily dealing with them, as one business; and
  4. The same person or closely related persons own, control, or manage the affairs of the entities.

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- C. Loss of Existing Patronage
  - 1. Determination as to loss of existing patronage is made only after consideration of all pertinent circumstances, including but not limited to the following factors:
    - a. The type of business conducted by the displaced person.
    - b. The nature of the clientele of the displaced person.
    - c. The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person
  - 2. The term “loss of existing patronage” is construed to mean loss of support or loss of business by customers, patrons, clients, or paying guests. Whenever it is reasonably presumed that the net income of the business for the 12-month period after relocation will be less than the net income of the business before relocation, it can be construed that the business will suffer a “loss of existing patronage.”
  - 3. A business is presumed to meet the requirement for establishing loss of patronage unless WSDOT determines otherwise.
- D. Payment Determination — The term “average annual net earnings” means one-half of the net earnings of the business before income taxes, during the two taxable years immediately preceding the taxable year in which the business relocated.
  - 1. If the two taxable years immediately preceding displacement are not representative, the Relocation Agent may use a period that would be more representative. Prior to using this alternative procedure, it is first determined that the proposed construction or other non-typical factors not within the control of the displaced business were the cause of a decline in net income for the business.
  - 2. “Average annual net earnings” includes any compensation paid by the business to the owner, the owner’s spouse, or dependents.
  - 3. In the case of a corporate owner of a business, earnings include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation and do not include compensation paid to said owner. For the purpose of determining majority ownership, stock held individually, jointly, or in common by a husband, his wife, and their dependent children is treated as being held in one and the same interest.
- E. In Business Less Than Two Taxable Years — If a business has been in operation for less than two years prior to displacement, the average annual net income is determined by averaging the monthly net income and prorating this amount for 24 months.
- F. Owner Provides Information — For the owner of a business to be entitled to this payment, the business must provide information to support its net earnings. The Relocation Agent assists the displaced business in completing the Application for Fixed Payment for Moving Expenses: Business-Farm-NPO (see Chapter 13 for the RES form). This form indicates the requirements for eligibility and the method of computation of the payment. It also requires that the displaced business attach copies of income tax returns and/or other evidence from which “average annual income” is determined in the application.
  - 1. Income tax returns for the tax years in question are the best source of information. A copy of such tax returns would be accepted as evidence of earnings.

2. Other forms of information commonly used for official business purposes may also be accepted such as financial statements certified by a qualified practicing professional (such as a CPA or an attorney).
3. WSDOT may accept an affidavit from the owner certifying the amount of net earnings and granting WSDOT the right to review the records and accounts of the business. The owner's statement alone is not sufficient if the amount claimed exceeds the minimum payment of \$1,000.
4. Strict confidence regarding tax returns is maintained and no other use is made of them.

### **12-7.3.2 Farm Operation**

In lieu of actual cost payments, any owner of a displaced farm operation may be eligible to receive a payment equal to the average annual net earnings of the farm operation. Such payment shall be not less than \$1,000 nor more than \$20,000 and will be paid if the following requirements are met:

- A. The farm operator has discontinued the entire farm operation at the present location or has relocated the entire farm operation.
- B. In the case of a partial taking, the operator is considered displaced from a farm operation whenever any one of the following applies:
  1. The property remaining after the acquisition will not be an economic unit for the same farm operation as determined by WSDOT during the appraisal process.
  2. The taking caused the operator to be displaced from the farm operation on the remaining land.
  3. The taking caused such a substantial change in the principal operation or the nature of the existing farm operation as to constitute a displacement.

The Fixed Payment for farms is determined in the same manner as for a business.

### **12-7.3.3 Nonprofit Organization**

A displaced nonprofit organization (NPO) may choose a fixed payment in lieu of actual moving and reestablishment if the NPO cannot be relocated without a substantial loss of its existing patronage, membership, or clientele. The payment will not be less than \$1,000 nor more than \$20,000 depending on financial records.

- A. Eligibility — The region determines if the organization meets the definition of a NPO in Section 12-4.1 and is otherwise eligible.
- B. The amount of the payment is the average of two years annual gross revenues less administrative expenses. Gross revenues may include titles, membership fees, or other forms of fund collection. Administrative expenses include rent, utilities, salaries, as well as fund raising expenses.

### **12-7.4 Move Cost Estimates by Relocation Agents**

- A. A relocation agent, after appropriate training, may prepare a move cost estimate if the amount of the estimate does not exceed \$5,000. The amount of such estimate may be used as the basis for negotiating an agreement for self moves and is particularly useful when dealing with moving the personal property of a small, uncomplicated business, a non occupant dwelling owner (or landlord) or moving personal property from storage.

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1. The relocation agent works closely with the displaced person to develop a written and photo inventory of the personal property item to be moved.
- B. Computation – The relocation agent computes the move cost estimate in accordance with the Washington State Utilities and Transportation Commission Tariffs Rate Schedule and/or the personal property only schedule as set forth in the PPO section of Chapter 12. If the combination is used and the amount exceeds the \$5,000 limit the agent must obtain move cost estimates by a qualified mover.
  1. The computation and supporting documentation are sent to the ADRAP for review and approval.

### **12-7.5 Claiming Non-Residential Entitlements**

#### **12-7.5.1 Timing Requirements**

- A. Claims for moving payments should generally be made after the move of personal property has been completed. The relocation agent must monitor the move to assure that adequate progress is being made to complete the move. Once the move has been completed and verified by the relocation agent, the relocation agent assists the displaced business, farm, or NPO with filing their claim or claims.
- B. Claims for related moving expenses should be made once the paid receipt or invoice has been submitted for payment. The agent should also supply HQ with a copy of the final product, i.e. newly printed business card, stationary, etc.
- C. Claims for moving payments must be made within 18 months after the following dates:
  1. Date of vacation for a tenant occupant.
  2. Date of vacation or date of payment for the property, whichever is later, for an owner occupant.

#### **12-7.5.2 Re-establishment Claims**

- A. Claims for re-establishment expenses must be considered by WSDOT to be “reasonable and necessary”. In this context, reasonable means the costs are typical in the geographic area in which the displacement occurred for the type of goods or services being purchased. Necessary means that such goods or services are needed to carry out the move in conformance with the requirements of the Uniform Act. The test for re-establishment expenses at times may deal with comparing or matching amenities or characteristics of the replacement site against the displacement site. Also, the test is one of necessity, i.e. is the expense necessary to reestablish the displaced business. This may be the main criteria when a business owner changes business use at the replacement site.
- B. Claims for re-establishment expenses can be made by the displaced business as the expenses are incurred or all at once upon completion of the replacement site.
- C. Claims must be supported by paid receipts and/or invoices and should clearly identify work performed.
  1. Relocation agent should organize the claim so that it can be easily reviewed and provide an outline of the recommendation for reimbursement. The outline should cite which provision under WAC 468-100-306 applies. (Contact Headquarters for a sample spreadsheet.)
  2. Once the claim is prepared, the package should be sent to the ADRAP for review and approval.

- D. If the displaced business leases a replacement site, the agent will need to obtain copies of both the existing lease at the displacement site and the replacement site. Upon receipt, this information should be forwarded to HQ review. This information is necessary in order to help determine if the claims submitted are reasonable and necessary and will help to avoid double payments for those items covered by the new lease.

#### **12-7.5.2.1 Re-establishment Expenses for Non-Occupant Owners**

A non-occupant landlord whose sole activity at the site is providing space to others, is eligible for a Reestablishment Expense Payment up to \$50,000. The owner does not have to own personal property that must be moved in connection with the displacement. Typical examples of leased space are:

- Mobile Home Parks
  - Business properties (e.g. warehouses, office space) including bare land used for storing equipment
  - Farms and ranches (or any bare land used for agriculture or livestock grazing)
  - Coin operated laundries or any other vending operation (newspapers)
  - Residential units
- A. To be eligible for this payment the displaced person must establish that the renting or leasing of space is a bona-fide business activity, and not part of a real estate investment or family situation, as supported by the displaced person's income tax records.
- B. To ensure the displaced person's operation is in fact a business, the relocation agent should obtain from the displaced person records that support the status as a business (i.e. copies of income tax records, business license, lease agreements, or any other reasonable documentation).
- C. To be eligible to receive the payment the Non-Owner Occupant must:
1. Acquire a replacement location with the 18-month time period.
  2. Lease and/or purchase the replacement property as evidenced by a copy of a new lease or purchase and sale agreement.
- D. Agent should obtain copy of the insurance policy and/or loan documents from the landlord business to determine the replacement site is being purchased for business purposes and will not be occupied by the owner.
- E. FHWA has determined that the following situations or expenses are ineligible for a Non-Occupant Owner Re-establishment Payment:
1. The replacement site can not have been previously owned or leased by the displaced person or business.
  2. A lessee who subleases space is not eligible for a Re-establishment Payment.

#### **12-7.5.3 Professional Services Claims**

- A. Claims for professional services must be considered "reasonable and necessary" and should be pre-approved by WSDOT. Relocation agent should ask the displaced business to provide a minimum of two "Scope of Work" estimates from specialists prior to hiring them to provide professional services including acting as a move planner as discussed in the advisory services section of Chapter 12. The reimbursement to the displaced business may

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not exceed the lowest acceptable “Scope of Work” submitted by the specialist. The Scope of Work will help WSDOT determine those costs that will be considered reimbursable to the displaced business. Reimbursement of certain claims will depend on the complexities and/or nature of the business and will be reimbursed based on product and level of effort as determined by the department. Only work performed in relation to relocating the personal property will be eligible for reimbursement. The following is a list of those items that may be considered eligible:

1. Preparation of floor plan layout/configuration and flow of business operation as it relates to the personal property at the displacement site.
2. Planning of which personal property items will be moved, replaced, abandoned, discarded, or not moved.
3. Depending on the complexity of the move – the preparation or analysis of process systems that relate to the personal property. An example of a process system could be a dust collection system for a woodworking company.
4. Researching code requirements for installation of personal property currently grand-fathered at the displacement site that may require code modifications at the replacement site.
5. Preparation of floor plan layout/configuration and flow of business operation as it relates to the personal property at the replacement site.
6. Providing of professional services in connection with the purchase or lease of a replacement site to determine its suitability for the displaced person’s business operation includes but is not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of the site). WSDOT, at their discretion, may pre-approve a reasonable hourly rate. This portion of professional services is reimbursed as a related nonresidential eligible expense as set forth in WAC 468-100-303(2).

B. WSDOT will be responsible for the following:

1. Preparation of written/photo inventory with the help of the business owner.
2. Preparation of Request for Proposal/Moving Specifications to secure move bids to move all personal property to the replacement site.
3. Securing all move bids including all 3rd party bids.
4. Coordination of movers.
5. Monitoring all aspects of the move.
6. Post move inventory.
7. Obtaining inventory from business owner of all items needing to be reprinted that are considered obsolete prior to the actual date of the move.
8. Review and approval of all claims for relocation as it relates to the personal property.
9. Processing of all claims for payment.

C. Displaced Business Owner will be responsible for the following (items 8 thru 11 may be performed by the displaced business, WSDOT or a combination of both but can also be reimbursed if the displaced business hires a professional services specialist:

1. Working with WSDOT agent to prepare necessary inventory, identify all vendor owned equipment, and identify those items to be abandoned or replaced.
  2. Securing a replacement site and notifying WSDOT agent when the replacement site has been located.
  3. Notifying WSDOT agent of anticipated move date.
  4. Preparing a sample file of all documents that must be reprinted due to change of address and/or phone number. Agent should provide displaced business with appropriate inventory form (see chapter 13 for RES form).
  5. Providing valuation of personal property to WSDOT agent for the purpose of obtaining replacement value insurance prior to the preparation of the Request for Proposal.
  6. Obtaining pre-approvals from WSDOT agent before committing to financial obligations for the purpose of determining eligibility for reimbursement of claims.
  7. Keeping WSDOT informed as it relates to their relocation.
  8. Preparation of floor plan layout/configuration and flow of business operation as it relates to the personal property at the displacement site.
  9. Planning of which personal property items will be moved, replaced, abandoned, discarded, or not moved.
  10. Depending on the complexity of the move – the preparation or analysis of process systems that relate to the personal property. An example of a process system could be a dust collection system for a woodworking company
  11. Verifying code requirements for installation of personal property currently grand-fathered at the displacement site that may require code modifications at the replacement site.
- D. Claims for professional services can be made by the displaced business as the expenses are incurred or all at once upon completion of the work.
- E. Claims must be supported by adequate documentation and should clearly identify work performed. Each claim should be supported by a visible product, which will help to determine level of effort.
1. Relocation agent should organize the claim so that it can be easily reviewed and should provide an outline of the recommendation for reimbursement.
  2. Once the claim is prepared, the package should be sent to the ADRAP for review and approval.
- F. The use of a hired professional services specialist is strictly between the displaced business and the specialist. WSDOT will reimburse eligible expenses, based on adequate documentation, but WSDOT has no responsibility/liability for what the specialist does or how it is done.

#### **12-7.5.4 Non-Residential Payment Claims**

As a general rule, moving cost payments, reestablishment payments, or the fixed payment are not made prior to the completion of the move and/or the expense being incurred. However, exceptions arise where due to extenuating circumstances, the case merits special consideration. When these cases arise, the ADRAP may authorize advance payment of relocation claims.

- A. Advance Moving Payments - It is often necessary for a business to request advance payments during their move. The ADRAP may approve advance payments based on the amount of the move that has been completed. The relocation agent should monitor the move and determine the percent of the move that has been completed. The relocation agent should then request an advance payment for the displaced business based on the amount of move that has been completed. Care must be exercised so advance payments do not create a shortage of remaining entitlements that would cause the move not to be completed. Advance move payments should not exceed 25% of total move costs unless requested and approved by the ADRAP.
- B. Reimbursement of Non-Residential Moving Payments – Moving payments for non-residential claims can be made directly to the displaced business, directly to a commercial mover or third party on behalf the displaced business owner or a combination.
1. When the displaced business has selected a self move or a Fixed payment, the payment of entitlements should be paid directly to the displaced business. The relocation agent should prepare the claims (vouchers), obtain a W-9 form in accordance with procedures set forth in Chapter 10, obtain appropriate signatures and submit the claim to Headquarters for processing and payment.
  2. When the displaced business has requested the department to provide a commercial move, the relocation agent must verify that the move is complete and that all personal property has been removed from the displacement site and moved to the replacement location. Upon said verification, the moving company should submit an invoice to the department and payment will be made directly to the commercial mover on behalf of the displaced business. The relocation agent must obtain the signature of the displaced business on the relocation assistance voucher. The relocation agent should also obtain a W-9 form from the commercial mover in accordance with procedures set forth in Chapter 10.
  3. If the displaced business asks that any payment be made directly to a third party for services rendered during the move, the relocation agent should have the displaced business sign a claim (voucher) directing payment be made to said third party. In no event shall any such direct payment to a third party obligate the department to pay more than the agreed upon move amount as shown in the executed Moving Expense Agreement. The relocation agent should also obtain a W-9 form from the 3rd party in accordance with procedures set forth in Chapter 10. The relocation agent should clearly document the request to make a 3rd party payment on the displaced business' behalf in the diary.
- C. Required Documentation – If a displaced business owner elects to lease a replacement site, the agent should obtain a copy of an executed lease and any applicable amendments for the replacement site from the displaced business owner as soon as feasible. The agent should also obtain a copy of the existing lease if applicable.

1. The lease will help the agent determine the reasonableness and level of reimbursement for potential claims associated with the reestablishment of the business, i.e., square footage requirements, increased cost of doing business based on property taxes, property insurance, utilities, lease costs, etc.
2. The lease is necessary to verify that duplicate payments are not made on items that will be covered in the lease at the replacement site by the building owner.

#### **12-7.5.4.1 Processing and Payment of Claims**

- A. When the displaced business is ready to make claims for any or all of their relocation entitlements, including moving costs, reestablishment payments and related moving costs, the relocation agent provides HQ Relocation Reviewer with the appropriate recommendation for approval and the displaced business with appropriate forms for making the claim and secures necessary documentation from the displaced business, which includes a W-9 form.
- B. Once these forms are signed by the displaced business, the claim (voucher), completed W-9 form, and associated documentation are transmitted to Headquarters for final approval.
- C. Upon final approval by Headquarters, the ADRAP authorizes payment and the voucher is forwarded to the accounting section for processing and generation of the payment (warrant).
- D. Both the region and Headquarters should monitor partial and advanced payments to assure that the displaced person does not receive payment in excess of their maximum entitlements.

#### **12-7.6 Abandonment of Personal Property**

The agent should work closely with the displaced business to remove all personal property items from the right of way. The agency will pay the cost to move the items as set forth in 12-7.2 – Actual Move Costs and appropriate calculations should be performed and required notices provided. Disposal costs are not paid in addition to the move costs. The agent should not encourage items to be left on the property. In the rare instance personal property is left at the displacement property, the relocation agent will need to obtain ADRAP approval prior to obtaining a signed abandonment letter from the displaced business stating the displaced person is abandoning the personal property to the state and will not claim payment for moving said abandoned property. Once ADRAP approval is obtained, the moving expense attributable to the abandoned property should be deducted from the displaced business' final move payment. (Refer to Chapter 13 for the RES form.) The relocation agent should make the necessary arrangements through the relocation assistance program to hire a mover to clear the property or check with Property Management to get the items removed from the property. If the property is clear upon vacate inspection, the agent should not obtain a signature from the displaced business on the abandonment notice.

### **12-8 Mobile Homes**

#### **12-8.1 Eligibility**

- A. Owners and/or occupants of mobile homes, as defined in WAC 468-100-002, that are displaced by a public project may be eligible for different types of relocation payments depending on different situations in relation to ownership and occupancy.

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- B. There are different combinations of ownership and occupancy when dealing with mobile homes, as follows:
  - 1. A displaced person owns both the mobile home and the site on which the mobile home is located.
  - 2. A displaced person owns the mobile home but rents the site on which the mobile home is located.
  - 3. A displaced person rents the mobile home. The lot rent may or may not be included in the rent of the mobile home. This situation will be handled as a typical residential relocation of a 90-Day Tenant.
  - 4. A displaced person rents the mobile home and owns the site on which the mobile home is located.
- C. All occupants of mobile homes being displaced are eligible for the costs to move their personal property located inside the mobile home and for advisory services. In addition, decent, safe, and sanitary replacement housing must be made available.

### **12-8.2 Basic Mobile Home Relocation**

- A. Mobile homes are most often determined to be personal property rather than real property. The basic entitlement relating to personal property is the payment of the cost to move such personal property.
- B. The owner of the mobile home may be reimbursed for the actual and reasonable costs of moving the mobile home from the displacement site to an acceptable replacement location and for making that mobile home meet decent, safe, and sanitary standards.
  - 1. The relocation agent secures three estimates, if possible, to move the mobile home from the displacement site to the replacement site. The estimates should include all disconnect, tear down, transportation, set up, and reconnect costs associated with the move of the mobile home.
  - 2. The estimate should also include the cost of disassembling, moving, and reassembling any attached appurtenances, such as porches, decks, skirting, and awnings; anchoring of the home; and utility hookup charges. If any of the attached appurtenances need to be replaced, the department should pay for these costs as well.
  - 3. The lowest acceptable estimate will be selected as the mover if the displaced person wants to have their mobile home moved. If the displaced person wants to move their mobile home themselves, they should be offered a self move in an amount not to exceed the amount of the lowest acceptable estimate.
- C. Any utility connections that are not included in the move estimates will have to be paid as incidental move expenses.
- D. Mobile Home Park Entrance Fees — If a displaced mobile home owner is required to pay a non-refundable entrance fee to move their mobile home into a mobile home park, that fee will be paid as an incidental moving cost.
- E. If the mobile home is acquired as real property, there is no payment to the mobile home owner for moving the mobile home to a replacement site.

### **12-8.3 Replacement Housing Payments for Mobile Home Owners**

#### **12-8.3.1 Circumstances Requiring Replacement Housing for Mobile Home Owners**

- A. If the mobile home being displaced will not meet entrance requirements for mobile home parks in the area, a replacement mobile home will have to be made available that will meet park requirements.
- B. If the mobile home is determined to be incapable of being moved without complete or substantially irreparable damage, a replacement mobile home will have to be made available to the displaced person.

#### **12-8.3.2 Eligibility Requirements**

Ownership and occupancy requirements for receiving any replacement housing entitlement as a mobile home owner are the same as for a regular residential housing situation. The requirements for an owner occupant in a typical, constructed residential dwelling are to be applied to the occupant of a mobile home in all respects. Refer to Section 12-6.1 for these requirements.

#### **12-8.3.3 Calculations of Replacement Housing Payments**

All calculations of Replacement Housing Payments for mobile homes are to be prepared in the same manner as for residential displacements described in Section 12-6. The types of Replacement Housing Payments for the different combinations of ownership and occupancy are as follows:

- A. If the displaced person owns both the mobile home and the site, the relocation agent should calculate the following:
  - 1. A Price Differential for the mobile home.
  - 2. A Price Differential for the site.
- B. If the displaced person owns the mobile home, but rents the site, the relocation agent should calculate the following:
  - 1. A Price Differential for the mobile home.
  - 2. A Rent Supplement for the site.

#### **12-8.4 Other Considerations**

- A. **Partial Acquisition of Mobile Home Park** — If WSDOT determines that its land acquisition will result in mobile home dwellings not within the actual acquisition area being forced to move, those mobile home owners and/or occupants may be eligible to receive the same payments as though their dwellings were within the actual taking. Prior to any contact with such owners and occupants relative to relocation entitlements, the region conducts an investigation and submits a report to the ADRAP for authorization to provide relocation entitlements. Such report includes the basis for such determination about being displaced, the number of mobile homes being forced to move and any other relevant facts or information.
- B. **Computation on Next Highest Type Dwelling** — When a comparable mobile home is not available, the replacement housing payment is calculated using the next highest type of dwelling that is available and meets applicable requirements and standards, i.e., a higher type mobile home or a conventional dwelling.

## **12-9 Personal Property Only (PPO) Relocation**

### **12-9.1 Definition**

A Personal Property Only (PPO) relocation is defined as a move of personal property from property acquired for right of way or project purposes where there is NOT a need for a full relocation of a residence, non-residential operation (vacant land), business operation, farm operation, or NPO from the acquired property. Business, farm, and NPO operations that must incur re-establishment expenses to facilitate the continuous operation of their business on the subject property should be relocated under the provisions of Chapter 12-7.

### **12-9.2 Types of Personal Property Only Relocations**

- A. Personal Property is stored on property where there is no residence or business on such property.
- B. Personal Property is located on a portion of property that is being acquired but where the residence located on the property will not be affected.
- C. Personal Property is located on a portion of property that is being acquired but where the business located on the property can still operate after the acquisition of the needed property and where the business will not incur re-establishment expenses.
- D. Personal Property is located in a unit (or units) in a storage facility that will be acquired in whole or in part.
- E. Minimal personal property is located in a rented mailbox in a commercial mailbox business that is being acquired in whole or in part.
- F. Vehicles, trucks, recreational vehicles, boats and other miscellaneous trailers, either operational or not, that are located on property that will be acquired.

### **12-9.3 Personal Property Only Relocation Entitlements**

- A. The basic entitlement for the relocation of personal property only shall be a payment for the expense of moving said personal property to a replacement location of the owner's choosing. The payment shall be limited to expenses for moving within a 50 mile radius of the displacement location.
- B. The owner of personal property that must be moved has the option of selecting a Commercial Move, a Self-Move, or an Actual Cost Move:
  - 1. The displaced person can request that WSDOT provide a commercial mover and pay that mover directly. The displaced person should indicate this option on the Moving Expense Agreement and work with the Relocation Agent to prepare a written and photo inventory of the items to be moved.
    - a. Based on the inventory, moving specification, and any other information, WSDOT will obtain two bids from qualified movers and select the successful bidder. If a mover submits a bid, they will be compensated for their reasonable costs of preparing said bid. The Moving Expense Agreement, inventory, Moving Specifications, and region recommendation are then submitted to the ADRAP for review/approval.

2. A self-move by the displaced person can be based on bids from qualified movers, an estimate by the relocation agent, or the following move cost schedules provided in this section.
  - a. The displaced person may elect to take full responsibility for the move of their personal property. In this event, the displaced person, working with the Relocation Agent prepares a written and photo inventory of the items to be moved. The Relocation Agent then prepares a Request for Proposal and Moving Specification. WSDOT then obtains at least two bids from qualified movers and offers the displaced person an amount not to exceed the acceptable low bid. The Relocation Agent may negotiate a move cost lower than the lowest acceptable bid, taking into account the profit and overhead costs which the commercial mover includes in their bids. The region will then submit the bids with all supporting documentation and their recommendation to the ADRAP for review and approval.
  - b. If the move costs appear to be \$5,000 or less, WSDOT may offer an amount based on a single estimate prepared by a trained relocation agent in accordance with Chapter 12-7.4 of this Right of Way Manual. The region will submit the move cost estimate with all supporting documentation to the ADRAP for review and approval.
  - c. The move of personal property from a commercial storage facility shall be based on the following schedule:

Size of storage unit	Move Cost
5' by 5'	\$ 150.00
5' by 10'	\$ 200.00
10' by 10'	\$ 300.00
10' by 15'	\$ 500.00
10' by 20'	\$ 675.00
10' by 30'	\$ 1,000.00

The move cost is based on the size of the storage unit. The move cost should be documented by the Relocation Agent in their diary and approved by the Region Relocation Supervisor.

- d. A dislocation allowance in the amount of \$35.00 shall be paid to each person or business that rents a mailbox in a commercial mailbox operation. The move cost should be documented by the Relocation Agent in their diary and approved by the Region Relocation Supervisor.
- e. Move costs for vehicles, trailers etc. shall be based on the following schedule:
  1. Operational vehicles and motor homes \$ 35.00 each
  2. Boats w/trailers, utility trailers, car trailers, travel trailers, and fifth-wheel trailers \$ 150.00 each
  3. Non-operating vehicles and smaller motor homes that require towing \$ 75.00 each
  4. Non-operating trucks and larger motor homes \$ 150.00 each that require towing

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The move cost is computed based on the type of vehicle. The move cost should be documented by the Relocation Agent in their diary and approved by the Region Relocation Supervisor.

- f. Move costs for appliances shall be based on a fixed rate of \$50.00 per appliance which includes the cost to disconnect and reconnect. The move cost should be documented by the Relocation Agent in their diary and approved by the Region Relocation Supervisor.

In all cases, the displaced person must enter into Moving Expense Agreement prior to moving their personal property. It is the responsibility of the Relocation Agent to monitor the move.

3. Actual and reasonable costs to move the personal property is based on acceptable documentation of said actual costs. Prior to the start of the move, a written and photo inventory of the personal property items to be moved must be completed. Acceptable documentation includes receipts for payments, paid invoices, copies of payment documents, time sheets of people hired to perform the move, etc. If a question arises about the “reasonableness” of submitted costs, WSDOT may obtain one or more bids or estimates from qualified movers to use as a standard to determine if costs are reasonable.
  - a. The Relocation Agent should prepare claim and send to ADRAP with region recommendation for review and approval.
  - b. Move Monitoring – Agent should follow procedures outlined in Section 12-7.2.1.
  - c. Post Move Inventory – Agent should follow procedures outlined in Section 12-7.2.1.

### **12-9.4 Payment of Personal Property Only Entitlements**

- A. Payment for commercial move expenses will be paid directly to the mover upon receipt of an invoice and upon verification by the Relocation Agent that all personal property to be moved by the mover has been moved to the appropriate replacement location.
- B. Payment for self-move costs will be paid upon receipt of documentation from the displaced person that sufficient costs were expended to perform the move and upon verification by the Relocation Agent that all personal property to be moved has been moved to the appropriate replacement location. Acceptable documentation may include invoices, paid receipts, time sheets, labor statements, other appropriate information to support that actual costs were incurred for the move, or move monitoring in accordance with Section 12-7.2.1.
- C. Payment for scheduled move costs will be paid upon verification by the Relocation Agent that all personal property has been moved from the acquired property to an appropriate replacement location.
- D. In all cases, the relocation agent will need to obtain a W-9 form from the payee in accordance with procedures set forth in Chapter 10.

## **12-10 Voluntary Transactions**

### **12-10.1 Requirements**

In order to be considered voluntary, the transaction must meet all of the conditions outlined in WAC 468-100-101.

**12-10.2 Relocation Eligibility**

Refer to WAC 468-100-002(15) for information relating to mutual acceptance of the offer to purchase prior to a tenant becoming eligible to receive relocation assistance.

**12-11 Temporary Relocations**

There are circumstances where the acquisition of real property takes place without the intent or the necessity that an occupant of the property be permanently displaced. Because such occupants are not considered “displaced persons” great care must be exercised to ensure that they are treated fairly and equitably.

For example, if the tenant-occupant of a dwelling will not be displaced but is required to relocate temporarily in connection with the project, the temporarily occupied housing must be decent, safe, and sanitary, and the tenant must be reimbursed for all reasonable out-of-pocket expenses including moving expenses and increased housing costs incurred in connection with the temporary relocation.

If a temporary move is authorized by the ADRAP for a residential or non-residential displacement and later withdrawn, all actual, reasonable, and necessary out-of-pocket expenses incurred in connection with the temporary relocation will be reimbursed to the displaced person(s) as related moving costs and not subject to the limitations of the displaced persons permanent relocation assistance entitlements.



The forms listed for various chapters can be located as follows:

**Access for WSDOT Employees**

The WSDOT Agency Forms are located in:

**Inbox / Public Folders / All Public Folders / WSDOT / Agency Forms / FileMaker Forms / WSDOT forms**

The RES Forms for Property Management are located in:

**Inbox / Public Folders / All Public Folders / WSDOT / Olympia Service Center / Environmental and Engineering / Real Estate Services / Forms**

The RES Forms for Acquisition, Appraisal, and Relocation are located at:

[www.wsdot.wa.gov/realestate](http://www.wsdot.wa.gov/realestate)

**Access From Outside of WSDOT**

The WSDOT Agency FileMaker Forms are located at:

[www.wsdot.wa.gov/forms](http://www.wsdot.wa.gov/forms)

This site provides downloads of WSDOT FileMaker Forms and software if needed. If you do not have FileMaker Pro software you will need to make sure you download the runtime engine from the Forms Management web site prior to downloading the actual form. If you are experiencing problems downloading a FileMaker Form, you may want to contact Forms Management at (360) 705-7424. This web site also provides links to the Real Estate Services web page for RES Word Forms.

The RES Word Forms (also available in PDF Format) for Acquisition, Appraisal, and Relocation are located at:

[www.wsdot.wa.gov/realestate](http://www.wsdot.wa.gov/realestate)

To receive copies of forms by mail or fax, call Real Estate Services in Olympia at (360) 705-7307. Note: A CD can be ordered from Engineering and Publications that includes most FileMaker forms as well as manuals.

**Forms**

**Appraisal Forms (Chapters 4 and 5)**

***WSDOT Agency Forms***

220-105 Environmental Checklist for Surplus Property Disposal

***Real Estate Services Forms***

RES-203 Staff Appraiser Assignment Form  
RES-204 Report of Contact with Owner  
RES-205 Certificate of Appraiser  
RES-206 Summary of Conclusions  
RES-207 Subject Sketch and Photographs  
RES-208 Short Form Template  
RES-210 Market Data  
RES-210B Sale Sketch and Photographs  
RES-211 Appraisal Assumptions and Limiting Conditions  
RES-212 Salient Information  
RES-213 Abbreviated Appraisal Report Format  
RES-214 WSDOT Review DV Document  
RES-214A Fee Review DV Document for WSDOT  
RES-214B Local Agency Certification of Value  
RES-215 PFE Parcel Worksheet  
RES-216 Administrative Offer Summary  
RES-217 Residential Realty/Personalty Report  
RES-218 Commercial or Industrial Realty/Personalty Report  
RES-219 WSDOT Surplus Appraisal

**Acquisition Forms (Chapter 6)*****WSDOT Agency Forms***

120-020EF	Work Order Authorization
130-005EF	Agreement Edit Information
134-139EF	Invoice Voucher
220-025EF	Damage Claim Evaluation
262-039EF	Real Property Voucher
262-048EF	Right of Way Parcel Transmittal Sheet

***Real Estate Services Forms***

RES-300	Cover Sheet
RES-301	Diary
RES-302	Warranty Deed
RES-303	Special Warranty Deed
RES-305	Warranty Deed (Access Rights Only)
RES-306	Quitclaim Deed
RES-307	Quitclaim Deed (Access Rights Only)
RES-308	Partial Release of Mortgage
RES-309	Partial Release of Mortgage (Access Rights Only)
RES-310	Request for Partial Reconveyance
RES-311	Partial Reconveyance
RES-312	Partial Release of Lease
RES-313	Well Agreement
RES-314	Septic Agreement
RES-315	Release of Damages
RES-316	Partial Release of Judgment
RES-317	Possession and Use Agreement
RES-318	Compensation Agreement for Condemnation
RES-319	Stop Condemnation Request
RES-320	Negotiators Report
RES-321	Real Property Voucher (Excel)
RES-322	Exchange Agreement
RES-323	Consent to Change of Grade
RES-324	Easement
RES-325	Temporary Easement
RES-326	Permit
RES-327	Option to Purchase Quarry/Pit
RES-328	Option to Purchase Lands
RES-329	Lease
RES-330	Bill of Sale
RES-332	Notice of Lien
RES-333	Request to Accept Encumbrance
RES-334	Tax Set Over Letter
RES-335	Fixtures and Improvements Agreement
RES-337	Escrow Agreement
RES-348	Emergency Permit & Right of Entry
RES-350	Offer Letter
RES-351	Revised Offer Letter
RES-353	Right of Way Parcel Transmittal

## Forms

RES-365	Individual Notary
RES-366	Corporate Notary
RES-367	Attorney In Fact Notary
RES-368	Self and Attorney In Fact Notary
RES-369	Guardian, Executor, Administrator Notary
RES-370	Mayor City Commissioners Notary
RES-371	County Commissioners Notary
RES-372	School District Notary
RES-373	Signature By Mark Notary
RES-374	Partnership Notary
RES-375	Trustee Notary
RES-376	Limited Liability Company Notary
RES-377	Director RES Notary
RES-381	RW Manual Miscellaneous Clauses Chapter 9

## Property Management Forms (Chapter 11)

### *WSDOT Agency Forms*

220-015EF	Environmental Checklist for Surplus Property Disposals
260-051EF	Bid for Purchase of Surplus Real Estate
260-055EF	Surplus Property Review
260-060EF	Airspace Proposal Review
261-005EF	Surplus Property Report
263-002EF	Application to Rent State Owned Property
263-003EF	Salvage Appraisal Report
263-004EF	Assignment of Lease
263-006EF	Application for Deferred Payments
263-007EF	Property Inspection and Status Report
263-008EF	Residential Property Inspection
263-009EF	Rental Agreement Transmittal
263-016EF	Memorandum of Lease Benefiting Appurtenant Property
263-017EF	Memorandum of Lease
263-018EF	Memorandum of Lease Termination
263-023EF	Personal Property Sale and Removal Agreement
263-202EF	Application to Lease Unimproved Property or Airspace
265-002EF	Disclosure of Information on Lead-Based Paint and Lead Based Paint Hazards – Rental of Pre 1978 Housing

### *Real Estate Services Forms*

RES 401	Request for Legal Description
RES 402	Waiver of Abutter's Rights
RES 403	Bill of Sale
RES 404	Employee Request – Permission to Bid on Surplus Real Estate
RES 405	Contract Insurance Requirements Information
RES 406	Surplus Real Estate Purchase Form
RES 407	Disposal Memorandum
RES 409	Option Agreement
RES 410	Real Property Purchase and Sale Agreement
RES 411	Quitclaim Deed
RES 412	Quitclaim Fulfillment Deed
RES 413	Easement Deed

RES 414	Real Estate Contract
RES 415	Residential Displacee Lease
RES 416	Commercial Displacee Lease
RES 417	Single Family Residential Lease
RES 418	Ground Lease
RES 419	Trail Lease
RES 420	Airspace Lease/Commercial Lease
RES 421	Wireless Communication Site Lease (Covers Attachments to WSDOT Structures)
RES 422	Wireless Communication Site Lease (Excludes Attachments to WSDOT Structures)
RES 423	Wireless Communication Lease – Approval of Sublease to (Subtenant)
RES 424	Airspace Lease for Communication Facilities (Ground Rental Only)
RES 425	Airspace Lease for Access to Communication Facility

## Relocation Assistance Forms (Chapter 12)

### *Real Estate Services Forms*

RES-501	General Notice of Relocation Rights (Business)
RES-502	General Notice of Relocation Rights (Landlord)
RES-503	General Notice of Relocation Rights (Personal Property)
RES-504	General Notice of Relocation Rights (Residential)
RES-505	Notice of Eligibility, Entitlements, & 90-Day Assurance (Business)
RES-506	Notice of Eligibility, Entitlements, & 90-Day Assurance (Fixed Payment)
RES-507	Notice of Eligibility, Entitlements, & 90-Day Assurance (Residential Owner)
RES-507a	Notice of Revised Price Differential (Residential Owner)
RES-508	Notice of Eligibility, Entitlements, & 90-Day Assurance (Residential Tenant)
RES-509	Notice of Eligibility, Entitlements, & 90-Day Assurance (Landlord)
RES-510	Notice of Eligibility, Entitlements, & 90-Day Assurance (Personal Property)
RES-511	Notice of Eligibility, Entitlements, & 90-/Day Assurance (Res. Owner/Tenant Mobile Homes)
RES-512	Notice of Intent to Acquire
RES-513	Mortgage Interest Differential Payment (MIDP)
RES-514	Incidental Purchase Expense Worksheet
RES-515	Documentation of Living Expenses
RES-516	Price Differential Entitlement Instructions
RES-516a	Down Payment Assistance Entitlement Instructions
RES-517	Vacate Inspection
RES-518	Agreement for Provisional Replacement Housing Payment
RES-519	Fixed Payment (In-Lieu) Worksheet
RES-520	Request for Moving Bid cover letter
RES-521	Request for Proposal and Moving Specification format
RES-522	Replacement Site Search Log
RES-523	Reestablishment Expenses Worksheet
RES-524	Eligibility Report
RES-525	(DSS) Replacement Dwelling Inspection Report

## Forms

RES-526	Loss of Tangibles/Substitute Personal Property Bid Form
RES-527	Loss of Tangibles Computation
RES-528	Substitute Personal Property Computation
RES-529	Residential Checklist
RES-530	Business Checklist
RES-531	Personal Property Checklist
RES-532	Residential Occupancy Survey
RES-533	Business/Farm/NPO Occupancy Survey
RES-534	Personal Property Only Occupancy Survey
RES-535	Pre Move Inventory – Business
RES-536	Final Claim Letter - Nonresidential
RES-536a	Final Claim Letter - Residential
RES-537	Relocation Assistance Voucher
RES-538	Application for Fixed Payment
RES-539	Monthly Income Verification
RES-540	Move Expense Agreement – Residential
RES-540a	Move Expense Agreement – Nonresidential
RES-541	Housing Comparison Worksheet
RES-542	Price Differential Report
RES-543	Rent Supplement Report
<u>RES-544</u>	<u>Notice of Relocation Non-Eligibility</u>
<u>RES-545</u>	<u>Obsolete Printed Items</u>