

- d. Within the financial means of the displaced family or individual;
 - e. Reasonably accessible to displacee's place of employment, public services and commercial facilities; and
 - f. Adequate to accommodate the displacee.
- B. Available Replacement Housing. "Made Available" shall mean that the displacee has either by himself obtained replacement housing or the State has offered him decent, safe and sanitary replacement housing which is available for immediate occupancy. The Highways Division will be in compliance with the "offer" requirement when it shows that it has:
- 1. Determined that decent, safe and sanitary housing that is in an area not less desirable in regard to public utilities and public and commercial facilities, in the same general area from which he is being displaced and reasonably accessible to the displacee's place of employment and adequate to accommodate the displacee, is available and has informed the displacee of its availability and location.
 - 2. Informed the displacee of the amount, if any of supplemental payments available to him. In hardship cases, assured the displacee that an advance of funds will be made should it become necessary.
 - 3. Provided the displacee sufficient time to negotiate for and obtain possession of the housing.
 - 4. Determined that the available housing is within the financial means of the displacee.
 - 5. Determined that the replacement housing offer is fair housing - open to all persons regardless of race, color, religion, gender or national origin.
- C. Verification of Adequate Replacement Housing. Highways Division shall make spot check field reviews on all City and County Federal-Aid highway projects to verify that adequate replacement housing is in place and has been made available.

Records:

A. Relocation Records

General. Relocation records shall be maintained showing:

1. State and Federal project and parcel identification.
2. Names of displaced persons, both their original and new addresses and telephone numbers (if available).
3. A log of personal contacts made with each relocated person, to include:
 - a. Date of notification of availability of relocation payments and services.
 - b. Name of the Agent offering or providing relocation assistance.
 - c. Whether relocation assistance in locating or obtaining replacement housing was declined or accepted and the name of the individual accepting or declining the offer.
 - d. Dates and substance of subsequent follow up contacts.
 - e. Date when the relocated person was required to move from the property acquired for the project.
 - f. Date on which the actual relocation occurred and whether the relocation was accomplished with the assistance of the State or without assistance. If without assistance, the approximate date for actual relocation.
4. For displacements from dwelling:
 - a. Number in family;
 - b. Type of property (single, detached, multi-family, etc.);
 - c. Value or monthly rent;
 - d. Number of rooms occupied.
5. For relocated businesses:
 - a. Type of business;
 - b. Whether continued or terminated;
 - c. If relocated, distance moved (estimate accepted).
6. For relocated farms:
 - a. Whether continued or terminated;
 - b. If relocated, distance moved (estimated accepted).

B. Moving Expense Records. The following information regarding moving expense payments records shall be maintained:

1. The date personal property was moved from property.
2. The location from which personal property was moved and to where it was moved.
3. If the personal property was stored temporarily, the location where it was stored, the duration of storage, and justification for the storage and storage charges.
4. Itemized statement of the costs incurred supported by receipted bills or other evidence of expense.
5. Amount of reimbursement claimed, amount allowed and an explanation of any differences.
6. Data supporting any determination that a business cannot be relocated without a substantial loss of patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by the Highways Division.
7. Data showing how payment was computed for in lieu of payment claims.
8. When payments are made in accordance with a schedule, records showing the basis on which payment was made shall be maintained.

C. Replacement Housing Payment Records. The following information regarding replacement housing payments shall be maintained:

1. The date each application for replacement housing was received.
2. The date on which each payment was made or rejected.
3. Data supporting how the amount of the supplemental payment was calculated.
4. A copy of the closing statement to support the purchase or down payment, and incidental expenses when replacement housing is purchased.

5. A copy of the Truth in Lending Statement or other data including computations to support the increased interest payment.
 6. A statement signed by the person responsible for approving the amount of the replacement housing payment shall be placed in the files setting forth:
 - a. The amount of the replacement housing payments;
 - b. His understanding that the determined amount is to be used in connection with a Federal-aid highway project;
 - c. That he has no direct or indirect present or contemplated personal interest in the transaction nor will he derive any benefit from the replacement housing payment.
 7. A statement that the relocated person has relocated into adequate replacement housing.
- D. Records Available for Inspection. The relocation records shall be available at reasonable hours for inspection by representatives of the Federal government who have an interest or responsibility in matters relative thereto.

Reports:

Annual Reports. Form PR-1228, Relocation Assistance and Payment Statistics (RCA HOW--2--03), shall be submitted annually for the period ending June 30. This report shall be furnished within 30 days after the end of the fiscal year which the report covers. A separate report for the rural and urban portion of each system shall be submitted. The reports shall be forwarded to the Federal Highways Administration (FHWA).

Relocation Program on Projects Affected by a Major Disaster:

- A. General. The policies and procedures on relocation assistance of the State Highways Division are applicable to relocation programs on projects in areas that are designated as major disaster areas by the President of the United States.
- B. 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 Federal funds may participate in relocation payments to such individuals and families; provided location approval for the project had been given by FHWA prior to the major disaster.
 - 2. If location approval was not given prior to the major disaster, Federal funds may not participate in relocation payments to such individuals and families.
- C. Computation of Replacement Housing Payment. Owner-Occupant of 180 days or more who Purchases
 - 1. Fair Market Value of Acquired Residence. The fair market value of damaged or destroyed residence will be as of the usual date of valuation for a highway project.
 - 2. Computation. The replacement housing payment will be the amount, if any, which when added to the amount the Highways Division acquired the damaged or destroyed dwelling equals the lesser of:
 - a. The actual cost of decent, safe and sanitary dwelling the owner is required to pay; or
 - b. The amount determined by the Highways Division as necessary to purchase a comparable dwelling.
 - 3. Payment in Excess of \$22,500.00. If the replacement housing payment to which the displacee would be entitled will exceed \$22,500.00 the utilization of last resort housing will become necessary.

4. Duplicate Payments. Any payments or proceeds received by the displacee for damages to his 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 loan is to be deducted from the replacement housing payment for which he is eligible.

D. Requirement to Receive Replacement Housing Payment. A displaced person will be eligible to receive replacement housing payment provided he occupies a decent, safe and sanitary dwelling as provided for in this procedure; except that:

1. If the displacee enters into a contract to purchase or construct a replacement dwelling; or
2. Under last resort housing procedures, the State enters into a contract to purchase or construct replacement housing for the displacee, the date of the contract is considered the occupancy date.

E. Relocation Services

1. Tenants. Within seven days after initiation of negotiation for the dwelling until they occupy or are considered to be in constructive occupancy of, the tenants shall be provided by personal contact or certified mail a written statement which includes:
 - a. The date of the initiation of negotiation for the parcel.
 - b. An explanation of the eligibility requirements to receive a rental replacement housing payment and the option to receive a down payment and incidental expenses for purchase of replacement housing including the matching requirements. He shall also be notified that eligibility is not complete until the property is acquired. The displacee shall be provided a subsequent notice when he is fully eligible and such notice shall be given prior to the 90-day notice to vacate.
 - c. A brochure which explains the services and payments available and where they may be available.
 - d. If the initial information is given by certified mail, personal contact shall be made within 30 days of the initiation of negotiation for the parcel to furnish any additional information. This shall be done prior to the notice to vacate.

F. Replacement Housing Payment to Tenant-Occupant. Not Less Than 90 Days

1. Time of Computation. The maximum replacement housing payment for which a displaced tenant is eligible shall be computed near the time he will be actively looking for replacement housing.
2. Notification as to Payment
 - a. The tenant will be informed in writing of the maximum amount of replacement housing payment for which he is eligible and the applicable requirements to receive such payment.
 - b. The above information is to be given to the tenant at such time as to allow him enough time to find replacement housing, but it must be given prior to the issuance of the 90-day notice to vacate.
 - c. If the information is requested by the tenant prior to it being provided him, said information shall be provided within a reasonable time after such request.

Eviction for Cause: ¹⁹

- A. Eviction for Cause. Must conform to applicable State and local laws. Any person who occupies the real property and is not in unlawful occupancy on the date of the initiation of negotiations, is presumed to be entitled to relocation payments and other assistance set forth in this part unless the Agency determines that:
1. The person received an eviction notice prior to the initiation of negotiations and, as a result of that notice is later evicted; or
 2. The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; and
 3. In either case the eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in this part.

¹⁹ 49 CFR 24.206

- B. Date of Displacement. For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available. This section applies only to persons who would otherwise have been displaced by the project. (See appendix A, §24.206.)

General requirements—claims for relocation payments: ²⁰

- A. Documentation. Any claim for a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.
- B. Expeditious Payments. The Agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.
- C. Advanced Payments. If a person demonstrates the need for an advanced relocation payment in order to avoid or reduce a hardship, the Agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.
- D. Time for Filing
1. All claims for a relocation payment shall be filed with the Agency no later than 16 months after: (i) For tenants, the date of displacement (ii) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.
 2. The Agency shall waive this time period for good cause.
- E. Notice of Denial of Claim: If the Agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

²⁰ 49 CFR 24.207

- F. Waiver of Rights: A displacing Agency shall not propose or request that a displaced person waive his rights or entitlements to relocation assistance and benefits provided by the Uniform Act and this regulation.
- G. Expenditure of Payments. Payments, provided pursuant to this part, shall not be considered to constitute Federal financial assistance. Accordingly, this part does not apply to the expenditure of such payments by, or for, a displaced person.

Relocation payments not considered as income: ²¹

No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been re-designated as the Internal Revenue Code of 1986 (Title 26, U.S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U.S. Code 301 et seq.) or any other Federal law, except for any Federal law providing low-income housing assistance.

²¹ 49 CFR 24. 209

RELOCATION ASSISTANCE ADVISORY SERVICES

- PURPOSE:** To describe and establish procedures in providing relocation services to individuals, families, businesses, farm operations and non-profit organizations displaced by Federal-Aid highway programs.
- POLICY:** To provide relocation services pursuant to the provisions of Act 166, Session Laws of Hawaii, 1970, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, implemented by Volume 7, Chapter 5, Section 2 of the Federal Highway Administration's Federal-Aid Highway Program Manual. As revised from time to time.
- RESPONSIBILITY:** It is the responsibility of the Property Management Section (HWY-RM) of the Right-of-Way Branch (HWY-R) to provide relocation assistance advisory services in accordance with Federal and State laws.
- SCOPE:** The provisions of this section apply to HWY-R of the Highways Division, State Department of Transportation.
- PROCEDURES:** Any individual, family, business, farm operation or non-profit organization displaced by a Federal-Aid project is entitled to relocation assistance advisory services.

Relocation Assistance Advisory Services:

- A. Relocation Assistance Advisory Services Program. The Highways Division shall have a relocation assistance advisory services program to provide maximum assistance possible to persons required to relocate because of a Federal-Aid highway project. As a minimum, the services are to assist persons in relocating to decent, safe and sanitary housing that meets their needs. The services are to be provided by personal contact and if contact cannot be made, documentation to the effect that efforts were made to achieve personal contact shall be placed on file.

B. Eligibility. Relocation assistance advisory services shall be offered to:

1. All persons occupying property to be acquired or made temporarily available to occupy due to safety concerns.
2. All persons occupying property immediately adjacent to property acquired when such persons experience substantial economic loss as a result of the acquisition.
3. All persons who, due to the acquisition of real property used for a business or farm operation moves from other real property used for a dwelling, or moves his personal property from such other real property.

C. Minimum Advisory Service Requirements. The minimum relocation assistance advisory service program the State shall provide as required herein and as may be necessary are:

1. Discuss and explain the services available, eligibility requirements and relocation payments and assist in completing any applications or other forms required;
2. Determine the need for relocation assistance of the displaced person;
3. Provide current and continuing information on the availability, prices, and rentals of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;
4. Assist a person displaced from his business or farm operation in becoming re-established in a suitable replacement location;
5. Supply information concerning Federal and State housing programs, disaster loan programs and other Federal or State programs offering assistance to displaced persons;
6. Provide other advisory services to the displaced person to minimize hardship to such person in adjusting to a new location.
7. The advisory services shall be administered on a uniform basis commensurate with the relocatee's desires and needs.

- D. Coordination of Relocation Activities. Contact shall be made with other Federal, State and local governmental agencies to determine the extent of present and proposed actions which will affect the project relocation program and available housing resources. Where other agencies are involved, action shall be taken to assure maximum coordination of relocation activities.

Written Notices:

The following written notices shall be furnished each displaced person so he is fully informed of the benefits and services available. The notice may be in various formats with the required contents included.

- A. Relocation Notices.¹ General Information Notice. As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the displacing Agency's relocation program which does at least the following:
1. Informs the person that he may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);
 2. Informs the displaced person that he will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced person successfully relocate;
 3. Informs the displaced person that he will not be required to move without at least 90 days advance written notice (see paragraph (c) of this section), and informs any person to be displaced from a dwelling that he cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;
 4. Informs the displaced person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, as defined in §24.208(h); and
 5. Describes the displaced person's right to appeal the Agency's determination as to a person's application for assistance for which a person may be eligible under this part.

¹ 49 CFR 24.203 – See also Section 2, Pg. 8.4.2-10

- B. Notice of Relocation Eligibility. Eligibility for relocation assistance shall begin on the date of a notice of intent to acquire (described in §24.203(d)), the initiation of negotiations (defined in §24.2(a) (15)), or actual acquisition, whichever occurs first. When this occurs, the Agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance.
- C. Ninety-day Notice. General. No lawful occupant shall be required to move unless he has received at least 90 days advance written notice of the earliest date by which he may be required to move.
1. Timing of notice. The displacing Agency may issue the notice 90 days or earlier before it expects the person to be displaced.
 2. Content of notice. The 90-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he must move. If the 90-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than 90 days after such a dwelling is made available. (See §24.204(a).)
 3. Urgent need. In unusual circumstances, an occupant may be required to vacate the property on less than 90 days advance written notice if the displacing Agency determines that a 90-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of the Agency's determination shall be included in the applicable case file.

- D. Notice of Intent to Acquire. A notice of intent to acquire is a displacing Agency's written communication that is provided to a person to be displaced, including those to be displaced by rehabilitation or demolition activities from property acquired prior to the commitment of Federal financial assistance to the activity, which clearly sets forth that the Agency intends to acquire the property. A notice of intent to acquire establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of Federal financial assistance. (See §24.2(a) (9) (i) (A).)
1. This notice shall be given to owners and tenants together with the brochure prior to the initiation of negotiations for the parcel. This notice shall not be issued prior to receiving authorization for the institution of negotiations on the project or authorization of the acquisition of individual parcels solely for protective buying or because of hardship.
 2. The notice shall include a statement of eligibility and any restrictions thereto, the anticipated date of initiation of negotiation for the property and where and how additional information on relocation assistance payments and services can be obtained.
 3. If a notice of intent to acquire is furnished an owner, it must be furnished to his tenant within 15 days. When a tenant is furnished this notice, the owner must be simultaneously notified of such action.

E. Notice of Displacement

1. Owner-occupants of More Than 180 Days and less Than 180, but More Than 90 Days. At the initiation of negotiations for the parcel, the owner shall be furnished:
 - a. A written explanation of the relocation services available and where they may be obtained.
 - b. The brochure which explains the eligibility requirements to receive payments for replacement housing, increased interest costs, incidental expenses, and of his option to rent replacement housing. In the case of an owner or less than 180 days of his option to receive down payment and incidental expenses to purchase replacement housing and the requirement therefore.

2. Tenants. Within 7 days after the initiation of negotiations for the purchase of the dwelling unit occupied, the tenant shall be furnished a written statement either by certified mail or personal contact that states:
 - a. The date of initiation of negotiations for the parcel.
 - b. An explanation of the relocation services available and where they may be obtained. Eligibility is not complete until the property is acquired. Each tenant relocatee shall receive a subsequent notice when the Highways Division has control of the property so that he can be assured of his eligibility to receive relocation payments.
 - c. The brochure explaining the eligibility requirements to receive rental replacement housing payments, the option to receive a down payment for the purchase of replacement housing including incidental expenses and the matching funds requirement.
 - d. If the initial information is given by certified mail, a personal contact with the tenant must be made within 30 days to furnish any additional explanations. The contact shall be made prior to the 90 days notice to vacate.

F. Notice of Replacement Housing Payment Amounts. In order to provide the displacee with a positive understanding of the amount of the replacement housing payment to which he is entitled and the eligibility requirements, he shall be so advised in writing.

1. The amount shall be computed in accordance with appropriate instructions and shall be for a comparable replacement dwelling unit from which he was displaced. If the displacee desires an optional housing or ownership tenancy status other than what he had, the Highways Division shall make a reasonable effort to accommodate his wishes. If the optional housing is available, the replacement housing amount will be based on the specified option. The Maximum amount of such payment, however, will be limited to that amount based on a comparable replacement dwelling.

2. The displacee shall be informed by a written statement which specifies the amount which he is entitled to receive in replacement housing payments at a time which is appropriate and will accomplish the following:
 - a. The housing units used to determine the replacement housing amount are to be selected close to the time the displacee will be looking for replacement housing;
 - b. The amount is to be computed in a timely manner and given to the displacee within a reasonable time of his request, if any;
 - c. The displacee shall be informed of the maximum amount to which he is entitled before the 90-day notice to vacate is issued.
- G. Ninety (90) Day Notice to Vacate. The construction of any Federal or Federal-Aid highway shall be scheduled so that to the greatest extent practicable, no person lawfully occupying real property shall be required to move from his dwelling, or to move his business or farm without at least a 90-day written notice of the intended vacation date from the State. Exceptions could be made in the case of very unusual conditions and with the concurrence of the Federal Highway Administration (FHWA).
 1. The 90-day notice shall be given on or after the initiation of negotiations for the parcel and shall include a statement that the displacee will not be required to move from his dwelling, or to move his business or farm operation before 90 days from the date of said notice.
 2. The notice shall also inform the displacee that a 30- day written notice will be given to him specifying that date by which the property must be vacated. This 30-day notice shall not be given until the Highways Division has obtained control of the property.
 3. Notices are not required if an occupant moves on his own volition prior to the time the notice is given.

Appeals: ²

- A. Any displaced person aggrieved by a determination as to his eligibility for payment or the amount of payment as prescribed in this procedure may request in writing that his application be reviewed.
1. The Agency shall promptly review appeals in accordance with the requirements of applicable law and this part.
 2. Actions which may be appealed. Any aggrieved person may file a written appeal with the Agency in any case in which the person believes that the Agency has failed to properly consider the person's application for assistance under this part. Such assistance may include, but is not limited to, the person's eligibility for, or the amount of, a payment required under Sec. 24.106 or Sec. 24.107 or a relocation payment required under this part. The Agency shall consider a written appeal regardless of form.
 3. Time limit for initiating appeal. The Agency may set a reasonable time limit for a person to file an appeal. The time limit shall not be less than 60 days after the person receives written notification of the Agency's determination on the person's claim.
 4. Right to representation. A person has a right to be represented by legal counsel or other representative in connection with his appeal, but solely at the person's own expense.
 5. Review of files by person making appeal. The Agency shall permit a person to inspect and copy all materials pertinent to his appeal, except materials which are classified as confidential by the Agency. The Agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.
 6. Scope of review of appeal. In deciding an appeal, the Agency shall consider all pertinent justification and other material submitted by the person, and all other available information that is needed to ensure a fair and full review of the appeal.

² 49 CFR 24.10

7. Determination and notification after appeal. Promptly after receipt of all information submitted by a person in support of an appeal, the Agency shall make a written determination on the appeal, including an explanation of the basis on which the decision was made, and furnish the person a copy. If the full relief requested is not granted, the Agency shall advise the person of his right to seek judicial review of the Agency decision.
 8. Agency official to review appeal. The Agency official conducting the review of the appeal shall be either the head of the Agency or his authorized designee. However, the official shall not have been directly involved in the action appealed.
- B. The Right-of-Way Branch Manager shall review such a request and forward it with his recommendation to the Administrator of the Highways Division for his review. Any person making an appeal shall be given an opportunity to be heard. After the review, the Administrator of the Highways Division shall forward the request with his recommendations to the Director of Transportation for his review and final decision.

The decision reached shall be supported by the necessary computations and rationale and documented in the parcel file.

Any aggrieved applicant who is not satisfied with the decision may appeal the Director's determination to the Circuit Court in which he presently resides.

CLAIM FOR INTEREST DIFFERENTIAL PAYMENT

IN State of Hawaii
Department of Transportation
Highways Division
Right-of-Way Branch
865 Punchbowl Street
Honolulu, Hawaii 96813

Project: _____
Parcel: _____
1. Old Claimant Name on Acquired Property? _____
2. Address of Acquired Property _____
3. Address of Replacement Property _____
4. Replacement Name, Date Purchased _____
5. Replacement Book _____ Page _____

Interest Rate _____
Remaining Term _____
Remaining Principal Balance _____
1. OLD MORTGAGE COMPUTATION
a. Monthly P & I Payment - \$ _____
b. Monthly P & I Payment - \$ _____
c. Monthly Interest Difference _____
d. Present worth of (a) \$ _____
e. Savings Deposit Rate _____
f. Savings Deposit Rate _____
g. Savings Deposit Rate _____
h. Savings Deposit Rate _____
i. Savings Deposit Rate _____
j. Savings Deposit Rate _____
k. Savings Deposit Rate _____
l. Savings Deposit Rate _____
m. Savings Deposit Rate _____
n. Savings Deposit Rate _____
o. Savings Deposit Rate _____
p. Savings Deposit Rate _____
q. Savings Deposit Rate _____
r. Savings Deposit Rate _____
s. Savings Deposit Rate _____
t. Savings Deposit Rate _____
u. Savings Deposit Rate _____
v. Savings Deposit Rate _____
w. Savings Deposit Rate _____
x. Savings Deposit Rate _____
y. Savings Deposit Rate _____
z. Savings Deposit Rate _____

2. NEW MORTGAGE COMPUTATION
a. Monthly P & I Payment - \$ _____
b. Monthly P & I Payment - \$ _____
c. Monthly Interest Difference _____
d. Present worth of (a) \$ _____
e. Savings Deposit Rate _____
f. Savings Deposit Rate _____
g. Savings Deposit Rate _____
h. Savings Deposit Rate _____
i. Savings Deposit Rate _____
j. Savings Deposit Rate _____
k. Savings Deposit Rate _____
l. Savings Deposit Rate _____
m. Savings Deposit Rate _____
n. Savings Deposit Rate _____
o. Savings Deposit Rate _____
p. Savings Deposit Rate _____
q. Savings Deposit Rate _____
r. Savings Deposit Rate _____
s. Savings Deposit Rate _____
t. Savings Deposit Rate _____
u. Savings Deposit Rate _____
v. Savings Deposit Rate _____
w. Savings Deposit Rate _____
x. Savings Deposit Rate _____
y. Savings Deposit Rate _____
z. Savings Deposit Rate _____

3. NEW MORTGAGE COMPUTATION
a. Monthly P & I Payment - \$ _____
b. Monthly P & I Payment - \$ _____
c. Monthly Interest Difference _____
d. Present worth of (a) \$ _____
e. Savings Deposit Rate _____
f. Savings Deposit Rate _____
g. Savings Deposit Rate _____
h. Savings Deposit Rate _____
i. Savings Deposit Rate _____
j. Savings Deposit Rate _____
k. Savings Deposit Rate _____
l. Savings Deposit Rate _____
m. Savings Deposit Rate _____
n. Savings Deposit Rate _____
o. Savings Deposit Rate _____
p. Savings Deposit Rate _____
q. Savings Deposit Rate _____
r. Savings Deposit Rate _____
s. Savings Deposit Rate _____
t. Savings Deposit Rate _____
u. Savings Deposit Rate _____
v. Savings Deposit Rate _____
w. Savings Deposit Rate _____
x. Savings Deposit Rate _____
y. Savings Deposit Rate _____
z. Savings Deposit Rate _____

NOTE: If new mortgage computation not necessary, leave of 81 or 82.
I CERTIFY THAT: (1) I am the former owner of property acquired by the Department of Transportation, Highway Division, at the address shown above; (2) that said property was subject to a bona fide deed or mortgage of record at least 180 days prior to the date of acquisition of the property; (3) that no material changes were made in the terms of said deed or mortgage during said period; (4) that I have purchased property similar to the property described above for replacement purposes; (5) that the replacement property is subject to a mortgage; (6) that I have not previously received payment of an interest differential claim from the Department of Transportation; (7) that I understand that falsification of any item in this claim submitted herewith may result in forfeiture of the entire claim.

Signature _____ Date _____
If Approved Payment \$ _____

REQUEST FOR RELOCATION SERVICE

To the occupants

If you must move from your present dwelling because it is needed for a highway project, the Department of Transportation, Highways Division, situated at 869 Punchbowl Street, Honolulu, Hawaii, will help you by providing relocation advisory assistance if you wish. To obtain this service, fill in this form, sign it, and mail or bring it to the Highways Division, Right-of-Way Branch at the address shown. You will then be furnished information about available housing which meets your needs. Please print or write legibly. Add comments at the bottom if necessary.

Mail or Bring to:		THIS SPACE FOR HIGHWAYS DIVISION USE	
		Project:	
		Section:	
		Parcel:	TMK No.:
Last Name	First	Initial	Address of State-owned Property you now occupy
Home Phone	Business Phone		Apt. No.

FILL IN SECTION BELOW WHETHER YOU PLAN TO RENT OR BUY								
NUMBER IN FAMILY						Family Gross Income	No. of Bedrooms Required	1 or 2 Car Garage
Adults	Give Ages & Sex of Children							
	Age	Sex	Age	Sex	Age	Sex		
Children							General Area Where you Wish to Move	
Total								
List Special Features You Want (Such as 2 bathrooms, built-ins, swimming pools, etc.)								
List Neighborhood Features You Want (Such as Parochial Schools, Public Transportation, etc.)								

FILL IN SECTION BELOW IF YOU PLAN TO BUY A HOME		
Price Range Wanted \$ _____	Down Payment \$ _____	Size (Estimated Area) _____ Sq. Ft.

FILL IN SECTION BELOW IF YOU PLAN TO RENT HOUSING				
Maximum Monthly Rent You Will Pay \$ _____		Will You	Yes	No
Check Type Housing You Want House Furnished Duplex Partly Furnished Apartment Unfurnished		Pay the Last Month's Rent in Advance?		
		Pay Cleaning Deposit?		
		Pay for Utilities?		
		Redecorate?		
Do You Have Pets?	Type Laundry Facilities Needed?	Do Yard Work?		
Additional Comments:				

Date

Signature

MOVING PAYMENTS

- PURPOSE:** To describe and establish procedures for payment of reasonable moving and related expenses to those relocated as a result of Federal-Aid highway programs.
- POLICY:** To provide payment for reasonable moving and related expenses to all eligible displacees.
- RESPONSIBILITY:** The Property Management Section (HWY-RM) of the Right-of-Way Branch (HWY-R) is responsible for coordinated the reasonable moving and related expenses payment activities to assure payment to all eligible displacees.
- SCOPE:** The provisions of this section apply to the Property Management Section of the Right-of-Way Branch, Highways Division.
- PROCEDURES:** Any individual, family, business, farm operator or a non-profit organization displaced by a Federal-Aid highway project is entitled to receive payments for reasonable moving and related expenses.

Payment for Actual Reasonable Moving and Related Expenses: ¹**A. General**

1. Any owner-occupant or tenant who qualifies as a displaced person (defined at §24.2(a) (9)) and who moves from a dwelling (including a mobile home) or who moves from a business, farm or non-profit organization is entitled to payment of his actual moving and related expenses, as the Agency determines to be reasonable and necessary.

¹ 49 CFR 24.301

2. A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement under §24.301 to relocate the mobile home. If the mobile home is not acquired as real estate, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances described at §24.502(a)(3), the homeowner-occupant is not eligible for payment for moving the mobile home, but may be eligible for a payment for moving personal property from the mobile home.

B. Moves From a Dwelling. A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a combination of the following methods: (Eligible expenses for moves from a dwelling include the expenses described in paragraphs (g) (1) through (g) (7) of this section. Self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this section.)

1. Commercial move—moves performed by a professional mover.
2. Self-move—moves that may be performed by the displaced person in one or a combination of the following methods:
 - a. Fixed Residential Moving Cost Schedule. (Described in §24.302.)
 - b. 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.

- C. Moves From a Mobile Home. A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a mobile home may be determined based on the cost of one, or a combination of the following methods: (self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this section). Eligible expenses for moves from a mobile home include those expenses described in paragraphs (g) (1) through (g) (7) of this section. In addition to the items in paragraph (a) of this section, the owner-occupant of a mobile home that is moved as personal property and used as the person's replacement dwelling, is also eligible for the moving expenses described in paragraphs (g) (8) through (g) (10) of this section.)
1. Commercial move—moves performed by a professional mover.
 2. Self-move—moves that may be performed by the displaced person in one or a combination of the following methods:
 - a. Fixed Residential Moving Cost Schedule. (Described in §24.302.)
 - b. Actual cost move- moves that are 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.
- D. Moves From a Business, Farm or Non-profit Organization. Personal property as determined by an inventory from a business, farm or non-profit organization may be moved by one or a combination of the following methods: (Eligible expenses for moves from a business, farm or non-profit organization include those expenses described in paragraphs (g) (1) through (g) (7) of this section and paragraphs (g) (11) through (g) (18) of this section and §24.303.)
1. Commercial move- based on the lower of two bids or estimates prepared by a commercial mover. At the Agency's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate.

2. Self-move- a self-move payment may be based on one or a combination of the following:
 - a. The lower of two bids or estimates prepared by a commercial mover or qualified Agency staff person. At the Agency's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate; or
 - b. Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.
- E. Personal Property Only. Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or non-profit organization include those expenses described in paragraphs (g) (1) through (g) (7) and (g) (18) of this section. (See appendix A, §24.301(e).)
- F. Advertising Signs. The amount of a payment for direct loss of an advertising sign, which is personal property, shall be the lesser of:
 1. The depreciated reproduction cost of the sign, as determined by the Agency, less the proceeds from its sale; or
 2. The estimated cost of moving the sign, but with no allowance for storage.
- G. Eligible Actual Moving Expenses
 1. Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.
 2. Packing, crating, unpacking, and uncrating of the personal property.

3. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. For businesses, farms or non-profit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building. It also includes modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
4. Storage of the personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary.
5. Insurance for the replacement value of the property in connection with the move and necessary storage.
6. The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
7. Other moving-related expenses that are not listed as ineligible under §24.301(h), as the Agency determines to be reasonable and necessary.
8. The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of the unit, and utility "hookup" charges.
9. The reasonable cost of repairs and/or modifications so that a mobile home can be moved and/or made decent, safe, and sanitary.
10. The cost of a non-refundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the Agency determines that payment of the fee is necessary to effect relocation.

11. Any license, permit, fees or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.
12. Professional services as the Agency determines to be actual, reasonable and necessary for:
 - a. Planning the move of the personal property;
 - b. Moving the personal property; and
 - c. Installing the relocated personal property at the replacement location.
13. Re-lettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move.
14. Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:
 - a. The fair market value in place of the item, as is for continued use, 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 the Agency 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 prices.); or
 - b. 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. (See appendix A, §24.301 (g)(14~i) and (U).) If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of 50 miles.
15. The reasonable cost incurred in attempting to sell an item that is not to be relocated.

16. Purchase of substitute personal property. 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:
 - a. The cost of the substitute item, including installation costs of the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
 - b. The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the Agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.
17. Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual expenses, not to exceed \$2,500, as the Agency determines to be reasonable, which are incurred in searching for a replacement location, including:
 - a. Transportation;
 - b. Meals and lodging away from home;
 - c. Time spent searching, based on reasonable salary or earnings;
 - d. Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;
 - e. Time spent in obtaining permits and attending zoning hearings; and
 - f. Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.
18. 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.

H. Ineligible Moving and Related Expenses. A displaced person is not entitled to payment for:

1. The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (However, this part does not preclude the computation under §24.401(c) (2) (iU));
2. Interest on a loan to cover moving expenses;
3. Loss of goodwill;
4. Loss of profits;
5. Loss of trained employees;
6. Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided in §24.304(a) (6);
7. Personal injury;
8. Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Agency;
9. Expenses for searching for a replacement dwelling;
10. Physical changes to the real property at the replacement location of a business or farm operation except as provided in §24.301 (g) (3) and 24.304(a);
11. Costs for storage of personal property on real property already owned or leased by the displaced person, and

12. Refundable security and utility deposits.

- a. Notification and inspection (nonresidential). The Agency shall inform the displaced person, in writing, of the requirements of this section as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided the displaced person as set forth in §24.203. To be eligible for payments under this section the displaced person must:
 - i. Provide the Agency reasonable advance notice of the approximate date of the start of the move or disposition of the personal property and an inventory of the items to be moved. However, the Agency may waive this notice requirement after documenting its file accordingly.
 - ii. Permit the Agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.
- b. Transfer of ownership (nonresidential). Upon request and in accordance with applicable law, the claimant shall transfer to the Agency ownership of any personal property that has not been moved, sold, or traded in.

Fixed Payment for Moving Expenses—Residential Moves: ²

Any person displaced from a dwelling or a seasonal residence or a dormitory style room is entitled to receive a fixed moving cost payment as an alternative to a payment for actual moving and related expenses under §24.301. This payment shall be determined according to the Fixed Residential Moving Cost Schedule ~ approved by the Federal Highway Administration and published in the Federal Register on a periodic basis. The payment to a person with minimal personal possessions who is in occupancy of a dormitory style room or a person whose residential move is performed by an Agency at no cost to the person shall be limited to the amount stated in the most recent edition of the Fixed Residential Moving Cost Schedule.

² 49 CFR 24.302

Related Nonresidential Eligible Expenses:³

The following expenses, in addition to those provided by §24.301 for moving personal property, shall be provided if the Agency determines that they are actual, reasonable and necessary:

1. Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
2. 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 the Agency a reasonable pre-approved hourly rate may be established. (See appendix A, §24.303(b).)
3. Impact fees or one time assessments for anticipated heavy utility usage, as determined necessary by the Agency.

Reestablishment Expenses – Nonresidential Moves: ⁴

In addition to the payments available under Sec. 24.301 and 24.303 of this subpart, a small business as defined in 24.2 (a) (24), farm or non-profit organization is entitled to receive a payment not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing such small business, farm or non-profit organization at a replacement site.

- A. Eligible Expenses. Reestablishment expenses must be reasonable and necessary, as determined by the Agency. They include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property as required by Federal, State or Local Law, code or ordinances.

³ 49 CFR 23.303

⁴ 49 CFR 23.304

2. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business
 3. Construction and installation costs for exterior signing to advertise the business
 4. Redecoration or replacement of soiled or worn surfaces at replacement site, such as paint, paneling or carpeting.
 5. Advertisement of replacement location.
 6. Estimated increased costs of operation during first 2 years at replacement site for such items as: (i) Lease or rental charges; (ii) Personal or real property taxes, (iii) Insurance premiums; and (iv) Utility charges, excluding impact fees.
 7. Other items that the Agency considers essential to the reestablishment of the business.
- B. Ineligible Expenses. The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible.
1. Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures;
 2. Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of business operation;
 3. Interest on money borrowed to make the move or purchase the replacement property;
 4. Payment to a part-time business in the home which does not contribute materially (defined at 24.2(a) (7)) to the household income.

Fixed Payment for Moving Expenses-Nonresidential Moves: ⁵

- A. Business. A displaced business may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses, and actual reasonable reestablishment expenses provided by §24.301, 24.303 and 24.304. Such fixed payment, except for payment to a non-profit organization, shall equal the average annual net earnings of the business, as computed in accordance with paragraph (e) of this section, but not less than \$1,000 nor more than \$20,000. The displaced business is eligible for the payment if the Agency determines that:
1. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move and, the business vacates or relocates from its displacement site;
 2. The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the Agency determines that it will not suffer a substantial loss of its existing patronage;
 3. The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the Agency, and which are under the same ownership and engaged in the same or similar business activities;
 4. The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others;
 5. The business is not operated at the displacement site solely for the purpose of renting the site to others; and
 6. The business contributed materially to the income of the displaced person during the two taxable years prior to displacement. (See §24.2(a) (7).)

⁵ 49 CFR 24. 305

B. Determining the Number of Businesses. In determining whether two or more displaced legal entities constitute a single business, which is entitled to only one 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 out 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.

C. Farm Operation. A displaced farm operation (defined at §24.2(a) (12)) may choose a fixed payment, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, in an amount equal to its average annual net earnings as computed in accordance with paragraph (e) of this section, but not less than \$1,000 nor more than \$20,000. In the case of a partial acquisition of land, which was a farm operation before the acquisition, the fixed payment shall be made only if the Agency determines that:

1. The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
2. The partial acquisition caused a substantial change in the nature of the farm operation.

- D. Non-profit Organization. A displaced non-profit organization may choose a fixed payment of \$1,000 to \$20,000, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, if the Agency determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A non-profit organization is assumed to meet this test, unless the Agency demonstrates otherwise. Any payment in excess of \$1,000 must be supported with financial statements for the two 12-month periods prior to the acquisition. The amount to be used for the payment is the average of two years annual gross revenues less administrative expenses. (See appendix A, §24.305(d))
- E. Average Annual Net Earnings of a Business or Farm Operation. The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State, and local income taxes during the two taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the Agency determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the Agency proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence, which the Agency determines is satisfactory. (See appendix A, §24.305(e).)

Discretionary Utility Relocation Payments: ⁶

- A. Whenever a program or project undertaken by a displacing Agency causes the relocation of a utility facility (see 24.2(a) (31)) and the relocation of the facility creates extraordinary expenses for its owner, the displacing Agency may, at its option, make a relocation payment to the owner for all or part of such expenses, if the following criteria are met:
1. The utility facility legally occupies State or local government property or property over which the State or local government has an easement or right-of-way;
 2. The utility facility's right of occupancy thereon is pursuant to State law or local ordinance specifically authorizing such use, or where such use and occupancy has been granted through a franchise, use and occupancy permit or other similar agreement;
 3. Relocation of the utility facility is required by and is incidental to the primary purpose of the project or program undertaken by the displacing Agency;
 4. There is no Federal law, other than the Uniform Act, which clearly establishes a policy for the payment of utility moving costs that is applicable to the displacing Agency's program or project; and
 5. State or local government reimbursement for utility moving costs or payment of such costs by the displacing Agency is in accordance with State law.
- B. For the purpose of this section, the term extraordinary expenses means those expenses which, in the opinion of the displacing Agency, are not routine or predicable expenses relating to the utility's occupancy of right-of-way, and are not ordinarily budgeted as operating expenses, unless the owner of the utility facility has explicitly and knowingly agreed to bear such expenses as a condition for use of the property, or has voluntarily agreed to be responsible for such expenses.

⁶ 49 CFR 24.306

- C. A relocation payment to a utility facility owner for moving costs under this section may not exceed the cost to functionally restore the service disrupted by the federally assisted program or project, less any increase in value of the new facility and salvage value of the old facility. The displacing Agency and the utility facility owner shall reach prior agreement on the nature of the utility relocation work to be accomplished, the eligibility of work for reimbursement, the responsibility for financing and accomplishing the work, and the method of accumulating costs and making payment (See appendix A, 24.306)

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REPLACEMENT HOUSING PAYMENTS

- PURPOSE:** To describe and establish procedures in providing replacement housing payments to individuals and families displaced by Federal-Aid highway projects.
- POLICY:** To provide replacement housing payments pursuant to Federal and State laws.
- RESPONSIBILITY:** The Property Management Section (HWY-RM) of the Right-of-Way Branch (HWY-R) is responsible for coordinating the replacement housing payment activities to assure payment to all eligible displacees.
- SCOPE:** The procedures described herein apply to the Right-of-Way Branch of the Highways Division, State Department of Transportation.
- PROCEDURES:** Any individual, family, business, farm operation or a non-profit organization displaced by a Federal-Aid highway project is entitled to receive replacement housing payments provided they meet the requirements prescribed by the Uniform Act.

Replacement Housing Payment for 180-day Homeowner-Occupant: ¹

- A. Eligibility. A displaced person is eligible for the replacement housing payment for a 180-day homeowner-occupant if the person:
1. Has actually owned and occupied the displacement dwelling for not less than 180 days immediately prior to the initiation of negotiations; and

¹ 49 CFR 24.401

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2. Purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the later of the following dates (except that the Agency may extend such one year period for good cause):
 - a. The date the displaced person receives final payment for the displacement dwelling or, in the case of condemnation, the date the full amount of the estimate of just compensation is deposited in the court; or
 - b. The date the displacing Agency's obligation under §24.204 is met.

B. Amount of Payment. The replacement housing payment for an eligible 180-day homeowner-occupant may not exceed \$22,500. (See also §24.404.) The payment under this subpart is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date a comparable replacement dwelling is made available to such person, whichever is later. The payment shall be the sum of:

1. The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined in accordance with paragraph (c) of this section;
2. The increased interest costs and other debt service costs which are incurred in connection with the mortgage(s) on the replacement dwelling, as determined in accordance with paragraph (d) of this section; and
3. The reasonable expenses incidental to the purchase of the replacement dwelling, as determined in accordance with paragraph (e) of this section.

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C. Price Differential Computation. The price differential to be paid under paragraph (b)(1) of this section is the amount which must be added to the acquisition cost of the displacement dwelling and site (see §24.2(a)(11)) to provide a total amount equal to the lesser of:

1. The reasonable cost of a comparable replacement dwelling as determined in accordance with §24.403(a); or
2. The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person.

D. Owner Retention of Displacement Dwelling. If the owner retains ownership of his dwelling, 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:

1. The cost of moving and restoring the dwelling to a condition comparable to that prior to the move;
2. The cost of making the unit a decent, safe, and sanitary replacement dwelling (defined at §24.2(a)(8)); and
3. The current fair market value for residential use of the replacement dwelling site (see appendix A, §24.401 (c)(2)(iii)), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and
4. The retention value of the dwelling, if such retention value is reflected in the "acquisition cost" used when computing the replacement housing payment.

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- E. Increased Mortgage Interest Costs. The displacing Agency shall determine the factors to be used in computing the amount to be paid to a displaced person under paragraph (b) (2) of this section. The payment for increased mortgage interest cost shall be the 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. In addition, payments shall include other debt service costs, if not paid as incidental costs, and shall be 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. Paragraphs (d) (1) through (d) (5) of this section shall apply to the computation of the increased mortgage interest costs payment, which payment shall be contingent upon a mortgage being placed on the replacement dwelling.
1. The payment shall be based on the unpaid mortgage balance(s) on the displacement dwelling; however, in the event the displaced person obtains a smaller mortgage than the mortgage balance(s) computed in the buy down determination, the payment will be prorated and reduced accordingly. (See appendix A, §24.401(d).) In the case of a home equity loan the unpaid balance shall be that balance which existed 180 days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.
 2. The payment shall be 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 shall not 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.

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4. Purchaser's points and loan origination or assumption fees, but not seller's points, shall be 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. The Agency determines them to be necessary; and
 - d. The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of the mortgage balance under this section.
 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 and 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.
- F. Incidental Expenses. The incidental expenses to be paid under paragraph (b)(3) of this section or §24.402(c)(1) are those necessary and reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, including:
1. Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees;
 2. Lender, Federal Home Administration (FHA), or Veteran's Administration (VA) application and appraisal fees;
 3. Loan origination or assumption fees that do not represent prepaid interest;
 4. Professional home inspection, certification of structural soundness, and termite inspection;
 5. Credit report;

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6. Owner's/mortgagee's evidence of title, e.g., title insurance, not to exceed the costs for a comparable replacement dwelling;
 7. Escrow agent's fee;
 8. State revenue or documentary stamps, sales or transfer taxes (not to exceed the costs for a comparable replacement dwelling);
 9. Such other costs as the Agency determine to be incidental to the purchase.
- G. Rental Assistance Payment for 180-day Homeowner. A 180-day homeowner-occupant, who could be eligible for a replacement housing payment under paragraph (a) of this section but elects to rent a replacement dwelling, is eligible for a rental assistance payment. The amount of the rental assistance payment is based on a determination of market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference, if any, is computed in accordance with §24.402 (b) (1), except that the limit of \$5,250 does not apply, and disbursed in accordance with §24.402(b) (3). Under no circumstances would the rental assistance payment exceed the amount that could have been received under §24.401 (b) (1) had the 180-day homeowner elected to purchase and occupy a comparable replacement dwelling.

Replacement Housing Payment for 90-day Occupant: ²

- A. Eligibility. A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed \$5,250 for rental assistance, as computed in accordance with paragraph (b) of this section, or down payment assistance, as computed in accordance with paragraph (c) of this section, if such displaced person:
1. Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and

² 49 CFR 24.402

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2. Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within one year (unless the Agency extends this period for good cause) after: (i) For a tenant, the date he moves from the displacement dwelling; or (ii) For an owner-occupant, the later of:
 - a. The date he receives final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of the estimate of just compensation is deposited with the court; or
 - b. The date he moves from the displacement dwelling.
- B. Rental Assistance Payment. An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed \$5,250 for rental assistance. (See §24,404.) Such payment shall be 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:
1. The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or
 2. The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.
- C. Base Monthly Rental for Displacement Dwelling. The base monthly rental for the displacement dwelling is the lesser of:
1. The average monthly cost for rent and 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 the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances);

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2. Thirty percent of the displaced person'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. The base monthly rental shall be established solely on the criteria in paragraph (b)(2)(i) of this section 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; or,
 3. The total of the amounts designated for shelter and utilities if the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.
- D. Manner of Disbursement. A rental assistance payment may, at the Agency's discretion, be disbursed in either a lump sum or in installments. However, except as limited by §24.403(f), the full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.
- E. Down Payment Assistance Payment
1. Amount of Payment. An eligible displaced person who purchases a replacement dwelling is entitled to a down payment assistance payment in the amount the person would receive under paragraph (b) of this section if the person rented a comparable replacement dwelling. At the Agency's discretion, a down payment assistance payment that is less than \$5,250 may be increased to any amount not to exceed \$5,250. However, the payment to a displaced homeowner shall not exceed the amount the owner would receive under §24.401(b) if he met the 180-day occupancy requirement. If the Agency elects to provide the maximum payment of \$5,250 as a down payment, the Agency shall apply this discretion in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a 180-day owner-occupant under §24.401(a) is not eligible for this payment. (See appendix A, §24.402(c))

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2. Application of Payment. The full amount of the replacement housing payment for down payment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

Additional Rules Governing Replacement Housing Payments ³

- A. Determining Cost of Comparable Replacement Dwelling. The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (defined at Sec. 24.2 (a) (6)).
 1. If available, at least three comparable replacement dwellings shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling.
 2. If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.
 3. 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 buildable residential lot, the Agency may offer to purchase the entire property. If the owner refuses to sell the remainder to the Agency, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.
 4. To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling was located or, if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

³ 49 CFR 24.403

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5. Multiple occupants of one displacement dwelling. 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. 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.
 6. Deductions from relocation payments. An Agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. The Agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.
 7. Mixed-use and multifamily properties. If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a lot larger than typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered the acquisition cost when computing the replacement housing payment.
- B. Inspection of Replacement Dwelling. Before making a replacement housing payment or releasing the initial payment from escrow, the Agency or its designated representative shall inspect the replacement dwelling and determine whether it is a decent, safe, and sanitary dwelling as defined at Sec. 24.2(a) (8) (c) Purchase of replacement dwelling. A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:
1. Purchases a dwelling;
 2. Purchases and rehabilitates a substandard dwelling;
 3. Relocates a dwelling which he owns or purchases;

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4. Constructs a dwelling on a site he owns or purchases;
 5. Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site he owns or purchases; or
 6. Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value.
- C. Occupancy requirements for displacement or replacement dwelling. No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in these regulations for a reason beyond his or her control, including:
1. A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the Federal Agency funding the project, or the displacing Agency; or
 2. Another reason, such as a delay in the construction of the replacement dwelling, military duty, or hospital stay, as determined by the Agency.
- D. Conversion of Payment. A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under Sec. 24.402(b) is eligible to receive a payment under Sec. 24.401 or Sec. 24.402(c) if he meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed one-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under Sec. 24.401 or Sec. 24.402(c).
- F. Payment After Death. A replacement housing payment is personal to the displaced person and upon his or her death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:
1. The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.

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2. The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy a decent, safe, and sanitary replacement dwelling.
3. Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

Non-Availability of Comparable Housing:

- A. When comparable Decent Safe and Sanitary (DSS) housing is not available and cannot otherwise be made available, the State may provide such housing by methods which include, but are not limited to, the following:
 1. The purchase of land and/or existing dwellings in compliance with Procedure No. 08-03-07 & 08 concerning appraisal and appraisal review and Procedure No. 08-02-05 & 06 concerning negotiations;
 2. The rehabilitation of existing dwellings purchased by the Highways Division for right-of-way purposes or acquired under the provisions of (I) above, to meet DSS requirements. No existing dwelling may be acquired as replacement housing if the cost of acquisition and/or rehabilitation exceeds the estimated cost of constructing a new comparable dwelling meeting the DSS requirements of the displacees that can be constructed on a timely basis;
 3. The relocation and, if necessary, the refurbishing or rehabilitation of existing dwellings purchased by the Highways Division for right-of-way purposes;
 4. The construction of new comparable dwellings capable of filling the needs of those displaced;
 5. The transfer from the General Services Administration to the State of any real property surplus to the needs of the United States;

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6. Negotiated purchases of housing owned by other public or private agencies or individuals and to be moved from their existing location including rehabilitation; etc.
 7. Joint development and/or subsidization in coordination with other governmental agencies;
 8. Tri-party rental agreement;
 9. Any other reasonable means to provide replacement housing.
- B. Any person displaced because of the acquisition of real property for a last resort housing project under the Highways Division's power of eminent domain (including amicable agreements under the threat of such power) is entitled to all benefits for which he is eligible under the relocation assistance provisions, except an owner-occupant who voluntarily acts to sell his property to the Highways Division for last resort housing and so certifies in statement maintained in the Highways Division's files.

General Provisions:

- A. In addition to moving cost payments, individuals and families displaced from a dwelling, apartment. Condominium or co-operative apartments acquired for a Federal-Aid highways project are eligible for replacement housing payments in accordance with this procedure;
1. The displaced individual or family is not required to duplicate the same occupancy status (tenant or owner status) but has options according to his ownership status;
 2. Only one replacement housing payment can be made for each dwelling unit except in the case of a multi-family occupancy of a single family dwelling.

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B. Requirements to Receive Payments

1. In addition to the occupancy requirements other displaced person who is otherwise eligible for the payments, he must relocate and occupy a decent, safe and sanitary dwelling within one year beginning on the latter of the following dates:
 - a. The date on which the owner received final payment for the acquired dwelling through negotiations, or in the case of condemnation;
 - b. The date the Highways Division deposits the required amount in court for the benefit of the owner;
 - c. The date he is required to move by the Highways Division's written notice to vacate;
 - d. The date he moves if it is earlier than the date he is required to move.
2. A displaced person who has entered into a contract for the construction or rehabilitation of a replacement dwelling and for reasons beyond his control cannot occupy the dwelling shall be considered to have purchased and occupied the dwelling as of the date of such contract. The payments under these circumstances would be deferred until actual occupancy is accomplished.

- C. Inspection for Decent, Safe and Sanitary Housing (DSS). The Highways Division shall make an inspection of the replacement dwelling for DSS standards before making payments to the displacee (see Attachment R).

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- D. Statement of Eligibility to Lending Agency. In cases here the displacee qualifies for a replacement housing payment, but has not purchased or occupied a suitable replacement dwelling, the Highways Division after inspecting the proposed dwelling and finding that it meets the DSS standards may upon the displacee's request state to the interested party, financial institution or lending agency, that the displacee is eligible for the payment of a specific sum provided he purchases and occupies the inspected dwelling within the allowable time limit.
1. General Requirements. All applications for replacement housing payments shall be in writing on a form (Attachment I and J) provided by the Highways Division. It shall be filed no later than 18 months after the date of move except that in condemnation cases, such time may be extended to six months after the Final adjudication.
 2. In the application, the displacee must indicate to the best his knowledge and belief that the replacement dwelling meets the DSS standards and the displacee is eligible for the payment requested.
 3. The payments may be made directly to the displacee or upon written instruction from the displacee made directly to the lessor for rent or to the seller for a purchase or into escrow:

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E. Advance Replacement Housing Payment in Condemnation Cases. An advance replacement housing payment can be computed and paid to the property owner upon determination by the Highways Division that the acquisition price will be delayed pending the outcome of condemnation proceedings. The calculated amount will be based on the Highway's Division's maximum offer for the property as the acquisition price. Payment of such amount shall be made upon the owner-occupant's agreement that:

1. Upon final determination of the condemnation proceedings, the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the amount determined by the

Highways Division necessary to acquire a comparable, decent, safe and sanitary dwelling.

2. If the amount awarded in the condemnation proceedings exceeds the amount determined by the Highways Division as the cost of a comparable dwelling, he will refund to the Highways Division, from his judgment, the amount in excess of the amount determined by the Highways Division.
3. If an agreement is not made, payment shall not be made until case is adjudicated.

E. Ownership of Replacement Dwelling Prior to Displacement. Any person who has obtained legal ownership of a replacement dwelling or land upon which his dwelling is constructed, either before or after displacement, and occupies the replacement dwelling after being displaced, but within the time limit specified in this procedure, is eligible for a replacement housing payment provided the replacement dwelling meets the requirements. The cost of the land and dwelling at the time of purchase by the displacee will constitute the "actual cost" in the replacement housing payment determination.

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F. Partial Taking

1. Where the dwelling is located on a tract normal for residential use in the area, the maximum replacement housing payment shall be determined by subtracting the "before value" of the property from the estimated selling price of a comparable dwelling on a lot typical for the area.
2. Where the dwelling is located on a tract larger than normal for residential use in the area, the maximum replacement housing payment shall be determined by estimating the value of the dwelling at the present location on a home site typical in size for area and deducting this amount from the selling price of a comparable dwelling on a typical residential home site for the area.

G. Dwelling on Land with Higher and Better Use. Where a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, the maximum replacement housing payment shall be determined by estimating the value of the dwelling at the present location on a home site typical for the area and zoned for residential

use and deducting this amount from the selling price of a comparable dwelling on a typical residential home site for the area.

H. Multiple Occupancy of Same Dwelling Unit

1. Families. If two or more eligible families occupy the same single family dwelling unit, each family is eligible for a replacement housing payment if they relocate to separate dwelling unit.
2. Individuals. If two or more eligible individuals with no identifiable head of household occupy the same single family dwelling unit, they are considered as one "family" for replacement housing payment purposes. When all individuals do not relocate to decent, safe and sanitary housing, the Highways Division shall determine and pay those who do relocate into decent safe and sanitary housing a pro-rata share of the appropriate payment that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

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I. Joint Residential and Business Use

1. Where displaced individuals or families occupy living quarters on the same premises as a displaced business, farm or non-profit organization, such individuals or families are separate displaced persons for purposes of determining entitlement to relocation payments.
- 2 The procedures for computing replacement housing payments to owners of multi-family dwellings who occupy one unit are as follows:
 - a. Comparability -- The comparable dwelling should be the same that acquired. If comparables are not available, then structures of the next lowest density must be used. If there are comparable multi-family units to be found, the comparison of the owner's living unit would be to a single family residence. A higher density structure should never be used.
 - b. Payment Determination -- The value of the owner's unit is to be used as the base for the replacement housing payment determination, not the entire fair market value of the subject property. The replacement housing payment determination is the difference, if any, between the value of the owner's living unit and the value of a living unit on the most comparable available DSS property. If a triplex, only one unit is used.

- J. Delivery of Payment Checks. The person or persons who establish the estimate of value of replacement housing payments shall not negotiate for the parcel nor deliver the payment to the displacee.

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Replacement Housing Payments for Owner-Occupant for 180 Days or More Who Purchase:

A. General

1. A displaced owner-occupant of a dwelling who purchases and occupies a decent, safe and sanitary dwelling and who is otherwise eligible, may receive an amount, the total combined payment of which shall not exceed the statutory limits for owner-occupancy replacement housing payment for the additional cost necessary to purchase the replacement housing which is adequate for him and his family. Compensate him for the loss of favorable financing on his existing mortgage in the financing of his replacement housing; and reimburse him for incidental expenses incident to the purchase of his replacement housing when such costs are incurred by him (see Attachments I and K).
2. The owner-occupant is eligible for the payment when:
 - a. He is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or in part;
 - b. He is in occupancy at the time he is given a written notice by the Highways Division that it is their intent to acquire the property by a given date;
 - c. Such occupancy has been for at least 180 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier.
 - d. The property was acquired from owner by the Highways Division.

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- e. Owner purchased and occupied a decent, safe and sanitary dwelling within a one year period beginning on the latter of the following two dates:
 - I. The date on which the owner received from the Highways Division final payment for two costs of the acquired dwelling in negotiated settlements; or in the case of condemnation the date on which the Highways Division deposits the required amount in court for the benefit of the owner; or
 - II. The date on which he is required to move; or the date on which owner moves, if earlier than the date on which owner is required to move;
 - III. If otherwise eligible under paragraph 5.2A.2 above, the owner-occupant may receive these payments if the Highways Division issues an order to vacate even though the property is not acquired.

B. Replacement Housing Payments

- 1. Amount of Payment. The replacement housing payment is the amount, if any, when added to the amount which the Highways Division acquired his dwelling, equals the actual cost which the owner is required to pay for a decent, safe and sanitary dwelling or the amount determined by the Highways Division as necessary to purchase a comparable dwelling whichever is less.
- 2. Determination of Amount Necessary to Purchase
 - a. Schedule. A schedule may be established to probable selling prices of comparable dwellings in various types of dwellings being acquired based on analysis of the market. The schedule shall be updated periodically to reflect current prices and shall be coordinated with governmental agencies causing displacement in the same community or area so as to assure uniformity to the maximum extent possible.