

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

- b. Three Comparables Method. The Highways Division may use the Three Comparables Method. Three comparables are analyzed and the most comparable is selected. Selection of comparables and computation of the payment must be done by qualified Highways Division employee other than the appraiser or review appraiser on the parcel involved. The selected comparable must be the most nearly comparable and equal to or better than the subject property (see attachment M). No adjustments will be made to the asking price of the selected comparables. If a comparable is obviously overpriced, it may not be used in the computation.
 - c. As an alternative, the Highways Division may develop a different method of determining the probable selling price of comparable dwellings and submit it to the Federal Highways Administration (FHWA) for prior approval.
3. Revisions to Replacement Housing Amount. In cases where the displacee requests assistance in finding replacement housing and the comparable housing unit on which Highways Division made its determination are no longer available, a new replacement housing amount will be determined based on available housing which is equal or better and meets the other criteria.

C. Increased Interest Payments

1. Increased interest payments are provided to compensate a displaced person for the increased interest cost he is required to pay for financing a replacement dwelling and shall be allowed only when both of the following conditions are met:
 - a. The dwelling acquired by the Highways Division was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the established eligibility date covered under paragraph 5.2A(2); and
 - b. The mortgage on the replacement dwelling bears a higher rate of interest than the mortgage interest rate on the acquired dwelling.

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

2. Limitation. The increased interest payment will be based on and limited to the lesser of the following amounts:
 - a. The present worth of the right to receive the monthly difference in mortgage payments on the existing mortgage using the old and new interest rates.
 - b. The present worth of the right to receive the monthly difference in mortgage payments on the new mortgage using the old and new interest rates.
 - c. To the amount derived will be added the actual amount paid by the purchaser as points on the amount refinanced, but in no instances would it exceed an amount which would have been paid if the original mortgage balance was refinanced, and/or a fee actually charged as an origination or service fee (not to exceed one per cent of the mortgage amount). If such fees are normal to real estate transactions in the area.
3. Payment Computation. The amount of increased interest payment will be computed as shown on attachment B.
4. To Whom Payment Made
 - a. The increased interest payment is made directly to the relocated individual or family. Payment may be made directly to the mortgagee for the replacement dwelling upon written instructions from the relocated individual or family.
 - b. Advance payment into escrow prior to the displacee's moving may be made by the Highways Division if requested specifically by the applicant provided he qualifies for the interest payment.

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

5. Partial Acquisition
 - a. Where the dwelling is located on a tract normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the acquisition price bears to the before value; except, the reduction shall not apply when the mortgagee required the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.
 - b. Where a dwelling is located on a tract larger than normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the value of the residential portion bears to the before value. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.
6. Multi-Use Properties. The interest payment on multi-use properties shall be based on the percentage ratio that the residential value of the multi-use property bears to the before value.
7. Other Highest and Best Use. If a dwelling is located on a tract where the fair market value is established on higher and better than residential use, and if the mortgage is based on residential value, the interest payment shall be computed as provided in the appropriate preceding paragraphs. If the mortgage is obviously based on the higher use, however, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value.

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

D. Incidental Expenses

1. The owner-occupant is entitled to receive reimbursement for the actual costs incurred by him incident to the purchase of the replacement dwelling, but not for prepaid expenses. The claim for reimbursement is submitted by the owner in the form provided by the Highways Division as shown on Attachment C. Incidental expenses may include the following items if normally paid by the buyer.
 - a. Legal, closing and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats and charges paid incident to recordation;
 - b. Lenders FHA or VA appraisal fee;
 - c. FHA or VA application fee;
 - d. Certification of structural soundness when required by lender, FHA or VA and due diligence professional inspections;
 - e. credit report;
 - f. Owner's title policy or abstract of title;
 - g. Escrow agent's fee;
 - h. Conveyance tax;
 - i. Sales or transfer taxes.
2. No fee, cost, charge or expense is reimbursable as incidental expenses when it is determined to be a part of the debt service, or finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

- E. Combined Payments Not to Exceed Statutory Limit for Owner-Occupant Replacement Housing Payment. In no event shall the combined payment for replacement housing costs, increased interest payments and incidental expenses incurred incident to purchase of said replacement dwelling exceed the statutory limit.

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

- F. Owner Retention. If the owner retains his dwelling, the payment shall be computed as follows:
1. Dwelling is decent, safe and sanitary. The payment, if any, shall be the amount by which the posts to relocate the retained dwelling exceeds the acquisition price of the dwelling. The cost to relocate may include the reasonable costs of acquiring a new site and other expenses incident to retaining, moving the dwelling and restoring it to a condition comparable to that before the move.
 2. Dwelling is not decent, safe and sanitary. The payment shall be computed as above except that the costs to cure the decent, safe and sanitary deficiencies shall be included in the costs to relocate.
 3. Limitations. The payment computed on the basis of (a) and (b) above may not exceed the replacement housing payment when added to the amount for which the Highways Division acquired the dwelling; equals the actual cost the owner is required to pay for a decent, sale and sanitary dwelling; or the amount determined by the State as necessary to purchase a comparable dwelling, whichever is less.

Rental Replacement Housing Payment to Owner-Occupant for 180 Days or More who Rents:

- A. General. An owner-occupant who is otherwise eligible to receive a replacement housing payment, for the additional cost necessary to purchase replacement housing; increased interest costs and incidental expenses incident to purchase of a replacement dwelling may elect to rent in lieu of purchasing a replacement dwelling. If he rents a replacement dwelling, he is eligible to receive a rental replacement housing payment not to exceed the statutory limit for rental replacement housing payment.
- B. Computation and Disbursement. The payment shall be computed and disbursed in accordance with the provisions of paragraphs 5.4B and C, and D except that the present rental rate shall be economic rent as determined by the Highways Division.

Replacement Housing Payments to Owner-Occupant for Less than 180 Days But Not Less Than 90 Days Who Purchases:

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

- A. General. A displaced owner-occupant otherwise eligible under paragraph S.2A except that he has owned and occupied the dwelling for less than 180 days but more than 90 days may receive an amount not to exceed the statutory limit for rental replacement housing payment to enable him to make a down payment on the purchase of a replacement dwelling and reimbursement for actual expenses incident to such purchase (see Attachment L); or for additional costs to relocate his retained dwelling in accordance with the following:
- B. Computation of Down Payment and Incidental Costs
1. The amount of down payment shall be determined by the Highways Division as the amount required as a typical down payment on a comparable dwelling if such was financed by a conventional loan plus the amount required to be paid as points by the purchaser or an origination or loan service fee (not to exceed one per cent), if such fees are normal to real estate transaction in the area.
 2. The expenses incident to the purchase of the replacement housing as described in paragraph 5.2D.
 3. Upon purchase and occupancy of a decent, safe and sanitary dwelling within the time limits specified in paragraph 5.1 B. The displacee may be reimbursed for the down payment and incidental expenses for owner-occupant with less than 180 days but not less than 90 days.
 4. The full amount of the down payment must be applied to the purchase price and such down payment and incidental costs claimed must be shown on the closing statement.
- C. Owner Retention of Dwelling. The owner may retain his dwelling; and replacement housing payment, if any, will be determined as in paragraph 5.2F.I.
- D. Combined Payments. Not to Exceed the Statutory Limit for Rental Replacement Housing Payment If an owner-occupant is qualified under this paragraph but has previously received a payment under paragraph 5.4, the amount of such payment made under said paragraph shall be deducted from the amount to which he is entitled.

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

Rental Replacement Housing Payments to Owner-Occupant for Less than 180 Days but Not Less Than 90 Days Who Rents:

- A. General. An owner-occupant who is otherwise eligible under paragraph 5. IA except that he has owned and occupied dwelling for less than 180 days but not less than 90 days and elects to rent a replacement dwelling is eligible for a rental replacement housing payment.
- B. Computation Disbursement. The payment will be computed and disbursed in accordance with paragraphs 5.6B, C and D except that the present rental rate shall be economic rent as determined by market data (see Attachment P).

Rental Replacement Housing Payments to Tenant-Occupant of 90 Days or More Who Rents:

- A. General. A displaced tenant is eligible to receive rental replacement housing payment not to exceed the statutory limit for rental replacement housing payment when:
 - 1. He is in occupancy in whole or in part at the beginning of negotiations for the acquisition of real property;
 - 2. He is in occupancy at the time he is given a written notice of intent to acquire the property by a given date by the Highways Division;
 - 3. The occupancy has been for at least 90 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier;
 - 4. The property was subsequently acquired;
 - 5. He rented and occupied a decent, safe and sanitary dwelling within the time allowed;
 - 6. If otherwise eligible, he may receive the payment if the State issues an order to vacate even though the property is not acquired.

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

B. Computation of Payment

1. The payment shall be determined by subtracting from the amount the tenant actually pays for a replacement dwelling or if lesser, the amount as determined by the Highways Division as necessary to rent a comparable dwelling for the next three and one-half years the following amount (see Attachments J and O) except as provided in paragraph 5.68.2:
 - a. Forty-two (42) times the average monthly rental paid by the relocated individual or family during the last three months or such other appropriate time as may be proper; or
 - b. The economic rent as set by the Highways Division if the average monthly rental is not reasonable equal to market rental for similar dwellings; or
 - c. The "monthly rental paid" shall include all rent supplements supplied by others except when, by law, such supplement is to be discontinued upon vacating from the property;
2. Where the average monthly rental being paid by the displacee, not including the supplemental rent by public agencies, exceeds 30 per cent of the monthly gross income of such individual or family, the payment shall be determined by subtracting 12 times the average monthly income of the displacee from:
 - a. Forty-two (42) times the monthly rental the tenant actually pays for his replacement unit or, if lesser, the amount determined by the Highways Division as necessary to rent a comparable dwelling if he relocates into private housing (see Attachment N); or
 - b. Forty-two (42) times the monthly rental the displacee is required to pay if he relocates into a comparable unit of public subsidized rental housing;

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

- c. When the rental replacement housing payment computed under these criteria exceeds the statutory limit, the selected replacement dwelling is to be classed as not comparable. Housing must be made available which is within the financial means of the displacee.
- C. Determination of Amount Necessary to Rent. The Highways Division shall determine the rental rates of comparable housing by the three comparables method or by a schedule.
- D. Disbursement of Rental Replacement Housing Payments. The amount of the rental replacement housing payment shall be paid in a lump sum, unless the displaced person who is entitled to the payment requests that it be paid in installments.

Replacement Housing Payments to Tenant-Occupant for Not Less Than 90 Days Who Purchase:

- A. General. A tenant-occupant who is eligible for rental replacement housing payment under paragraph 5.5 who elects to purchase a replacement dwelling is eligible to receive the tenant replacement housing payment, not to exceed the statutory limit, to enable him to make a down payment on the purchase of a replacement dwelling including the expenses incident to such purchase.
- B. Computation of Payment. The payments shall be computed in accordance with the provisions of paragraph 5.4.

Replacement Housing Payments to Tenant of a Sleeping Room for More Than 90 Days:

- A. General. In the case of a displaced individual renting only a sleeping room, the provisions of paragraph 5.6A shall apply. He may receive the rental replacement housing payment not to exceed the statutory limit, as a rental housing payment or to enable him to make a down payment on a replacement dwelling in accordance with the following paragraphs.

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

B. Rental Replacement Housing Payment

1. The payment shall be determined by subtracting from the amount which the tenant actually pays or if lesser, the amount determined by the Highways Division as necessary to rent a comparable sleeping room for the next three and one-half years the following amount:
 - a. Forty-two (42) times the average monthly rental paid by the displaced tenant during the last three months.
 - b. If such average monthly rental is not reasonably equal to market rentals for similar sleeping rooms, the economic rent is established by the State.
2. The determination of the amount necessary to rent and disbursement of the rental replacement housing payment shall be as provided for in paragraphs S.6C and 5.6D.

- C. Down Payment. The down payment amount including the expenses incident to the purchase of the replacement dwelling are to be computed in accordance with the provisions of paragraph 5.4B.

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

Forms Used for Relocation Assistance and Payments

The following forms are used in connection with our relocation assistance program:

	<u>Attachments</u>
1. Moving Expense Schedule	A
2. Claim for Interest Differential Payment	B
3. Claim for Incidental Expenses	C
4. Request for Relocation Service	D
5. Request for Determination of Entitlement for Moving Expense Payment Based on Income	E
6. Claim for Payment - Income Basis in Lieu of Moving Expense	F
7. Claim for Payment - Moving Expense	G
8. Moving Expense Claim Form	H
9. Claim for Payment Replacement Housing Purchase Supplement	I
10. Claim for Payment Replacement Housing – Rent Supplement	J
11. Computation of Down Payment Assistance for Claimant Who Moved to Replacement Unit Purchased	K
12. Computation of Down Payment Assistance for Claimant Who Moved to Replacement Unit Purchased	L
13. Determination of the Amount Required as Down Payment on a NI Comparable Dwelling, if Such Purchase was Financed by a Conventional Loan	M
14. Determination of the Amount Necessary to Rent a Comparable Dwelling	N

RIGHT-OF-WAY MANUAL CHAPTER 4 SECTION 5-REPLACEMENT HOUSING PAYMENTS

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|---|---|
| 15. Computation of Rental Replacement Housing Amount (Tenant) | O |
| 16. Computation of Rental Replacement Housing Amount (Owner-Occupant) | P |
| 17. Relocation Assistance Appeal | Q |
| 18. Standards for Decent, Safe and Sanitary Housing for Permanent Relocation Housing for Families | R |
| 19. Survey Information Occupant(s) | S |

Uniform Relocation Assistance and Real Property Acquisition Policies Act, as Amended, Fixed Residential Moving Cost Schedule

The payments listed in the table below apply on a state-by-state basis. Two exceptions and limitations apply to all States and Territories. Payment is limited to \$100.00 if either of the following conditions apply:

- A person has minimal possessions and occupies a dormitory style room, or
- A person's residential move is performed by an agency at no cost to the person.

Effective Date June 15, 2005

State	Occupant owns furniture									Occupant does not own furniture		
	Number of rooms of furniture									Each add'l. room	1 room not furn.	Add'l room/ no furn.
	1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms				
Alabama	\$450	\$600	\$750	\$900	\$1050	\$1200	\$1350	\$1500	\$150	\$300	\$50	
Alaska	600	800	1025	1250	1450	1625	1800	1975	200	400	100	
American Samoa	282	395	508	621	706	790	875	960	85	226	28	
Arizona	650	750	850	950	1050	1150	1250	1350	100	345	60	
Arkansas	450	675	900	1100	1300	1475	1650	1800	150	250	50	
California	625	800	1000	1175	1425	1650	1900	2150	225	400	65	
Colorado	400	550	700	850	1000	1150	1300	1450	150	300	50	
Connecticut	575	750	925	1100	1325	1550	1775	2000	150	225	60	
Delaware	450	630	810	990	1125	1260	1395	1530	135	360	45	
D.C.	250	400	550	650	750	850	950	1050	100	225	35	
Florida	550	700	875	1050	1200	1350	1500	1650	200	450	125	
Georgia	495	715	935	1100	1320	1485	1650	1760	140	275	40	
Hawaii	282	395	508	621	706	790	875	960	85	226	28	
HAWAII	550	900	1250	1550	1850	2100	2350	2600	200	300	100	
Hawaii	400	550	700	850	950	1050	1150	1250	100	300	50	
Illinois	550	700	850	950	1050	1150	1250	1350	100	475	50	
Indiana	425	625	825	900	1025	1150	1300	1400	200	375	100	
Iowa	550	700	800	900	1000	1100	1225	1350	125	400	50	
Kansas	400	600	800	1000	1200	1400	1600	1800	200	250	50	
Kentucky	450	620	790	960	1130	1300	1470	1640	170	350	50	
Louisiana	500	700	900	1100	1300	1500	1700	1900	200	375	60	
Maine	500	700	900	1100	1300	1500	1650	1800	150	300	75	
Maryland	350	500	650	800	925	1050	1175	1300	100	225		

CLAIM FOR INTEREST DIFFERENTIAL PAYMENT

TO: State of Hawaii
 Department of Transportation
 Division of Public Works
 859 Punchbowl Street
 Honolulu, Hawaii 96813

Project: _____
 Parcel: _____
 1. Old Claimant Parcel or Acquired Property? YES No

2. Full Name of Claimant _____
 Address of Acquired Property _____

3. Address of Replacement Property _____
 (a) Acquired Property Book _____ Page _____
 (b) Replacement Housing, Date Purchased Book _____ Page _____

4. Controlling Interest, Terms, Dates and Computations

Interest Rate _____
 Remaining Term _____
 Remaining Principal Balance \$ _____

I. OLD MORTGAGE COMPUTATION

1st Mortgage

a. Monthly P & I Payment - \$ _____ for _____ yrs. at _____ %
 b. Monthly P & I Payment - \$ _____ for _____ yrs. at _____ %
 c. Monthly Interest Difference _____
 d. Present worth of (c) \$ _____ savings deposit rate _____ % discounted at _____ %

2nd Mortgage

a. Monthly P & I Payment - \$ _____ for _____ yrs. at _____ %
 b. Monthly P & I Payment - \$ _____ for _____ yrs. at _____ %
 c. Monthly Interest Difference _____
 d. Present worth of (c) \$ _____ savings deposit rate _____ % discounted at _____ %

II. NEW MORTGAGE COMPUTATION *

1st Mortgage

a. Monthly P & I Payment - \$ _____ for _____ yrs. at _____ %
 b. Monthly P & I Payment - \$ _____ for _____ yrs. at _____ %
 c. Monthly Interest Difference _____
 d. Present worth of (c) \$ _____ savings deposit rate _____ % discounted at _____ %

2nd Mortgage

a. Monthly P & I Payment - \$ _____ for _____ yrs. at _____ %
 b. Monthly P & I Payment - \$ _____ for _____ yrs. at _____ %
 c. Monthly Interest Difference _____
 d. Present worth of (c) \$ _____ savings deposit rate _____ % discounted at _____ %

AMOUNT OF INTEREST PAYMENT (LARGER OF II or I) _____

* New mortgage computation not necessary if new mortgage is for the same amount and term of the old mortgage.

I CERTIFY THAT: (1) I am the former owner of property acquired by the Department of Transportation, Mortgage 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 for the party; (3) that no substantial changes were made in the terms of said deed or mortgage during said period; (4) that I had no knowledge of the acquisition of the property at the time of the acquisition; (5) that the replacement property is subject to a mortgage; (6) that I have no other claim against the property; (7) that the interest differential arising from state's purchase of this parcel of real property, I understand that satisfaction of any claim in this claim submitted herewith may result in forfeiture of the entire claim.

Signature _____ Date _____

APPROVED BY: _____
 Signature _____ Date _____

I APPROVE THIS CLAIM AND SUBMITTING DOCUMENTATION AND HAVE READ IT TO CONFIRM TO THE APPLICABLE PROVISIONS OF THE Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, applicable thereto; (2) that the claimant has complied with said provisions and is eligible to receive an interest differential payment as requested. This claim is approved and payment authorized as follows:

If Approved Payment \$ _____

CLAIM FOR INCIDENTAL EXPENSES

If you purchase a replacement dwelling and file a claim for a replacement housing payment, you must complete this form and submit it, together with a certified copy of the closing statement for the transaction, to the Right-of-Way Branch, Highways Division, Department of Transportation, 869 Punchbowl Street, Honolulu, Hawaii.

List incidental expenses actually incurred by you in connection with the purchase of your replacement dwelling. Such expenses must be shown on the closing statement you submit with this claim. Complete columns (a), (b), (c) and (d). If you are an owner-occupant of less than 180 days, the closing statement must also show the total downpayment made and the amount of cash contribution from your own funds applied towards the purchase of your replacement dwelling.

ITEM (a)	COSTS INCURRED BY CLAIMANT			This Column for use by Highways Division
	Charged to Claimant on Closing Statement (b)	Paid Directly by Claimant (c)	Amount Claimed (Col. (b) + (c)) (d)	Amount Approved (e)
	\$	\$	\$	\$
TOTAL	\$	\$	\$	\$

Listing of documents submitted herewith in support of amounts entered in Column (d) above:

_____ Date

_____ Signature of Owner-Occupant(s)

This block for use by Highways Division

APPROVED: _____

Supervising Right-of-Way Agent _____ Date _____

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	Age	Sex	Give Ages & Sex of Children		Age			
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		
Check Type Housing You Want House Furnished Duplex Partly Furnished Apartment Unfurnished	Pay the Last Month's Rent in Advance?	Yes	No
	Pay Cleaning Deposit?		
	Pay for Utilities?		
	Redecorate?		
Do You Have Pets?	Type Laundry Facilities Needed?		
Additional Comments: _____ _____ _____ _____			

Date

Signature

REQUEST FOR DETERMINATION OF ENTITLEMENT
FOR MOVING EXPENSE PAYMENT BASED ON INCOME

Business or Farm Operation

READ RULES ON REVERSE SIDE. PRINT OR TYPE ALL INFORMATION

TO: State of Hawaii Department of Transportation Highways Division 869 Punchbowl Street Honolulu, Hawaii 96813		Project:		
		Parcel:	TMK No.:	
1. Name and Address of Applicant		2. Name and Address of Business or Farm Operation		
3. Applicant's Phone No.:		4. Occupancy of Property		
Home:				
Business:		Dates of Occupancy		
		From	To	Time Occupied
5. Kind of Operation				Years
Business	Farm			Months
Retail Marketing	Wholesale Marketing	6. Other, State here or add extra page		
Manufacturing	Service	7. Principal Product, Commodity or Service		

8. The undersigned owner or authorized representative of the business or farm operation named above hereby requests that the within application be reviewed to determine if said business or farm owner is entitled to receive a payment in lieu of actual moving expense, and to determine the amount to which such farm or business owner may be entitled. I understand that this determination may be used in connection with a State project; that this application and all data submitted herewith or included herein shall become a part of any claim for payment made subsequent to the determination requested herein and based hereon as if the same were part of such claim; that all financial statements and accounting records of the business or farm operation named above shall be made available for audit by the State during normal business hours. I CERTIFY that all information submitted herewith or included herein is true and correct. I understand that falsification of any item in this request as submitted herewith or included herein may result in forfeiture of any subsequent claim based on this information in its entirety, and may result in civil liability or criminal prosecution.

Applicant's
signatures _____ Title _____

_____ Title _____
(Owner, Partner, Corporate Officer)

Date _____

Note to Applicant: If review of this application determines the business or farm operation to be entitled to receive payment based on average annual net earnings in lieu of actual moving expense, you will receive notice of the amount which may be claimed. If the business or farm operation is found to be ineligible for such payment, your notification will contain the reasons for the ineligibility.

RULES

1. A business or farm operation which moves or discontinues its business or farm operation may elect to receive payment in an amount equal to the average annual net earnings of the business or farm operation except that such payment shall be not less than \$2,500 nor more than \$10,000.

TO COMPLY WITH RULE NO. 1, ALL APPLICANTS MUST ATTACH CERTIFIED COPIES OF STATE INCOME TAX RETURNS for the two full tax years immediately preceding the tax year in which it plans to move from the property. The tax returns must be sufficient to show the net earnings of the business or farm operation, as follows:

- (a) If individually owned, the compensation paid to the owner, his spouse, and dependents by the business or farm operation.
- (b) If a partnership, the compensation paid to the partners, their spouses, and dependents by the business or farm operation.
- (c) If a corporation, the corporate income tax returns and the income tax returns of the majority stockholder (if there is a majority stockholder), including any compensation paid to his spouse and dependents by the business or farm operation. Stock held by a husband, his wife and their dependent children shall be treated as one unit.

SPECIAL NOTE FOR FARM OPERATORS:

To be eligible for payment based on income in lieu of actual moving expense, a farm operator must have derived at least one-third of his total income from the farm, unless the operation is obviously a farm. FARM OPERATORS MUST ATTACH a statement indicating the dollar amount of the income derived from the farm operation affected by the State's acquisition, and the applicants total income if these amounts cannot be determined from income tax returns alone.

2. A business shall not be eligible for payment based on income in lieu of actual moving expense unless the Department is satisfied that the business cannot be relocated without a substantial loss in the average dollar volume of business, compared with the volume of business transacted during the two taxable years immediately preceding the year in which it plans to move from the property.

TO COMPLY WITH RULE NO. 2, BUSINESS OPERATORS MUST ATTACH

- (a) A statement of reasons why the business cannot be relocated without a substantial loss in the average dollar volume of business. This statement should contain an estimate of the dollar volume the business would produce if relocated.
 - (b) A statement indicating the dollar volume of business transacted during the two full tax years immediately preceding the year it plans to move from the property if this amount cannot be determined from the income tax returns alone.
3. A business shall not be eligible for this payment if it is part of a commercial enterprise having at least one other establishment, not being acquired, and which is engaged in the same or similar business.

TO COMPLY WITH RULE NO. 3, A BUSINESS which operates under franchise, or as a consignee, or which operates one or more similar establishments must attach a statement giving name and address of the franchise or consignor, and stating the nature of the business relationship. Businesses operating more than one establishment must list the names and addresses of the other establishments and describe the product, commodity or service of each.

4. If only a portion of a property is acquired by the State, a business or farm operation shall not be eligible for payment in lieu of actual moving expenses if the Department of Public Works determines that the business or farm operation can continue to operate economically on the remaining property.
5. This application is not a claim for payment. Claims for payment based on income in lieu of actual moving expense shall be accepted only when it has been determined that the applicant herein is eligible for such payment and the amount of such payment determined by the Department of Public Works.
6. If claimant elects to receive payment in lieu of actual moving expense, no other compensation for moving shall be paid. Claimant must vacate the property at his own expense.
7. No payments in lieu of actual moving expense shall be made until the claimants have vacated the property.
8. The applicant herein does not have to claim payment in lieu of actual moving expense if determined to be eligible, he may still claim actual moving expense.
9. Claim for payment must be submitted within 18 months after claimant has moved from the property.

CLAIM FOR PAYMENT INCOME BASIS IN LIEU OF MOVING EXPENSE Business or Farm Operation

CLAIM MUST BE FILED WITHIN 18 MONTHS OF DATE OF MOVE. PRINT OR TYPE ALL INFORMATION

TO:	Project:			
	Section:			
	Parcel:	TMK No.:		
1. Claimant's Name and Address	2. Name and Address of Business or Farm			
3. Claimant's Phone No.	4. Date of Move			
5. Address Moved to (if applicable)	6. Controlling Dates	Month	Day	Year
	a. Property vacated on			
	b. Last day to file claim			
	c. Claim filed on			

7. I CERTIFY that I have examined the income tax returns submitted with the Request for Determination of Entitlement by the above named claimant. I have found the net earnings for each year and the average annual net earnings to be as follows:

19....., \$.....; 19....., \$.....; Annual net earnings \$.....

Date

8. Payment of this claim is requested in the amount of \$.....
 I CERTIFY that I am the owner or authorized representative of the business or farm operation named above; that no other claim for reimbursement or compensation for payment of moving expense or in lieu of moving expenses has been submitted, or payment received, or will be accepted from any other source, by me or on behalf of said business or farm operation. I understand this claim for payment is based on information previously submitted to the Department of Transportation and that all such information is true and correct and is a part of this claim. I understand that falsification of any item in this claim as submitted herewith may result in forfeiture of the entire claim, and may result in civil liability or criminal prosecution.

Claimant's Signature Title

Signature Title

SPACES BELOW TO BE COMPLETED BY HIGHWAYS DIVISION

I CERTIFY that I have examined this claim and the Request for Determination of Entitlement with substantiating documentation, submitted in connection with this claim, and have found it to conform to the applicable provisions of the Federal-Aid Highway Act of 1968. This claim is approved and

payment is authorized in the amount of \$.....

Date

Authorized Signature

DISPOSITION

Check Number

Date of Payment

Fiscal Officer, Highways Division
State Department of Transportation

F

**CLAIM FOR PAYMENT
MOVING EXPENSE**

CLAIM MUST BE FILED WITHIN 18 MONTHS OF DATE OF MOVE. PRINT OR TYPE ALL INFORMATION

TO: State of Hawaii Department of Transportation Highways Division Light-of-Way Branch 169 Punchbowl Street Honolulu, Hawaii 96813	Project Name _____ Project Number _____ Parcel: _____ TMK No.: _____
1. Full Name of Claimant:	2. Claimant's Phone No. _____
5. Address Moved From:	3. Date of Move: _____ 4. Distance Moved: _____ Miles
7. Name of Moving Company or Person:	6. Address Moved To: _____ 8. Mover's Phone No.: _____ 9. Address of Moving Company or Person: _____

USE EITHER ITEM 10 OR 11 BELOW AS APPLICABLE

10. Claim for Actual Moving Expense (Must be supported by bills certified and in triplicate): Amount of Claim \$..... Claim by Business or Farm Operation Amount of Claim \$.....	11. Amount of claim for moving expense allowance according to fixed schedule based on room count: Rooms \$ _____ TOTAL CLAIM \$ _____
---	---

2. Applicant's Certification: (Strike out the words in brackets of applicants certification if claim is for fixed payment).

I CERTIFY that [the moving bills attached hereto accurately reflect moving services actually performed], all information submitted herewith or included herein are true and correct and I have not received a moving cost payment for displacement by the project named above and that this represents my entire claim for a moving cost payment to be made under State and/or Federal laws. I understand that falsification of any item in this claim may result in forfeiture of the entire claim, and may result in civil liability or criminal prosecution.

Date of Claim Claimant's Signatures.....

.....
(if married, both spouses shall sign)

THIS SPACE FOR USE BY OTHER AGENCIES UNDER CONTRACT

RECOMMENDATION OF RELOCATION PAYMENT

This is to certify that the above claim is in conformance with the rules adopted by the Highways Division, State Department of Transportation, governing the making of relocation payments to individuals, families, business and farm operations displaced by Federal-aid highway projects under authority of the Highways Division, State Department of Transportation.

.....
Date

THIS SPACE FOR USE BY THE STATE AGENCY

APPROVAL OF CLAIM

I certify that I have examined the information regarding the claim contained herein, and on the basis of this information and the above recommendation, this claim is approved and payment is hereby authorized.

.....
Highways Division
State Department of Transportation

DISPOSITION

Check Number
Date of Payment

.....
Fiscal Officer, Highways Division
State Department of Transportation

**CLAIM FOR PAYMENT
REPLACEMENT HOUSING - PURCHASE SUPPLEMENT**

CLAIM MUST BE FILED WITHIN 18 MONTHS OF MOVE OR SIX MONTHS AFTER FINAL ADJUDICATION OF A CONDEMNATION CASE, WHICHEVER IS LATER.

PRINT OR TYPE ALL INFORMATION.

TO: State of Hawaii Department of Transportation Highways Division Right-of-Way Branch 601 Kamohia Blvd., Room 691 Kapolei, Hawaii 96707	Project: Parcel: _____ TMK No.: _____ 2. Claimant's Phone No. : _____
---	---

1. Full Name of Claimant :	3. Address of Replacement Property :
----------------------------	--------------------------------------

4. Address of State-Acquired Property	5. Occupancy of State-Acquired Property	
	From (Date)	To (Date)
	Duration of Occupancy	

6. Type of Occupancy Covered by this Claim	7. Date Claimant Required to Move from State-Acquired Property:
--	---

<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:15%;">Owner-Occupants</td> <td style="width:15%;">Tenant- <input type="checkbox"/></td> <td style="width:15%;">Others:</td> <td style="width:15%;"></td> </tr> <tr> <td>More than 180 days <input type="checkbox"/></td> <td>Occupant</td> <td></td> <td></td> </tr> <tr> <td>Less than 180 days <input type="checkbox"/></td> <td>Sleeping <input type="checkbox"/></td> <td></td> <td></td> </tr> <tr> <td>More than 90 days <input type="checkbox"/></td> <td>Room Tenant</td> <td></td> <td></td> </tr> <tr> <td>Controlling</td> <td>Month</td> <td>Day</td> <td>Year</td> </tr> <tr> <td>Initiation of</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Acquired</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Property Vacated</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Must purchase</td> <td></td> <td></td> <td></td> </tr> <tr> <td>and occupy</td> <td></td> <td></td> <td></td> </tr> <tr> <td>replacement</td> <td></td> <td></td> <td></td> </tr> <tr> <td>using before</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Last day to file</td> <td></td> <td></td> <td></td> </tr> <tr> <td>claim for payment</td> <td></td> <td></td> <td></td> </tr> </table>	Owner-Occupants	Tenant- <input type="checkbox"/>	Others:		More than 180 days <input type="checkbox"/>	Occupant			Less than 180 days <input type="checkbox"/>	Sleeping <input type="checkbox"/>			More than 90 days <input type="checkbox"/>	Room Tenant			Controlling	Month	Day	Year	Initiation of				Acquired				Property Vacated				Must purchase				and occupy				replacement				using before				Last day to file				claim for payment				8. COMPUTATION OF PURCHASE REPLACEMENT HOUSING PAYMENT <table style="width:100%;"> <tr> <td style="width:50%;"></td> <td style="width:50%; text-align: right;">OWNER-OCCUPANT OF AT LEAST 90 DAYS</td> </tr> <tr> <td>OWNER-OCCUPANT OF MORE THAN 180 DAYS: BUT LESS THAN 180 DAYS, OR</td> <td></td> </tr> <tr> <td>a) Comparable price of replacement dwelling _____</td> <td style="text-align: right;">TENANT-OCCUPANT OF AT LEAST 90 DAYS</td> </tr> <tr> <td>b) Cost of replacement dwelling _____</td> <td style="text-align: right;">a) Downpayment required, if such comparable was</td> </tr> <tr> <td> purchased by displace _____</td> <td style="text-align: right;">financed by a conventional loan \$ _____</td> </tr> <tr> <td>c) Amount State paid claimant for his property _____</td> <td style="text-align: right;">b) Actual downpayment made, including eligible incidental costs on the purchase of claimants replacement dwelling \$ _____</td> </tr> <tr> <td>d) Cost Difference: The lesser of Item (a) or Item (b) minus Item (c) _____</td> <td style="text-align: right;">c) The amount of cash contributed and applied by claimant toward the purchase of replacement \$ _____</td> </tr> <tr> <td>e) Increased Interest Cost _____</td> <td style="text-align: right;">d) Minus previous payment \$ _____</td> </tr> <tr> <td>f) Incidental Cost _____</td> <td style="text-align: right;">e) Amount of Claim \$ _____</td> </tr> <tr> <td>g) Minus amount previously received as Replacement Housing Payment _____</td> <td></td> </tr> <tr> <td>h) Amount of Claim _____</td> <td></td> </tr> </table>		OWNER-OCCUPANT OF AT LEAST 90 DAYS	OWNER-OCCUPANT OF MORE THAN 180 DAYS: BUT LESS THAN 180 DAYS, OR		a) Comparable price of replacement dwelling _____	TENANT-OCCUPANT OF AT LEAST 90 DAYS	b) Cost of replacement dwelling _____	a) Downpayment required, if such comparable was	purchased by displace _____	financed by a conventional loan \$ _____	c) Amount State paid claimant for his property _____	b) Actual downpayment made, including eligible incidental costs on the purchase of claimants replacement dwelling \$ _____	d) Cost Difference: The lesser of Item (a) or Item (b) minus Item (c) _____	c) The amount of cash contributed and applied by claimant toward the purchase of replacement \$ _____	e) Increased Interest Cost _____	d) Minus previous payment \$ _____	f) Incidental Cost _____	e) Amount of Claim \$ _____	g) Minus amount previously received as Replacement Housing Payment _____		h) Amount of Claim _____	
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Payment on this claim in the amount shown in Block 7 is requested. I CERTIFY that all information submitted herewith or included herein is true and correct; that I now occupy accommodations which are decent, safe and sanitary as determined according to standards established by State and/or Federal laws and, hereby, release and hold harmless the State of Hawaii, its employees and/or the agency hired to provide the relocation advisory assistance from any damages to person or property which may arise after such termination; that I have not submitted any other claim for or received payment of any compensation for the benefit claimed herein, I understand that falsification of any item in this claim as submitted herewith may result in the forfeiture of the entire claim and may result in civil liability or criminal prosecution.

State of Claim _____	Claimant's Signature _____	X	
<input type="checkbox"/> Check to be picked-up by HWY-RM		X	
<input type="checkbox"/> Send payment to seller (attach written instructions)			(If married, both spouses shall sign)

THIS SPACE FOR USE BY AGENCY UNDER CONTRACT

RECOMMENDATION OF PURCHASE SUPPLEMENT

This is to certify that the above claim is in conformance with the rules adopted by the Highways Division, State Department of Transportation, regarding the making of relocation payments to individuals, families, business and farm operations displaced by Federal-aid highway projects under the authority of the Highways Division, State Department of Transportation. This claim is recommended for approval.

Date _____

THIS SPACE FOR USE BY THE HIGHWAYS DIVISION

I

RULES

1. Claimant must have actually owned and occupied a single, two or three family dwelling for at least 180 days immediately preceding the initiation of negotiation for the property. Payment of the replacement housing supplement shall never exceed \$15,000.
3. Claimant must have purchased and occupied a decent, safe and sanitary dwelling (as defined below) within one year after he moved from the State acquired property.
4. Claims for payment must be submitted within 18 months after claimant has moved from the State acquired property.
5. If claimant has previously received a rent supplement, the amount paid shall be deducted from the replacement housing payment.
6. In case the claimants are a married couple, both spouses shall sign the claim form.

Full names of claimants and their signatures must agree with those appearing on claimant's deed to the State.

A decent, safe, and sanitary dwelling is one which meets all of the following minimum requirements:

1. Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations applicable to the property in question.
2. Has a continuing and adequate supply of potable safe water.
3. Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and a sewage disposal system.
A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances or custom.
When these facilities are not so required by local codes, ordinances or custom, the kitchen area or are set aside for such use shall have utility service connections and adequate space for the installation of such facilities.
4. Has a bathroom well-lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush water closet, all in good working order and properly connected to a sewage disposal system.
5. Has provision for artificial lighting for each room.
6. Is structurally sound, in good repair and adequately maintained.
7. Each building used for dwelling purposes shall have two safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor or to a means of egress to open space at ground level.
buildings of three stories or more, the common corridor on each story must have at least two means of egress.
8. Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet of habitable floor space for each additional occupant.
The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining purposes, and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries and unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.
9. The Department may approve exceptions to these standards where unusual conditions exist.

**CLAIM FOR PAYMENT
REPLACEMENT HOUSING - RENT SUPPLEMENT**

CLAIM MUST BE FILED WITHIN 18 MONTHS OF MOVE OR SIX MONTHS AFTER FINAL
ADJUDICATION OF A CONDEMNATION CASE, WHICHEVER IS LATER. PRINT OR TYPE ALL INFORMATION.

TO: State of Hawaii
Department of Transportation
Highways Division
Right-of-Way Branch
869 Punchbowl Street
Honolulu, Hawaii 96813

Project: _____
Parcel: _____ DMK No.: _____

1. Full Name of Claimant _____ 2. Claimant's Phone No. _____
3. Date Claimant Required to Move from State Acquired Property _____

4. Address of State Acquired Property _____ 5. Address of Replacement Property _____

6. Type of Occupancy Covered by this Claim

Owner-Occupant	Tenant-Occupant	Tenant Sleeping Room	Others:
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

7. COMPUTATION OF RENTAL REPLACEMENT HOUSING AMOUNT

<p>OWNER-OCCUPANT OF 90 DAYS OR MORE: (Use Items Below as Applicable Only)</p> <p>(a) 48 x the amount necessary to rent a comparable dwelling \$ _____</p> <p>(b) 48 x the State determined economic rent applied to unit vacated _____</p> <p>(c) 48 x the rental payment required if claimant relocates in public subsidized housing _____</p> <p>(d) 12 x the average monthly income of the relocatee _____</p> <p>(e) Rental Cost Difference; Item (a) minus Item (b); or Item (a) or (c) minus Item (d) _____</p> <p>(f) Amount eligible under purchase option if owner-occupant of 180 days or more _____</p> <p>(g) Amount of Claim: Enter Item (e) if not more than Item (f); otherwise enter Item (f). \$ _____</p>	<p>TENANT-OCCUPANT OF 90 DAYS OR MORE:</p> <p>(a) 48 x the amount necessary to rent a comparable dwelling \$ _____</p> <p>(b) 48 x the average monthly rent paid by relocatee for unit vacated _____</p> <p>(c) 48 x the State determined economic rent applied to unit vacated _____</p> <p>(d) 48 x the rental payment required if claimant relocates in public subsidized housing _____</p> <p>(e) 12 x the average monthly income of the relocatee _____</p> <p>(f) Amount of Claim: Item (a) minus Item (b) or (c); or Item (a) or (d) minus Item (e) \$ _____</p>
---	--

8. Occupancy of State Acquired Property
From (Date) _____ to (Date) _____ Duration _____
Yrs. _____ Mos. _____
Days _____

Controlling Date	Month	Day	Year
(a) First written offer made on			
(b) State Acquired property vacated on			
(c) Must occupy replacement housing before			
(d) Last day to file claim for payment			

Maximum Allowance Not To Exceed \$4,000.00.

Payment on this claim in the amount shown in Block 7 is requested. I CERTIFY that all information submitted herewith or included herein is true and correct; that I now occupy accommodations which are decent, safe and sanitary as determined according to standards established by State and/or Federal laws and, hereby, release and hold harmless the State of Hawaii, its employees and/or agency hired to provide the relocation advisory assistance from any damages to persons or property which may arise after such determination; that I have not submitted any other claim for or received payment of any compensation for the benefit claimed herein. I understand that falsification of any item in this claim as submitted herewith may result in forfeiture of the entire claim and may result in civil liability or criminal prosecution.

Date of Claim _____
 Send payment to claimant
 Send payment to lessor (attach written instructions)

Claimant's Signatures _____

(if married, both spouses shall sign)

THIS SPACE FOR USE BY AGENCY UNDER CONTRACT

RECOMMENDATION OF RENT SUPPLEMENT

This is to certify that the above claim is in conformance with the rules adopted by the Highways Division, State Department of Transportation, governing the making of relocation payments to individuals, families, business and farm operations displaced by Federal-aid highway projects under authority of the Highways Division, State Department of Transportation. This claim is recommended for approval.

Date _____

THIS SPACE FOR USE BY THE HIGHWAYS DIVISION

I CERTIFY that: (1) the determination of the amount of this payment as shown in the computation is correct; (2) I understand that the determination may be used in connection with a Federal-aid highway project; (3) that to the best of my knowledge no official of the Right-of-Way Branch, or official under contract has a direct or indirect, present or contemplated personal interest in this transaction, or will derive any benefit from the supplemental payment; I further certify that I have examined this claim and the substantiating documentation and determined that: (4) the claimant herein actually and lawfully occupied the property acquired by the State for at least ninety (90) days continuously preceding the date of the State's initiation of negotiation for the parcel; (5) that he now occupies accommodations which meet the standards determined by the Highways Division of the State Department of Transportation as decent, safe and sanitary, within one year of the date he vacated the State acquired property; (6) that this claim was submitted for payment within the time limit prescribed by law. This claim is approved for payment as follows:

DISPOSITION

Check Number _____
Date of Payment _____
Fiscal Officer, Highways Division
State Department of Transportation

Amount of Approved Payment \$ _____

Authorized Signature _____
Date Approved _____

J

RULES

Claimant must have lawfully occupied the State-acquired property for at least 90 days continuously immediately preceding the date of the initiation of negotiations for the property.

Payment of the rent supplement shall not exceed \$4,000.

3. Claimant must have occupied decent, safe and sanitary accommodations (as defined below) within one year after moving from the State-acquired property.
4. Claims for payment must be submitted within 18 months after the claimant has moved from the State-acquired property.
5. If the claimants are married, both spouses shall sign the claim form.

A decent, safe and sanitary dwelling is one which meets the following minimum requirements:

1. Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations applicable to the property in question.
2. Has a continuing and adequate supply of potable safe water.
3. Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and a sewage disposal system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances or custom. When these facilities are not so required by local codes, ordinances, or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.
4. Has a bathroom well-lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush water closet, all in good working order and properly connected to a sewage disposal system.
5. Has provision for artificial lighting for each room.
6. Is structurally sound, in good repair and adequately maintained.
7. Each building used for dwelling purposes shall have two safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In buildings of three stories or more, the common corridor on each story must have at least two means of egress.
8. Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining purposes, and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.
9. The standards for decent, safe and sanitary housing as applied to the rental of sleeping rooms shall include the minimum requirements contained in paragraphs 1, 4, 6, 7 and 8 of this section and the following:
 - a. At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.
 - b. Lavatory and toilet facilities that provide privacy, including a door that can be locked if such facilities are separate from the room.
10. The Department may approve exceptions to these standards where unusual conditions exist.

NAME AND ADDRESS OF CLAIMANT

COMPUTATION PREPARED BY:

(Name)

(Date)

COMPUTATION FOR REPLACEMENT HOUSING PAYMENT
FOR OWNER OCCUPANTS OF 180 DAYS OR MORE

Required Information

1. Actual purchase price of replacement dwelling. \$ _____
2. Cost of comparable replacement dwelling based on comparative or other method. \$ _____
3. Acquisition price paid by State for claimants former dwelling. \$ _____

COMPUTATION

4. Line 1 or 2 whichever is less \$ _____
5. Minus line 3 - _____
6. Amount of differential payment \$ _____

COMPUTATION OF TOTAL REPLACEMENT HOUSING PAYMENT

1. Amount of differential payment \$ _____
2. Plus interest payment + _____
3. Plus incidental cost + _____
4. Total (Sum of lines 1, 2 and 3) \$ _____
5. Minus adjustments (amount previously received as Replacement Housing Payment) - _____
6. Total Replacement Housing Payment (line 4 minus line 5) \$ _____

COMPUTATION OF DOWNPAYMENT ASSISTANCE FOR CLAIMANT
WHO MOVED TO REPLACEMENT UNIT PURCHASED

Project No.: _____

Name of Claimant: _____

Property Displaced From: Address _____

Hwy. Parcel No. _____ TMK No. _____

Required Information:

- 1. Amount necessary for downpayment \$ _____
- 2. Costs incidental to purchase (Total amount approved by the State) \$ _____

Computation:

- 3. Base amount (Sum of Lines 1 and 2) \$ _____

NOTE: If line 3 is \$2,000 or less, skip Lines 4, 5, 6 and 7 and enter the amount of Line 3 on Line 8a

- 4. Amount on Line 3 in excess of \$2,000

	Line 3	\$ _____			
		-	\$ 2,000.00		
			_____		\$ _____

- 5. Amount on Line 4 divided by 2

	Line 4	\$ _____			
			2		
			_____		\$ _____

- 6. Matching amount (If amount on Line 5 exceeds \$2,000, enter \$2,000. Otherwise, enter the amount on Line 5)

\$ _____

- 7. Amount of Line 6 plus \$2,000

	Line 6	\$ _____			
		+	\$ 2,000.00		
			_____		\$ _____

- 8. Amount of downpayment assistance

- a. Amount of Line 3 or Line 7 \$ _____

- b. Minus adjustments (Explain below in remarks) - \$ _____

\$ _____

Remarks: _____

Computation made by _____

DETERMINATION OF THE AMOUNT NECESSARY TO RENT A COMPARABLE DWELLING

Project: _____

Subject Property: _____

Owner: _____

Address: _____

Highway Parcel No.: _____ Tax Map Key No.: _____

Name of Displacee: _____

Owner-Occupant: _____ Tenant-Occupant: _____

Comparable(s) Available for Rent on the Market to Displacee:

Comparable #1 Address: _____ Tax Map Key No. _____

Whom and When Contacted: _____

Comparable #2 Address: _____ Tax Map Key No. _____

Whom and When Contacted: _____

Comparable #3 Address: _____ Tax Map Key No. _____

Whom and When Contacted: _____

Criteria for Comparability	Subject	Comparable #1	Comparable #2	Comparable #3
Monthly Rent				
Meets DS & S Standards				
Functionally equivalent				
Substantially the same with regard to:				
Number of rooms				
Area of Living Space				
Type of Construction				
Age				
State of Repair				
Accessibility to public services and facilities and places of employment				
Neighborhood				
Fair Housing				
Adequate to Accommodate the Relocatee				
Within Displacee's Financial Means				

The one most comparable is _____ and the amount necessary to rent a comparable is \$ _____

REMARKS: _____

Determination Made By: _____

APPROVED: _____
 Supervising Right-of-Way Agent

Head, Right-of-Way Branch _____ Date _____

COMPUTATION OF RENTAL REPLACEMENT HOUSING AMOUNT
(Tenant-Occupant for at least 90 days)

Project No.: _____

Name of Claimant: _____

Property Displaced From: Address _____

Hwy. Parcel No. _____ TMK No.: _____

Required Information:

1. 48 x the amount (\$ _____) necessary to rent a comparable dwelling \$ _____
2. 48 x the average monthly rent (\$ _____) during last 3 months) paid by relocatee for unit vacated \$ _____
3. 48 x the State determined economic rent (\$ _____) applied to unit vacated \$ _____
4. 48 x the rental payment (\$ _____) required if claimant relocates in public subsidized housing \$ _____
5. 25% of the monthly family gross income of claimant \$ _____
6. 12 x the average monthly income of the relocatee \$ _____

Computation:

7. Line 1 minus Line 2 if amount in parenthesis shown in Line 2 is reasonably equal to market rentals, or Line 1 minus Line 3 if amount in parenthesis shown in Line 2 is not reasonably equal to market rentals. Use this computation if the amount shown in parenthesis on Line 2 does not exceed the amount on Line 5)

Line 1 \$ _____

(Insert applicable Line) Line 2 - \$ _____

\$ _____

8. Line 1 or Line 4, whichever is lesser, minus Line 6 (Use this computation if the amount shown in parenthesis on Line 2 exceeds the amount on Line 5)

(the lesser) Line _____ \$ _____

Line 6 - \$ _____

\$ _____

9. Rental Replacement Housing amount for payment (If amount on Line 7 or Line 8 exceeds \$4,000, enter \$4,000. Otherwise, enter applicable amount shown in Line 7 or Line 8)

\$ _____

Remarks: _____

Computation made by _____

NOTE: When using computation in Line 7, "rent being paid" shall include any rent supplements applied by others except when, by law, such supplement is to be discontinued upon vacation of the property. When using computation in Line 8, "rent being paid" shall not include supplemental rent by public agencies.

If the amount on Line 8 is \$500 or less, a lump-sum payment is to be made. If the amount on Line 8 exceeds \$500, divide the amount by 4. The resultant amount is the total of each of four annual payments to be made.

Name and Address of Claimant

Computation Prepared by:
Name _____ Date _____

COMPUTATION FOR REPLACEMENT HOUSING PAYMENT
FOR OWNER OCCUPANTS OF 180 DAYS OR MORE

Required Information

- 1. Actual purchase price of replacement dwelling _____
- 2. Cost of comparable replacement dwelling based on comparative or other method. _____
- 3. Acquisition price paid by the State for claimants former dwelling _____

Computation

- 4. Line 1 or 2 whichever is less \$0.00
- 5. Minus line 3 - \$0.00
- 6. Amount of differential payment \$0.00

Computation of Total Replacement Housing Payment

- 1. Amount of differential payment
- 2. Plus interest payment +
- 3. Plus incidental cost +
- 4. Total (Sum of lines 1, 2, and 3) \$0.00
- 5. Minus adjustments (amount previously received as Replacement Housing Payment) - \$0.00
- 6. Total Replacement Housing Payment (Line 4 minus Line 5) \$0.00

Remarks:

Project No.:

County:

Owner ()

Tenant ()

DETERMINATION APPEAL

To: Hawaii Department of Transportation

I (we) the undersigned, do hereby appeal from the Hawaii Department of Transportation determination of ineligibility for:

- Relocation payment (type of payment)
- Incidental transfer expense
- Certain litigation expense

I (we) request the Appeals Board to review the below listed data which, to the best of my (our) knowledge and ability, I (we) believe to be correct.

I believe that I am eligible for a payment () or a larger payment () in the amount of _____ for _____

for the following reasons:

Signed: _____

Present Address:

Date:

Phone Number:

(Attach pertinent information and documentation as desired)

Q

STANDARDS FOR DECENT, SAFE, AND SANITARY HOUSING
FOR PERMANENT RELOCATION HOUSING FOR FAMILIES
INSPECTION RECORD
(CHECKLIST OF MINIMUM REQUIREMENTS)

Displaced by (Give Project No.) _____

NAME: _____ Owner-Occupant _____ Tenant _____

Address: _____ Tax Map Key No. _____

Landlord or Agent _____ Phone _____

Contract Rent \$ _____ Unfurn. _____ Partly Furn. _____ Furn. _____

No. of Bedrooms Required _____ No. of Bedrooms _____ Total No. of Rooms _____

- | | YES | NO |
|---|--------------------------|--------------------------|
| 1. The dwelling: | | |
| a. Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations applicable to the property in question | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The dwelling: | | |
| a. Has potable safe water | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Has continuing water supply | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Has adequate water supply | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. The dwelling: | | |
| a. Has a kitchen or an area set aside for kitchen use | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Has a kitchen with a sink | <input type="checkbox"/> | <input type="checkbox"/> |
| (1) In good working condition | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) Connected to hot and cold water | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) Connected to an adequate sewage system | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Has a kitchen with a stove | <input type="checkbox"/> | <input type="checkbox"/> |
| (1) In good working condition | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Has a kitchen with a refrigerator | <input type="checkbox"/> | <input type="checkbox"/> |
| (1) In good working condition | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Has utility service connections | <input type="checkbox"/> | <input type="checkbox"/> |
| (1) With adequate space for the installation of such facilities | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. The dwelling: | | |
| a. Has a bathroom | <input type="checkbox"/> | <input type="checkbox"/> |
| (1) That is well lighted | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) That is well ventilated | <input type="checkbox"/> | <input type="checkbox"/> |
| (3) That affords privacy to person within | <input type="checkbox"/> | <input type="checkbox"/> |
| (4) With a lavatory basin | <input type="checkbox"/> | <input type="checkbox"/> |
| (5) With a bathtub or stall shower | <input type="checkbox"/> | <input type="checkbox"/> |
| (a) Properly connected to an adequate supply of hot and cold running water | <input type="checkbox"/> | <input type="checkbox"/> |
| (6) With a flush closet | <input type="checkbox"/> | <input type="checkbox"/> |
| (7) Numbers 4, 5 and 6 of the above in good working order and properly connected to a sewage disposal system | <input type="checkbox"/> | <input type="checkbox"/> |

- | | YES | NC |
|---|--------------------------|--------------------------|
| 5. The dwelling: | | |
| a. Has adequate and safe wiring system | <input type="checkbox"/> | <input type="checkbox"/> |
| (1) For lighting | <input type="checkbox"/> | <input type="checkbox"/> |
| (2) For other electrical services | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Is structurally sound | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Is weathertight | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Is in good repair | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Is adequately maintained | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Has a safe unobstructed means of egress which leads to
safe open space at ground level | <input type="checkbox"/> | <input type="checkbox"/> |
| 6. The dwelling unit in a multi-dwelling building: | | |
| a. Has access either directly or through a common corridor
to a means of egress to open space at ground level | <input type="checkbox"/> | <input type="checkbox"/> |
| 7. The dwelling if in a multi-dwelling building (three stories or more)
with a common corridor on each story: | | |
| a. Has at least two means of egress | <input type="checkbox"/> | <input type="checkbox"/> |
| 8. Habitable floor space (defined as that space used for sleeping,
living, cooking or dining purposes. Excludes enclosed places
as closets, pantries, bath or toilet rooms, service rooms,
connecting corridors, laundries, and unfurnished attics, foyers,
storage spaces, cellars, utility rooms and similar spaces): | | |
| a. Totals at least 150 square feet for first occupant in a
standard living unit | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Includes at least 100 square feet for each additional
occupant (70 square feet for mobile home) | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Subdivided into sufficient rooms adequate for the family | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. All rooms adequately ventilated | <input type="checkbox"/> | <input type="checkbox"/> |

STANDARDS FOR SINGLE PERSON NON-HOUSEKEEPING FACILITIES

- | | YES | NC |
|--|--------------------------|--------------------------|
| 1. The standards for decent, safe, and sanitary housing as applied
to the rental of sleeping rooms include the minimum requirements
contained in numbers 1, 5, 6 and 7 mentioned above | <input type="checkbox"/> | <input type="checkbox"/> |
| 2. The sleeping room: | | |
| a. Has at least 100 square feet of habitable floor space
for the first occupant | <input type="checkbox"/> | <input type="checkbox"/> |
| (1) Has 50 square feet of habitable floor space for
each additional occupant | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Lavatory, bath and toilet facilities: | | |
| a. Provides privacy for occupant | <input type="checkbox"/> | <input type="checkbox"/> |
| (1) If facilities are separate from the room, a door
that can be locked | <input type="checkbox"/> | <input type="checkbox"/> |

REMARKS: _____

I certify that I have inspected the replacement housing at the address shown above and in my opinion find that it (does) (does not) meet the standards of decent, safe, and sanitary as enumerated in IM 80-1-71.

Signature _____

Date _____ Title _____

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

REPLACEMENT HOUSING OF LAST RESORT

- PURPOSE:** To describe and establish procedures in providing appropriate replacement housing of last resort by use of funds authorized for a project when it is determined that a Federal or Federal-Aid project cannot proceed to actual construction because comparable decent, safe and sanitary (DSS) replacement sale or rental housing is not available for highway displacees and cannot otherwise be made available.
- POLICY:** Comparable DSS replacement housing must be "made available" to a highway displacee 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 6, of the Federal Highway Administration's Federal-Aid Highway Program Manual.
- RESPONSIBILITY:** The Property Management Section (HWY-RM) is responsible for implementing replacement housing as a last resort.
- SCOPE:** The procedures described herein apply to the Right-of-Way Branch (HWY-R) and Fiscal Staff (HWY-SF) of the Highways Division, State Department of Transportation, the Hawaii Housing Authority, and, whenever practical, by cooperative agreements with any other Federal, State or local agency or contract with any individual, firm, association or corporation for services in connection with and having experience in the administration or conduct of housing assistance activities.

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

PROCEDURES: The following procedures shall apply to this Section.

Replacement Housing of Last Resort: ¹

A. Determination to provide replacement housing of last resort.
Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for owners or tenants, as specified in §24.401 or §24.402, as appropriate, the Agency

shall provide additional or alternative assistance under the provisions of this subpart. Any decision to provide last resort housing assistance must be adequately justified either:

1. On a case-by-case basis, for good cause, which means that appropriate consideration has been given to:
 - a. The availability of comparable replacement housing in the program or project area;
 - b. The resources available to provide comparable replacement housing; and
 - c. The individual circumstances of the displaced person, or
2. By a determination that:
 - a. There is little, if any, comparable replacement housing available to displaced persons within an entire program or project area; and, therefore, last resort housing assistance is necessary for the area as a whole;
 - b. The program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and
 - c. The method selected for providing last resort housing assistance is cost effective, considering all elements, which contribute to total program or project costs.

¹ 49 CFR 24.404

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

- B. Basic rights of persons to be displaced. Notwithstanding any provision of this subpart, no person shall be required to move from a displacement dwelling unless comparable replacement housing is available to such person. No person may be deprived of any rights the person may have under the Uniform Act or this part. The Agency shall not require any displaced person to accept a dwelling provided by the Agency under these procedures (unless the Agency and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible.
- C. Methods of providing comparable replacement housing. Agencies shall have broad latitude in implementing this subpart, but implementation shall be for reasonable cost, on a case-by-case basis unless an exception to case-by-case analysis is justified for an entire project.
1. The methods of providing replacement housing of last resort include, but are not limited to:
 - a. A replacement housing payment in excess of the limits set forth in §24.401 or §24.402. A replacement housing payment under this section may be provided in installments or in a lump sum at the Agency's discretion.
 - b. Rehabilitation of and/or additions to an existing replacement dwelling.
 - c. The construction of a new replacement dwelling.
 - d. The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.
 - e. The relocation and, if necessary, rehabilitation of a dwelling.
 - f. The purchase of land and/or a replacement dwelling by the displacing Agency and subsequent sale or lease to, or exchange with a displaced person.
 - g. The removal of barriers for persons with disabilities.

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

2. Under special circumstances, consistent with the definition of a comparable replacement dwelling, modified methods of providing replacement housing of last resort permit consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling (See appendix A, §24.404(c)), including upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence. In no event, however, shall a displaced person be required to move into a dwelling that is not functionally equivalent in accordance with §24.2(a) (6)(ii) of this part.

3. The Agency shall provide assistance under this subpart to a displaced person who is not eligible to receive a replacement housing payment under §~24.401 and 24.402 because of failure to meet the length of occupancy requirement when comparable replacement rental housing is not available at rental rates within the displaced person's financial means. (See §24.2(a) (6) (vii) (C).) Such assistance shall cover a period of 42 months.

State's Responsibility:

- A. It is the Highways Division's obligation and responsibility to provide comparable DSS replacement housing to any displaced person which places the displacee in the same ownership or tenancy status as he had prior to displacement. The Highways Division is not obligated to provide a dwelling unit which changes the ownership or tenancy status of the displacee unless such a dwelling unit is available or can be provided more economically.

- B. When an adequate supply of available comparable dwellings cannot be found on the open market, a last resort housing project may be programmed and authorized for the construction, purchase and/or rehabilitation of dwellings as replacement housing units for highway displacees under "housing replacement as last resort" as provided in 72 U.S.C. 4601 et. seq., Title II, of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL. 91-646).

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

- C. The provisions contained in this section are not intended to deprive any displaced person of his rights to receive relocation assistance, moving costs or replacement housing payments for which he may be otherwise eligible for or his freedom of choice in the selection of replacement housing. Nor is a displaced person required, without his written consent, to accept a dwelling provided by the Highways Division under these procedures in lieu of his acquisition payment, if any, for the real property from which he is displaced or the replacement housing payments for which he may be eligible under Chapter 4, Section 4, Relocation Payments.
- D. The Highways Division's obligation will have been discharged when comparable DSS replacement housing has been made available to the displaced person in compliance with the Uniform Act.

Implementation:

- A. Utilization of Last Resort Housing Replacement may be provided when:
 - 1. Comparable DSS housing is not available and cannot otherwise be made available for the displaced person.
 - 2. Comparable DSS housing is available for the displaced person within his financial means but the sales price or rental rates exceed the applicable statutory limits of Chapter 4, Section 4, paragraphs 5.1E and 5.5B. However, a displaced person eligible for a down payment under Section 4, paragraphs 5.3A and 5.6A must equally match any amount over \$2,000 required for the down payment and incidental expenses of the purchase. Such displaced person may contribute labor and materials as pan or all of his matching funds.
- B. Replacement Housing Costs in Excess of \$22,500 for an Owner of More than 180 Days
 - 1. A 180-day owner is a displaced person who has owned and occupied the dwelling from which he is being displaced for at least 180 consecutive days immediately prior to the initiation of negotiations, or the date of vacation if a notice of intent to acquire is given, whichever is earlier.

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

2. The 180-day owner, in accordance with Section 4, paragraph 5.1A is eligible for increased interest costs, closing costs and a replacement housing payment. When the sum of these items is estimated to exceed the statutory limit allowed under Section 4, paragraph 5.1E, the last resort housing provisions are applicable. If last resort housing provisions are applied a replacement housing payment will not be made directly to displace.
- C. Rent Supplement Costs in Excess of \$5,200 for an Owner of More than 90 Days but Less than 180 Days or for a Tenant of More than 90 Days.
- D. Owner Retention. The last resort housing procedures are generally not applicable when comparable housing, meeting DSS requirements is obtained by the displacee through owner retention if the estimated replacement housing payment for which he is eligible is within the statutory limits, for the 180-day or 90-day owner, respectively. If the estimated replacement housing payment exceeds the statutory limits, the owner retention method may be utilized providing such method is shown to be more economical than last resort housing.

Programming and Authorization:

- A. Federal-aid funds may only be programmed for a last resort housing project when there are or will be other Federal funds involved on that project. If other Federal funds subsequently are not programmed, Federal-Aid funds which have been expended will be refunded to the project.
- B. All of the following activities shall be programmed and authorized as a last resort housing project
 1. Preliminary Study;
 2. Plan

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

Preliminary Housing Studies:

Whenever, in connection with the planning, development or execution of a Federal or federally assisted project, the relocation information required for the corridor public hearing the environmental impact statement, or any information developed at a later date indicates that a sufficient supply of comparable DSS replacement housing may not be available for all residents on the approved location to satisfy the requirements of 42 U.S.C. 4601 et. seq., or that such housing is not available on a non-discriminatory or fair housing basis, the Highways Division shall submit a request for program approval to proceed with a preliminary housing study.

In its preliminary housing study, the Highways Division shall undertake the following, using existing data and supplementing it where necessary, to ascertain more precisely the need to construct housing:

A. Inventory of Housing Needs and Availability of Replacement Housing.

1. Prepare an inventory of the characteristics and relocation needs, desires and intentions of the families and individuals to be displaced;
2. Prepare an inventory of currently available comparable DSS replacement sale and rental housing and housing to be constructed or rehabilitated. Such housing shall not include housing planned for removal or demolition by the highway project or by governmental or private agencies. In preparing such inventories, the Highways Division shall consult Federal, State or local agencies which may be able to provide such housing or are knowledgeable with respect

to housing programs, and also coordinate with other displacing agencies with respect to the utilization and allocation of these resources. The timing of the highway project must also be taken into consideration in preparing the inventories.

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

- B. Analysis of Inventories. The Highways Division shall correlate and analyze the information contained in the above inventories. If last resort housing funds are to be utilized, the correlation and analysis of the above inventories must reasonably show that the project cannot proceed to actual construction because comparable replacement or rental of DSS housing is not reasonably anticipated to be available and cannot be made available.

Replacement Housing Plan:

A. Plan Requirements

1. If the analysis of the information gathered in accordance with paragraph 8 indicates that the construction of last resort housing is necessary, the Highways Division shall develop or cause to be developed a replacement housing plan, innovative approaches and methods are encouraged, with FHWA concurrence, designed to produce comparable DSS replacement housing. A detailed analysis of the needs of each displacee shall be considered when planning the type of housing necessary to meet these needs.

The plan shall include:

- a. A statement that the methods proposed in the plan to provide comparable DSS replacement housing can be legally accomplished in accordance with State law;
- b. How, when and where housing will be provided;
- c. The environmental suitability of the location of the proposed housing;

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

- d. The environmental impact of the proposed housing:
 - i. Not more than 100 units of last resort housing in the replacement housing plan the environmental effects of such housing in the replacement housing plan would ordinarily support a negative declaration under FHPM 7-7-2 that the proposed housing project does not significantly affect the quality of the human environment unless the project is controversial.
 - ii. Housing projects of more than 100 units, such housing may significantly affect the quality of human environment and hence may require an environmental impact statement as follows:
 - iii. If the proposed housing project does not significantly affect the human environment, the discussion and analysis of the environmental impact in the replacement housing plan would be sufficient to support a negative declaration.
 - iv. If the proposed housing project does significantly, affect the human environment, an environmental impact statement must be prepared for the housing project or the highway project environmental impact statement may be supplemented.
- e. How it will be financed and the amount of project funds to be diverted to such housing:
 - i. By contractual arrangement with State and local housing agencies;
 - ii. By contractual arrangement with Housing and Urban Development (HUD) or the Farmers Home Administration;
 - iii. Contract with non-profit or for profit organizations experienced in the development of housing;
 - iv. Interest subsidy payments;
 - v. Direct construction by the State.
- f. The prices within the financial means of the families and individuals to be displaced at which the housing will be rented or sold;
- g. The arrangements for maintaining rent levels appropriate for the persons to be re-housed;
- h. The arrangements for rental housing management;

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

- i. The disposition of the proceeds from rental, sale or resale of such housing;
 - j. How the construction will be monitored;
 - k. Any other comments pertinent to providing replacement housing.

- B. Consultation. From the inception of the last resort housing plan and continuing during the course of its development, the Highways Division shall consult the HUD (or the Farmers Home Administration) where appropriate and with the residents to be displaced or their representatives.

- C. 25 Units or Less. If a single last resort housing project (or in the case of joint development with other agencies, by several projects) is for 25 dwelling units or less, the Highways Division may plan and provide such housing without the assistance of an advisory committee or review by other agencies. The plan must be reviewed and approved by the FHWA as specified in paragraph 5.4A. The Highways Division shall be guided by the HUD project selection criteria and minimum property standards (see paragraph 5.4E) for comparable Federal housing programs and shall comply with the policies, requirements and procedures specified in paragraph 5.6.

- D. More than 25 Units. In more than 25 units on a single last resort housing project, the Highways Division shall appoint an advisory committee, as specified in paragraph 5.8, which shall consult with and provide assistance to the Highways Division, or its selected organization, in the development of the plan. If the Highways Division elects not to develop a replacement housing plan with its own forces, it shall engage a State or local housing agency, or other agency to develop the last resort housing plan. In such cases, the Highways Division shall appoint an advisory committee to work with the agency or organization so engaged.

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

E. Submission of the Last Resort Housing Plan for Review.

Where more than 25 dwelling units are to be constructed, the Highways Division shall submit the replacement housing plan to HUD (or the Farmers Home Administration, where appropriate) and the Regional and State Clearinghouses designated pursuant to OMB Circular No. A-95.

1. HUD (or the Farmers Home Administration, where appropriate) shall review and comment on the plan with respect to:
 - a. Plan feasibility;
 - b. Project selection criteria in determining priority of funding projects under Sections 235(i) and 236 of the National Housing Act (12 U.S.C. 17z and 17z-l), rent supplement projects and low-rent housing assistance applications under the U. S. Housing Act of 1937 (42 U.S.C. 1401 et. seq.);
 - c. Minimum property standards for:
 - i. One and two-family dwellings (FHA No. 300);
 - ii. Multi-family housing (FHA No. 2600);
 - iii. Nursing homes (FHA No. 4515.1);
 - iv. Housing for elderly (HUD PG 46).
 - d. Environmental standards and procedures as provided in paragraph 5.4A1d;
 - e. Compatibility with local land area wide housing plans, provided that such plans are in compliance with paragraph 5.4A1;
 - f. Compliance with the Civil Rights Act and Executive orders specified in paragraph 5.7;
2. The Regional and State Clearinghouses shall review and comment on the plan with respect to its compatibility with the area wide housing plan or strategy developed or being developed by the Regional Planning Agency.
3. HUD (or the Farmers Home Administration, where appropriate) and the Regional and State Clearinghouses shall review the plan and submit comments to the Highways Division within 30 calendar days after receipt of the plan. If necessary for the timely implementation of the plan or execution of the projects, the Highways Division may shorten the time allowed for review and comment to some reasonable period less than 30 days.

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

- F. Revision of Last Resort Housing Plan after Review. Upon receipt and consideration of the comments on the plan, the Highways Division shall revise the plan, if deemed necessary to correct negative comments resulting from the above reviews.
- G. Review of Substantial Modifications. Any substantial modifications in the plan, except those made in accord with such comments, should be resubmitted for review and comments unless time does not permit. Whenever an amended plan is resubmitted for review and comment, a copy may also be provided to the advisory committee for simultaneous review.
- H. Determination of Compliance. Subsequent to receipt of review comments and modification of the plan, if deemed necessary, or if title 30-day review period has passed without receiving any comments, the State shall make a determination that the plan is in substantial compliance with paragraph 5.4E and shall submit it to the FHWA for approval or disapproval.
- I. Aggregate Housing under Jointly Financed Programs. Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought out for joint development and financing to provide replacement

housing in sufficient quantity to satisfy the aggregate needs of such programs.

Implementation of Housing Plan (Construction):

Upon approval of the last resort housing plan, FHWA may authorize the Highways Division to proceed with the proposed construction.

- A. Whenever practical, the Highways Division may utilize the services of Federal, State or local housing agencies, or other agencies, groups or individuals having experience in the administration or conduct of similar housing programs. The use of small and minority firms and firms located on or near the project area and the employment of residents of the project area are encouraged.

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

- B. The Highways Division shall monitor, with its own forces or qualified fee personnel, the construction of replacement housing to assure that it is in accordance with the last resort housing plan. A final inspection shall be made and the signed certification of acceptability of the construction shall be in the State files.

Advice and Technical Assistance by HUD and Other Federal Agencies:

Throughout the entire planning, development and implementation process, the HUD area or Insuring Office Director shall provide the Highways Division with advice, technical assistance and general information requested by the Highways Division. HUD shall also review pending applications for housing subsidy assistance or mortgage insurance to determine the effect on any estimated replacement housing deficit and keep the Highways Division advised as applications are received or commitments are made that are likely to affect any estimated deficit. Where appropriate, the Farmers Home Administration shall provide the Highways Division with similar assistance.

Compliance with Other Statutes:

The development and implementation of last resort housing projects shall be in compliance with the applicable provisions of the following, including the amendments and regulations issued pursuant thereto:

1. Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982)
2. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 1972, 1975 and 2000 a-h-b; 23 U.S.C 1447)
3. Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et. seq.)
4. The National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347)
5. Executive Order 11063 (Equal Opportunity in housing) 3 CFR Comp. 1959-1963, page 652.

RIGHT-OF-WAY MANUAL CHAP 4 SECT 6 - REPLACEMENT HOUSING OF LAST RESORT

6. Executive Order 11246 (Equal Employment Opportunity) 3 CFR Comp. 1964-1965, page 339 of Federal Laws, Regulations and Materials Relating to the Federal Highway Administration, page IV-4I.
7. Executive Order 11625 (Minority Business Enterprise) 3 CFR Comp. 1971, page 213.

Advisory Committee:

The advisory committee shall include representatives of the following:

- A. The Highways Division and its selected organizations, if any;
- B. The chief executive officer of the jurisdiction in which displacement will occur;
- C. State and local agencies knowledgeable regarding housing in the area, including, but not limited to, the Hawaii housing Authority and the Honolulu Redevelopment Agency.
- D. In addition, the committee should include representatives of other appropriate public (e.g. local and area wide planning agencies) and private groups knowledgeable regarding housing and the problem of housing discrimination as well as representative of affected residents to be displaced. The failure of any person to participate on the committee shall not preclude the committee from satisfying the requirement of this paragraph.



ORGANIZATION AND FUNCTIONS

PURPOSE:

To describe the management program of real property acquired in connection with Federal-Aid highway projects. The Property Management Section is directed and guided by, but not limited to, the following: Code of Federal Regulations (CFR), United States Code (USC), Hawaii Revised Statutes (HRS) and other State and Federal property management policies listed below:

23 CFR 635.309
23 CFR 710.401-409

49 CFR

HRS 171-30 (State Lands),

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Uniform Act), as amended, Federal-Aid Highway Act of 1987, and other related laws, statutes, directives, opinions, rules and governing agencies.

POLICY:

State Highways Division, Right-of-Way Branch to manage all lands and improvements acquired for right-of-way projects to assure proper control and administration.

RESPONSIBILITY:

The Property Management Section (HWY-RM) of the Right-of-Way Branch (HWY-R) shall be responsible for the management of any real property (land and/or improvements) acquired by the Highways Division.

ORGANIZATION:

The Property Management Section is comprised of one unit. The organizational chart of HWY-RM is shown on page 5.1-A.

PROPERTY MANAGEMENT PROGRAM:

The Property Management Program is set to properly administer and control all real property (land and/or improvements) acquired for or by the Highways Division. It is operated in a manner consistent with all applicable State and Federal requirements acting in the public's interest with long-range benefits to the public as its primary concern. The functions are varied and involve work prior to construction and after completion of the project.

Functions Prior to Construction:

Prior to construction, the Property Management Program may involve:

- A. Rental of Improvements;
 - 1. Interim rental of improvements within right-of-way until such time that the improvements are required and cleared for construction;
 - 2. Rental of improvements on a revocable basis for improvements located within the project limits.
- B. Rodent Control;
 - 1. Determine if rodent control measures are necessary prior to demolition or sale of any improvements; and
 - 2. When rodent control measures are necessary, the appropriate agency is notified to ensure that the proper measures are taken.
- C. Clearing of Improvements from Right-of-Way;
 - 1. Conduct and process the sale of any improvements; and
 - 2. Notify appropriate agencies to process the demolition of any improvements that cannot be sold.
- D. Inventory of Improvements.

RIGHT-OF-WAY MANUAL CHAPTER 5 SECTION 1 – ORGANIZATION AND FUNCTIONS

Functions after Construction:

After Construction has been completed, the Property Management Program involves:

- A. Adding to and maintaining inventories of real property (improvements, parcels and remnants) and notification to any agency involved with the physical maintenance of newly acquired real property;
- B. Disposal of improvements, remnants, access rights, easements, or any other real property rights;
- C. Relinquishment or transfer of any highways, roads and/or right-of-way;
- D. Managing and leasing of air spaces within interstates;
- E. Referral of a complaint to the appropriate agency in order to resolve the issue;
- F. Other real estate management functions not covered above.

Procedures Implementing Property Management Program:

The procedures for implementation of the Property Management Program are covered separately in subsequent sections.

Real Property Management

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FHWA Realty Specialist

PM Topics

- Acquisition phase, or pre-construction, property management
- Property inventories
- Post-construction real property management
- Issues and Concerns

Pre-construction Requirements

- Acquire sufficient interests to construct, operate and maintain [23 CFR 1.23]
- Certify ROW clear [23 CFR 635.309(c)(3)]
- Protection of the acquired ROW
- Federal funds allowed for "...managing real property prior to and during construction to provide for maintenance, protection, and the clearance and disposal of improvements until final project acceptance." [23 CFR 710.203(b)(4)]

Pre-Construction Property Management

- "The State must manage real property acquired for a project until it is required for construction."
- Clearance may involve sale/removal agreements, separate demolition contracts, or be a work item included in the construction contract.