

**ARKANSAS STATE
HIGHWAY AND
TRANSPORTATION
DEPARTMENT**



**RELOCATION
ASSISTANCE
PROGRAM**

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Prepared by

RIGHT OF WAY DIVISION

Relocation Section

Room 807

10324 Interstate 30, Little Rock, Arkansas

Telephone: 501-569-2304

Arkansas State Highway and Transportation Department

P. O. Box 2261

Little Rock, Arkansas 72203

Department of Transportation Policy on Replacement Housing



It is the policy of the Arkansas State Highway and Transportation Department that no person shall be displaced by the Department's Federal and Federally-assisted construction projects unless and until comparable replacement housing has already been provided for or is built. To accomplish this policy the following three principal points must be carried out:

- a. A specific written assurance that the Department will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and 49 CFR Part 24, has been provided.
- b. Construction will be authorized only upon verification that replacement housing is in place and has been made available to all affected persons.
- c. All replacement housing must be fair housing-open to all persons regardless of race, color, religion, sex or national origin. This is in addition to the requirement that replacement housing must be offered to all affected persons regardless of their race, color, religion, sex or national origin.

The Department offers relocation assistance to all individuals, families, businesses, farm operators, and nonprofit organizations who are displaced by Federally-aided highway projects.

What is the purpose of the Program?

The program is designed to provide advisory assistance to all displacees, both property owners and tenants, and under many circumstances, as explained in this brochure, to also make payments available to help offset some of the expenses and costs which will be experienced by those who are displaced.

Who is considered a "displacee?"

The term "displacee" refers to any person, family, business owner, farm operator, or nonprofit organization who is being either partially or totally displaced by a highway project.

What is the difference between being "partially displaced" and "totally displaced?"

You are "partially displaced" if only a portion of your property is acquired by the Department and acquisition does not require you to move from your property, but you are required to move items of your personal property which are located within the new right of way limits.

If the acquisition of your property by the Department causes your actual displacement from your residence, business, farm or nonprofit organization, you are considered to be "totally displaced" so far as the Relocation Program is concerned, even if the Department does not acquire your entire property.

Will I be personally contacted concerning the Relocation Program?

Yes. A Relocation Coordinator from the Highway Department will contact you, explain the Relocation Program in detail, and help you concerning any relocation problems you may have. You are encouraged to ask questions concerning the program to be sure that you understand the eligibility requirements necessary to enable you to receive the relocation payments for which you may be eligible. The Relocation Coordinator who contacts you will provide their business phone number and an address where they may be contacted if you have additional questions or problems.

Are there “basic” payment qualification requirements that are applicable to all displacees?

Yes. To be eligible for any relocation payment you must at least meet each of the following basic requirements:

1. You must be in legal occupancy of the property being acquired by the Department. (Negotiations are initiated on the date Department representatives present a formal, written offer to purchase the property from the owner.) You should not, whether you are a tenant or an owner, vacate any property scheduled for acquisition by the Department prior to receiving a written Notice of Eligibility from Department officials. Otherwise, you may lose your eligibility for Relocation benefits to which you may be entitled.

Should the Highway Department, for any reason, not acquire the property you occupy, no relocation payments will be made. Therefore, to be safe

concerning relocation payment eligibility, you should not move from the property you occupy until after it has been acquired by the Department. To the maximum extent practicable, no person lawfully occupying real property is required to move from their home, farm, or business location without at least 90 days written notice.

2. You must actually move from the property being acquired, or due to a partial displacement, move items of personal property from the acquisition area after the initiation of negotiations.
3. You must also meet the specific requirements outlined later in this brochure for each of the various relocation payments which may be available to you.

How will I know when I must move?

You will receive a first vacancy notice letter that will assure you that you will not have to vacate any sooner than 90 days from the date of the letter. At a later time, you will receive a final vacancy notice stating an exact date to vacate. The final vacancy notice will give you at least 30 days from the date of the letter.

What specific payments am I entitled to receive?

All displacees who may be eligible for relocation payments can be placed in one of the following categories:

RESIDENTIAL OCCUPANTS

A. Residential owner-occupants who will be totally displaced from dwelling units they owned and occupied for at least 90 days prior to the time negotiations were initiated for the property.

If you fit into this category and purchase a decent, safe and sanitary replacement property, you may be eligible for the following payments:

1. A Residential Moving Cost Payment
2. A Price Differential Payment
3. An Incidental Closing Cost Payment
4. A Mortgage Interest Differential Payment

If you rent a decent, safe and sanitary replacement, you may be eligible for the following payments, in lieu of those listed above:

1. A Residential Moving Cost Payment
2. A Rental Assistance Payment

In every case you must meet specific qualification requirements for each type of payment that may be available to you, which will be explained later in this brochure, as well as the basic requirements which have already been discussed.

B. Residential tenants who are being totally displaced from a dwelling unit they occupied for at least 90 days prior to the initiation of negotiations.

Displacees in this category who rent a decent, safe and sanitary replacement dwelling may be eligible for the following payments:

1. A Residential Moving Cost Payment
2. A Rental Assistance Payment

You may choose to purchase a decent, safe and sanitary replacement dwelling, in which case the amount of your Rental Assistance Payment may be applied to the down payment and incidental closing costs associated with the purchase.

C. Residential owners and tenants who are being totally displaced from dwelling units they occupied for less than 90 days prior to the initiation of negotiations.

If you fit into this category and legally occupied the property at the initiation of negotiations, you will be eligible for a Residential Moving Cost Payment and you may qualify for Rental Assistance.

PERSONAL PROPERTY ONLY

Anyone who is required only to move personal property from the real property the Department acquires. This category could include residents, businesses, farms, non-profit organizations, or storage tenants.

If you are in this category and meet the basic qualifications, you may be eligible for reimbursement of most of the actual costs you incur in moving your personal property.

BUSINESSES, FARMS AND NON-PROFIT ORGANIZATIONS

Any Business, Farm or Nonprofit Organization which is displaced may be eligible to receive reimbursement for Moving, Search, and Reestablishment expenses. Alternatively, some may qualify for a payment as a displaced entity in lieu of the above payments.

A. Owner of a business that does not contribute materially to its owner's income:

Displacees in this category may be eligible for reimbursement of the actual cost of moving the items of personal property involved as discussed later in this brochure under the heading "Business, Farm, and Nonprofit Organization Moving and/or Reestablishment Expense Payments."

B. Owner of a business that contributes materially to its owner's income:

If you are in this category, you may be eligible for a Business Moving and/or Reestablishment Expense Payment as discussed later in this brochure under the heading "Business, Farm, and Nonprofit Organization Moving and/or Reestablishment Expense Payments."

However, if your business cannot be relocated without a substantial loss of its existing patronage, you may be eligible for a Fixed Payment, in lieu of Moving, Search, and Reestablishment Expense payments.

C. Owner of a farm operation which does not contribute materially to its owner's income:

Displacees who fit into this category may be eligible for reimbursement of the actual cost of moving the items of personal property involved, normally under the procedures outlined under the heading "Business, Farm, and Nonprofit Organization Moving and/or Reestablishment Expense Payments."

D. Owner of a farm operation which contributes materially to the owner's income:

If you fit into this category, you may be eligible for either the actual cost of moving

your personal property under the procedure outlined under the heading "Business, Farm and Nonprofit Organization Moving and/or Reestablishment Expense Payments," or if the highway acquisition is so severe that no type farming can be continued on your remaining property, or caused a substantial change in the nature of the operation, you may be eligible for a displaced farm operation payment.

E. Nonprofit organizations which own fixtures, equipment, stock-in-trade, or other tangible property for the carrying on of a business, professional, or institutional activity on the premises:

Nonprofit organizations are normally entitled to reimbursement for the actual cost of moving their personal property under the procedure outlined under the heading "Business, Farm and Nonprofit Organization Moving and/or Reestablishment Expense Payments." Nonprofit organizations may be eligible for a Displaced Nonprofit Organization Payment in lieu of Moving, Search, and Reestablishment Expense payments.

If I live in a mobile home, will I be eligible for relocation payments?

Yes, under most circumstances you will be eligible for the same relocation benefits as displacees who live in conventional dwellings. There are procedures that apply specifically to mobile homes; therefore, you should discuss your particular situation with your Relocation Coordinator for clarification.

What is meant by “decent, safe and sanitary replacement dwelling?”

Before any “replacement housing”, “rental assistance”, or “down payment assistance” payments can be made to you, the Department must determine that you have moved into living quarters that meet the following decent, safe and sanitary standards:

1. **Conforms to State and Local Housing Codes and Ordinances** – conforms with all applicable provisions for existing structures that have been established under State and local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.
2. **Water** – has a continuing and adequate supply of potable, safe water.
3. **Kitchen Requirements** – 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 an adequate sewage system. The kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of a stove and refrigerator.
4. **Heating System** – has an adequate heating system capable of sustaining a healthful temperature (approximately 70 degrees).
5. **Bathroom Fixtures** – has a bathroom, well lighted and ventilated, and affording privacy to a person within it, containing a lavatory basin, and a bathtub or shower stall,

properly connected to an adequate supply of hot and cold running water, all in good working order and properly connected to a sewage disposal system.

6. **Electric System** – has an adequate safe wiring system for lighting and other electrical services.
7. **Structurally Sound** – it is structurally sound, weather-tight and in good repair.
8. **Egress** – each building used for dwelling purposes shall have a safe, unobstructed means of egress leading to safe open space at ground level and for a handicapped displacee, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling. In multi-dwelling buildings of two stories or more, the common corridor on each story must have at least two means of egress.
9. **Adequate Size** – be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person.

The Standards for decent, safe and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in preceding paragraphs **1, 4, 6, 7, 8, and 9**; and they also must have access to a lavatory, bath, and toilet facilities that provide privacy if such facilities are separate from the room.

If any doubt exists as to whether or not a replacement dwelling which you plan to rent or purchase meets the above decent, safe and sanitary standards, you should

ask your Relocation Coordinator to inspect it and make a determination prior to making a firm commitment to the landlord or seller.

What if I am not satisfied with my relocation payments?

If you are not satisfied with the amount of a relocation payment, or you have been denied a payment which you believe you should have received, you may submit a written, detailed request for review to the Relocation Section Head. If the Relocation Section Head determines that you are eligible for the payment, your Coordinator will provide you with a Claim form. If it is determined you are not eligible for the payment, you will be notified in writing in a timely manner.

If you are dissatisfied with the conclusion of the Relocation Section Head's review, you may request a hearing with the Appeal Hearing Panel. The time limit for filing an appeal is 60 days past the date you re-

ceive notice of rejection of a payment from the Department. You will be provided, on request, a form to assist you in filing a formal appeal.

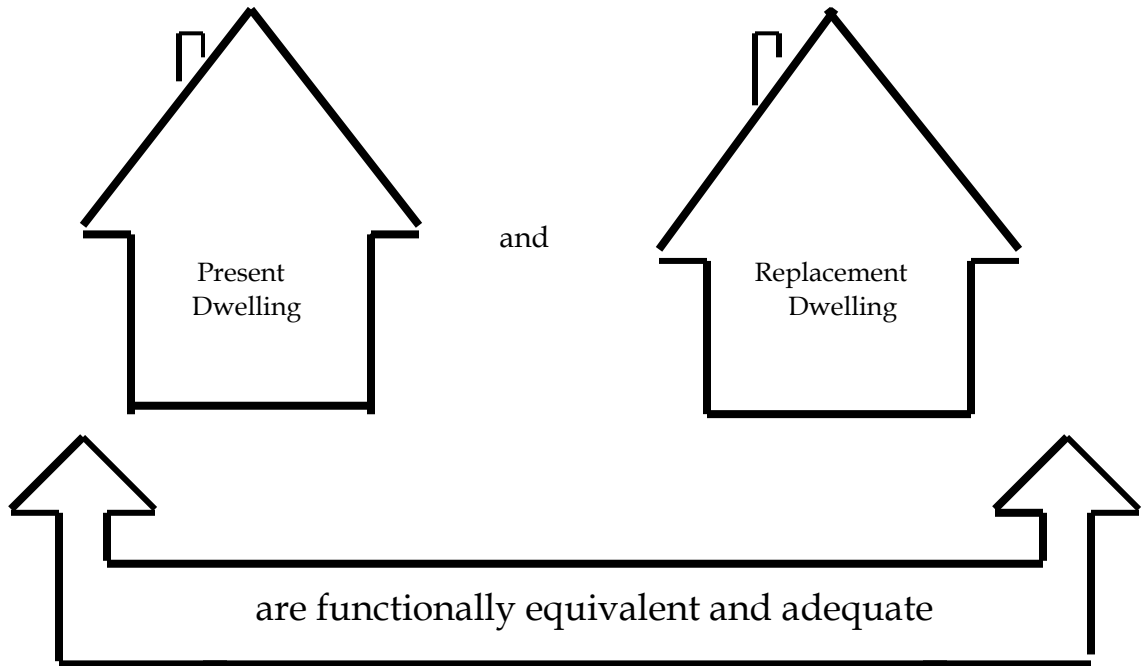
Following the Appeal Hearing, the facts of the case will be promptly and carefully reviewed, and you will be notified of the decision within a reasonable period of time.

If full relief requested is not granted, then you have the right to seek judicial review.

NOTE: The balance of this brochure describes the various relocation payments that have been mentioned in the preceding paragraphs, as well as the specific payment qualification requirements for each type of payment. You are invited to read all of the information provided and you are urged to give careful attention to those payments, which you may be eligible to receive, as listed under your relocation category.

A “Comparable” Replacement

Means That Your...



Regarding:

- Number of rooms
- Area of living space

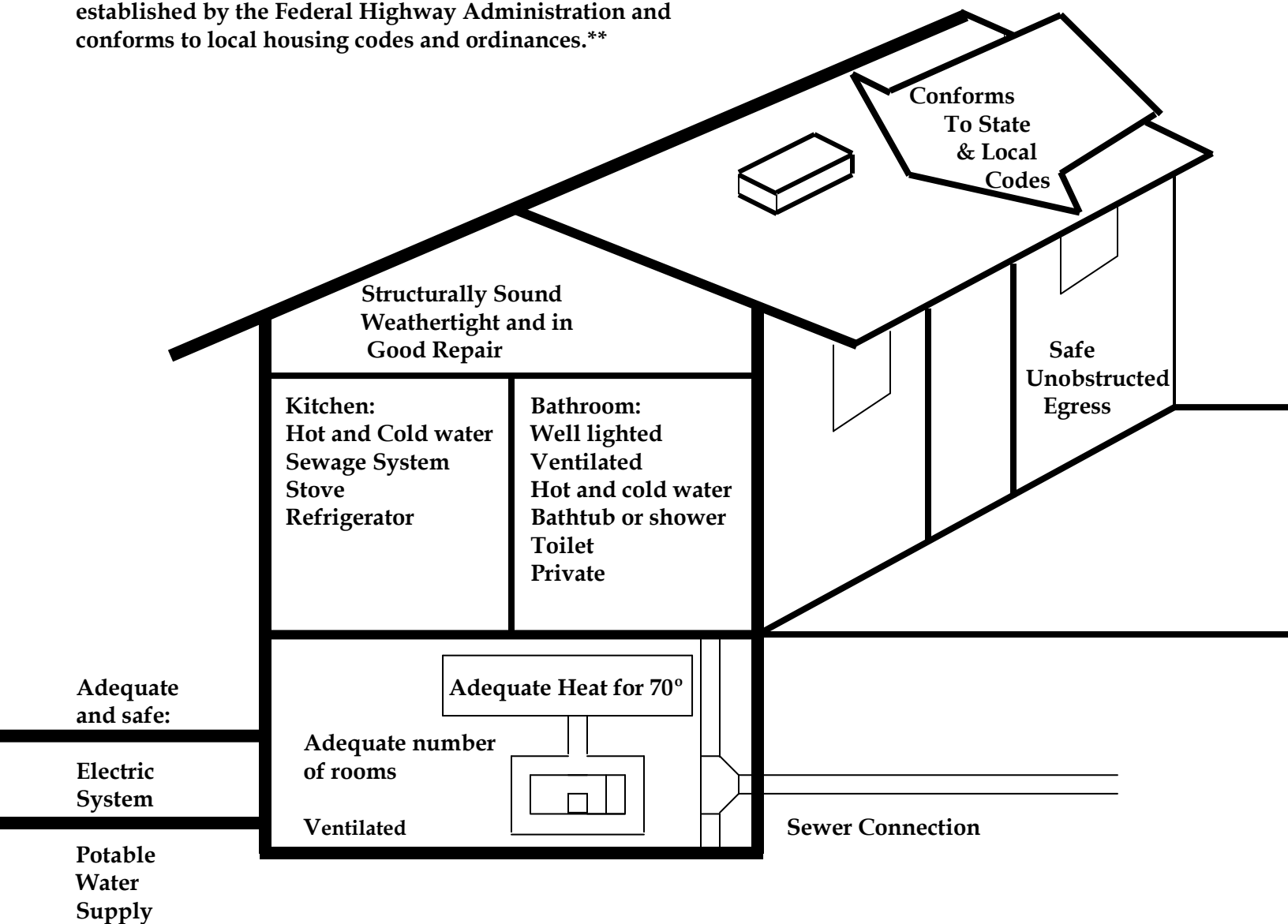
And the replacement is:

- Currently available
- Within your financial means
- Decent, safe and sanitary
- In an area not subject to unreasonable adverse environmental conditions, etc.

REPLACEMENT HOUSING MUST BE

Decent, Safe and Sanitary*

.... which means it meets all of the minimum requirements established by the Federal Highway Administration and conforms to local housing codes and ordinances.**



*Often referred to as “DSS” housing.

**The Decent, Safe and Sanitary inspection is made solely for the purpose of determining the eligibility of displaced individuals and families for replacement housing payments and is not intended to be, nor does such constitute warranties or guarantees by the Arkansas State Highway and Transportation Department and the officers, agents and employees thereof, that a dwelling is decent, safe and sanitary.



What is the definition of “Residential Moving Cost Payment?”

Residential Moving Cost Payments relate to the cost of moving all personal property generally classified as household goods, furniture, appliances and any other item used in the establishment and maintenance of a home. This term can also be defined as relating to all personal property which is not used in the operation of a business, farm or nonprofit organization.

What are the payment eligibility requirements:

You will be eligible to receive a residential moving cost payment when:

1. your personal property is located on real property that is acquired by the Department for right of way purposes,
2. your personal property is located on remaining land not acquired but legally and/or physically land-locked and inaccessible to you,
3. you are in legal occupancy of the property on which the personal property is located (or your items of personal property are legally located thereon) at the time negotiations are initiated for the subject property,
4. you move your personal property from the area being acquired (or landlocked) by the Department after the initiation of negotiations for the subject real property,
5. the property you occupy is subsequently acquired (or landlocked) by the Department,
6. you provide paid receipts and/or other required documentation to prove the actual cost of your move,
7. you file a claim for your Moving Cost Payment within 18 months after:
 - a. for tenants, the date the move is complete.
 - b. for owners, the date the move is completed or the date of payment for the real estate, whichever is later.

Does the distance I move affect my payment eligibility?

There is no limitation on the distance you move your personal property, however, moving cost payments cannot include the expenses involved in moving your personal property more than 50 miles.

How will the amount of my payment be determined?

You may choose to be paid for either, or a combination of: the actual, reasonable and necessary cost of your residential move accomplished by a commercial mover; or, a predetermined amount based on the "Fixed Residential Moving Cost Schedule."

These options are discussed in the following paragraphs.

FIXED RESIDENTIAL MOVING COST SCHEDULE

If you are totally displaced, you can elect to receive a moving cost payment based on the Department's Fixed Residential Moving Cost Schedule, which includes a displacement allowance of \$200.

This option is not available when partial displacements are involved, or to the owners of personal property who do not reside in the dwelling unit where the property is located.

The Fixed Residential Moving Cost Schedule is intended to be sufficient to cover your entire moving expenses. The dislocation allowance is intended to cover the cost of utility transfer fees.

A copy of the Fixed Residential Moving Cost Schedule is provided at the end of this brochure.

ACTUAL COST – RESIDENTIAL MOVE (COMMERCIAL MOVER)

Moves in this category include all situations where qualified displacees employ and pay someone to move their personal property from the unit acquired by the Department to a replacement unit and claim reimbursement from the Department for their actual, reasonable and necessary expenses. Normally, applicable incidental moving expenses paid by such displacees are available for reimbursement under this moving payment option. The following procedure must be followed if you choose this moving payment option:

1. The Department or you will obtain at least two lump-sum bids from commercial movers.
2. The Department will approve the lower bid amount.
3. The choice of which mover will be used is the discretion of the displacee. Arrangements for making the move are the responsibility of the displacee. The Department will not supervise the move except under unusual circumstances, however, you must notify your Relocation Coordinator of the time the move has been scheduled to give them the opportunity to monitor the move.
4. The displacee will be reimbursed for the actual, reasonable and necessary incidental costs upon receipt of vendors' invoices and supporting bills. These payments will not be paid until the move is completed.
5. The mover may be paid directly upon receipt of an invoice, Statement of Authorization and claim submitted to the Department.

If you are the owner of a mobile home which has been identified as personal property, you can claim the actual cost of moving the unit to a location within fifty (50) miles. The same procedures outlined above must be followed for a mobile home move of this type. The Department will reimburse you for applicable incidental expenses related to the move, including disconnection and reconnection of appliances. The cost of disconnecting and reconnecting utility services is also available for reimbursement, however, the cost of extending utilities to or on the replacement site is not applicable for reimbursement as an incidental moving cost.

INCIDENTAL MOVING COSTS

Incidental moving costs referred to above are applicable only when an individual's moving cost payments are on an actual cost basis and include the following expenditures:

1. **Storage** – when the Department determines that it is necessary for a relocated person to store personal property for a reasonable time, not to exceed twelve months, the cost of such storage is reimbursable. Cost for the storage of personal property on real property already owned or leased by the displacee is not an eligible expense.
2. **Insurance** – the cost of insurance premiums covering loss and damage of personal property while in transit or storage can be included in the Moving Cost Claim. Such insurance coverage is limited to the reasonable replacement value of the personal property involved.

3. **Losses in Moving** – the reasonable replacement value of property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent, or employee) in the process of moving is reimbursable, where insurance to cover such loss or damage was not reasonably available.
4. **Removal and Reinstallation Expenses** – the cost to disconnect and reconnect appliances and other items of personal property, including reconnection of utilities, can be included in Moving Cost Claims.
5. **Cost of Transportation, Meals, and Temporary Lodging** – Transportation costs can include special services such as the cost of an ambulance to transport invalid displacees up to fifty (50) miles. The actual, reasonable cost of meals and commercial lodging can be paid if it is reasonably necessary for the displacees to “eat out” or spend a night in a motel or hotel because of the move. Meals “eaten out” and time spent in a motel or hotel merely for the convenience of the displacee are not eligible for reimbursement. Meals “eaten out” during the time the displacee’s kitchen appliances and/or utilities are disconnected, and overnight commercial lodging during the time the displacee’s bedroom furniture is not available at either location shall be considered reasonable. Receipts will be required to prove that such expenditures were made, as well as the amounts of the actual costs involved.

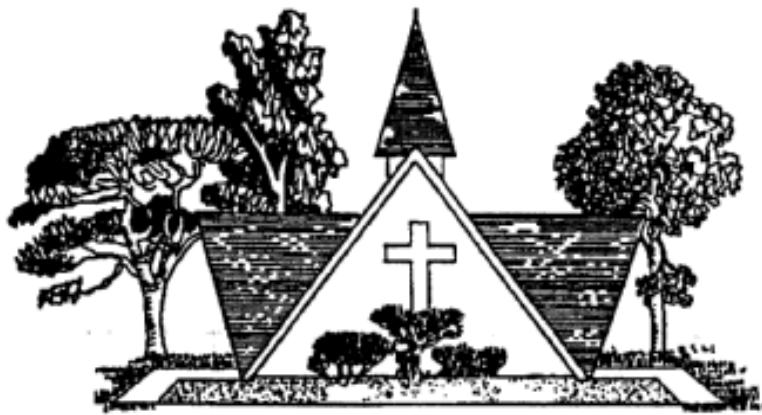
You should seek approval of any expenses prior to incurring them in order to ensure they will be reimbursable.

PARTIAL DISPLACEMENT RESIDENTIAL MOVING COST PAYMENTS

If you are involved in a partial displacement, you can be reimbursed for your actual and reasonable expenses in moving your items of personal property by a commercial mover. You may also choose a self-move based on an amount determined through an Agent's Estimate, prepared by the Department. The Fixed Residential Moving Cost Schedule is not applicable for partial displacements.

How can I claim my moving cost payment?

Claim forms can be obtained from the Department's Relocation office or your Relocation Coordinator. Your Relocation Coordinator will assist you in preparing and submitting these forms for payment.



Business, Farm, and Nonprofit Organization Moving and/or Reestablishment Cost Payments

What moving payment options are available to businesses, farms and nonprofit organizations?

Each of the options available are discussed in the following paragraphs.

COMMERCIAL MOVE

The procedure outlined under the "Actual Cost – Residential Move (Commercial Mover)," including the 50 mile limit, is also applicable if a commercial mover is used to conduct the business, farm or nonprofit organization move. If you choose this option you should ask your Relocation Coordinator to explain the procedure to be followed.

SELF-MOVES

The following procedure is applicable if you desire to conduct a self-move:

1. An inventory of the items to be moved will be prepared by the Department, and certified by the displacee.
2. Agent's Estimates may be made by qualified Department personnel. You will be paid the Estimate amount without supporting evidence of actual expenses incurred; or
3. The Department or you will obtain two or more bids from qualified, commercial movers. You will be paid an amount to be negotiated between you and the Department, not to exceed the lower of the two bids; or
4. You may move the personal property and be paid your actual and reasonable expenses incurred during the move. In order to ensure eligibility, you should seek preapproval of expenses from the Department. This payment cannot exceed the lower of the commercial bids.

INCIDENTAL MOVING COSTS

1. **Storage Costs** – same as discussed under “Residential Moving Costs.”
2. **Insurance** – same as discussed under “Residential Moving Costs.”
3. **Losses in Moving** – same as discussed under “Residential Moving Cost.”
4. **Removal and Reinstallation Expenses** - The cost to remove and reinstall machinery, equipment, and other items of personal property (including reconnection to utilities at the replacement site) can be included in moving cost payments. Modifications to personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement site may also be an eligible expense. Upgrades to utilities at the replacement site, or extension of utilities from the right of way may also be eligible expenses.

Such costs are not applicable to items classified as real property in the right of way settlement.

5. **Search for Replacement Location** - You can claim the actual, reasonable and necessary expenses incurred in searching for a replacement location, if applicable, not to exceed \$2,500. All expenses claimed must be documented.

Applicable expenses can include:

- a. Transportation based on actual fees charged for commercial transportation, or the current

mileage reimbursement rate established by the Department when a private auto is used.

- b. Actual, reasonable cost of meals and lodging when the Department determines that such costs are necessary.
 - c. The reasonable value of the time actually spent in the search. Payment shall be based on the applicable hourly wage rate for the person conducting the search. A certified statement of the time spent in search and the hourly rate must accompany the claim.
 - d. Fees paid to a real estate agent or broker to locate a replacement site exclusive of any fees or commission related to the purchase of such site.
6. **Licenses, Permits, Professional Services** – Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit or certification.

Professional services necessary for (1) planning the move of the personal property, (2) moving the personal property, and (3) installing the relocated personal property at the replacement location.

7. **Relettering, etc.** – relettering signs and replacing stationary, business cards, etc., on hand at the time of displacement that are made obsolete as a result of the move.

PARTIAL DISPLACEMENTS

If you are involved in a partial displacement, you can be reimbursed for the actual and reasonable expenses of moving your items of personal property. The procedure to be followed when business, farm and nonprofit organization partial displacements are involved is the same as outlined in this brochure for total displacements

How can I claim my moving cost payment?

Claim forms can be obtained from the Relocation Office or your Relocation Coordinator. Your Relocation Coordinator will assist you in preparing and submitting the forms.

What if I want to sell my personal property and go out of business, or replace an item instead of moving it?

Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business is an eligible payment. The payment shall consist of: the fair market value of the item for continued use at the acquired site, less the proceeds from its sale, or the estimated cost of moving, whichever is less. If an item is replaced and not moved, the payment is the cost of the replacement item minus any proceeds from the sale or trade-in, or the estimated cost of moving, whichever is less. This payment is complex. If you are interested in this payment, ask your Relocation Coordinator to explain it further.

What payments do I qualify for as a landlord?

If you are a landlord, and you qualify as a business, you are considered a "partially-displaced business and you may qualify for

Move and Reestablishment Expense payments.

REESTABLISHMENT EXPENSES

In addition to the moving cost payments above, a small business, farm or nonprofit organization may be eligible to receive a reestablishment payment, not to exceed \$25,000.

Reestablishment expenses must be reasonable and necessary as determined by the Department. They may include, but are not limited to the following:

1. Repairs or improvements to the replacement real property as required by Federal, State or local law code or ordinance.
2. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
3. Construction and installation costs for exterior signing to advertise the business.
4. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.
5. Licenses, fees and permits when not paid as part of moving expenses.
6. Advertisement of replacement location.

7. Increased costs of operation during the first two years at the replacement site for such items as:

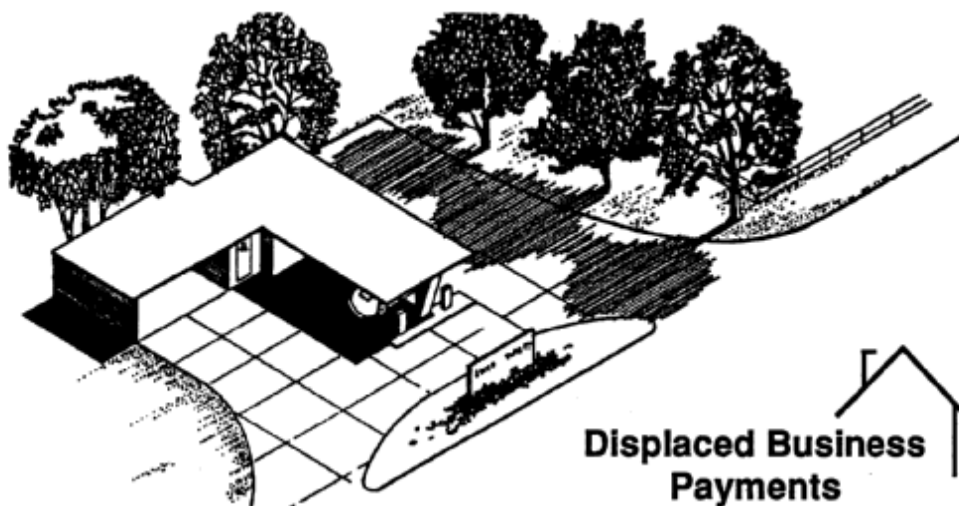
- a. Lease or rental charges,
- b. Personal or real property taxes,
- c. Insurance premiums,
- d. Utility charges, excluding impact fees.

8. Other items the Department considers essential to the reestablishment of the business.

At least two bids will be obtained for the above reestablishment expenses, and the Department will approve the lower bid amount. It is recommended you contact your Relocation Coordinator prior to incurring any expenses in order to determine and clarify eligibility.

The following is a nonexclusive list of reestablishment expenses not determined to be reasonable, necessary or otherwise eligible:

1. Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures.
2. Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of the business operation.
3. Interest on money borrowed to make the move or purchase the replacement property.
4. Payment to a part-time business in the home which does not contribute materially to the household income.



What are the qualification requirements for this type payment?

If you are the owner of a business, you can elect to claim a Fixed Payment in lieu of Moving, Search and Reestablishment Expenses, **provided** the following additional qualification requirements are fully satisfied:

1. To qualify for this type payment, your business must have contributed materially to your income.
2. Your business must sustain a substantial loss of its existing patronage.
3. Your business must not be part of a commercial enterprise having more than three other entities which are not being acquired by the Department, and which are under the same ownership and engaged in the same or similar business. If you are merely operating under a chain store name, you may still be qualified, provided that you meet the other qualification requirements.
4. Your business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others.
5. Your business is not operated at the displacement site solely for the purpose of renting the site to others.
6. Your business owns or rents personal property that must be moved for which an expense would be incurred, and the business vacates from its displacement site.
7. You must file a claim within 18 months after the date you move or the date you were paid for the real property whichever is later if you are an owner. If you are a tenant, you must claim payment within 18 months after the date you move.

How will the amount of actual payment be computed?

You are entitled to receive an amount equal to the average annual net earnings of your business, not to exceed a maximum payment of \$40,000, or less than a minimum payment of \$1,000. The payment is computed based on the pre-tax income of your business in the two years prior to displacement. Average annual net earnings may be based upon a different period of time when the Department determines it to be more equitable. Such “average annual net earnings” include any compensation paid by the business to you, your spouse, or your dependents during the two year period.

All earnings and compensation must be established by Federal Income Tax Returns (or other reasonable evidence) filed by the business and by you, your spouse, and your dependents.

Can a Nonprofit Organization be eligible for this type of payment?

Yes. A displaced nonprofit organization may choose this type of payment in an amount not less than \$1,000 or more than \$40,000 if it complies with requirements #2 and #7 under Fixed Payment. Any payment in excess of \$1,000 must be supported with financial statements for the two 12-month periods prior to acquisition. The amount to be used for the payment is the average of 2 years annual gross revenues less administrative expenses.

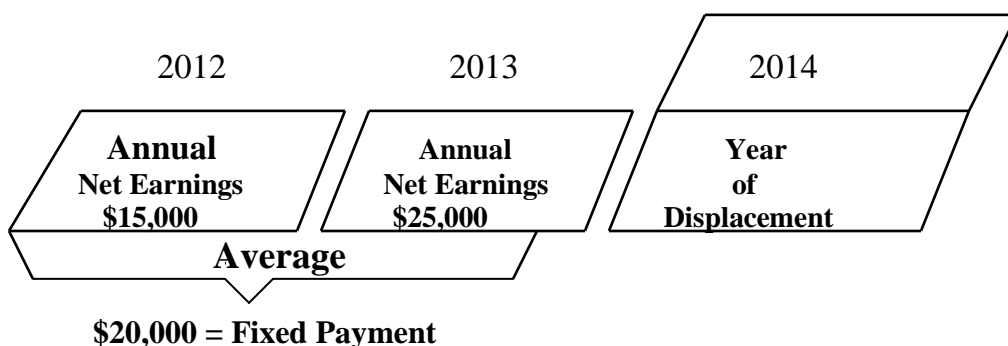
The computation of Your Fixed Payment...

...is based upon the average annual net earnings for two taxable years immediately preceding the taxable year during which the enterprise is relocated. *

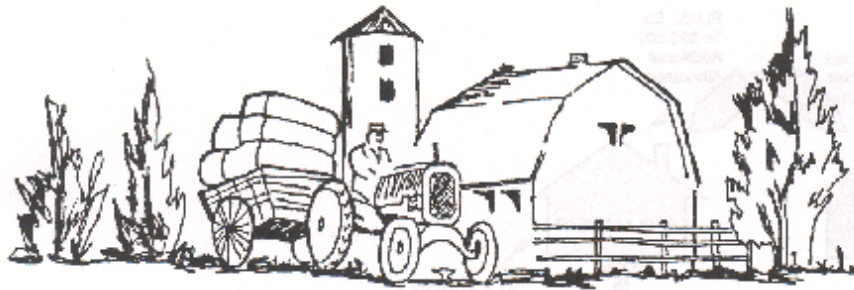
You must provide information to the acquiring agency to support your net earnings in the form of income tax returns or certified financial statements.

*Or a different period of time when the Department determines it to be more equitable

EXAMPLE:



Your Relocation Coordinator will further explain eligibility requirements and methods of computation to you if you are interested in this payment.



Displaced Farm Operation Payment

What are the qualification requirements for this type of payment?

For you to be eligible for this type of payment, you must meet the qualification requirements for a Business, Farm or Non-profit Organization Moving Cost Payment. In addition, the Department must also determine that:

1. Your farm operation contributed materially to your total income.
2. That you completely discontinued your entire farm operation at the present location; or
3. In the case of a partial acquisition, the operator was caused to be displaced from the farm operation on the remaining land or the partial acquisition caused a substantial change in the nature of the farm operation.

You must file a claim within 18 months after the date you move or the date you were paid for the real property, whichever is later if you are an owner. If you are a tenant, you must claim payment within 18 months after the date you move.

If a farm tenant is involved, who is entitled to the payment, the farm tenant or the landlord?

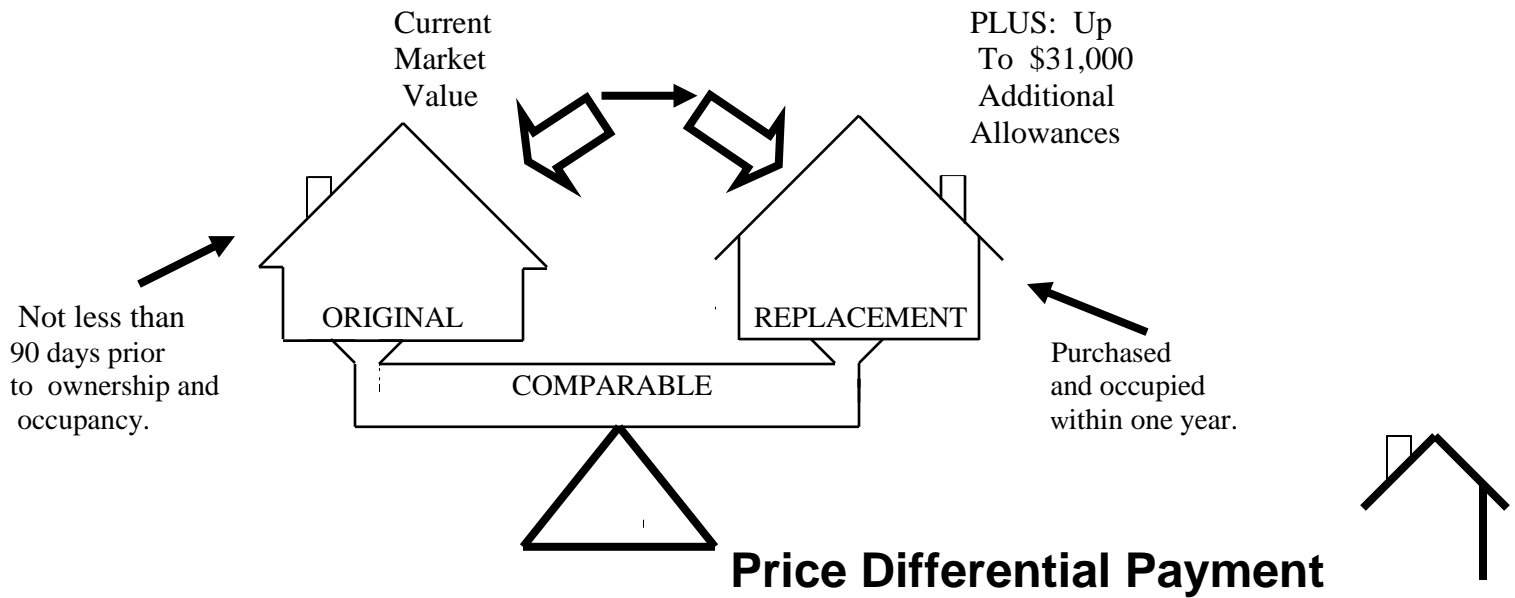
If a sharecropper or tenant is carrying out the actual farming operation, he receives the displaced farm operation payment.

What If mineral production or a quarry operation is involved?

When minerals are being produced on a farm on a commercial basis and/or when quarrying operations are so conducted, they are to be considered as a separate business and not taken into consideration as a part of the farm operation. The farm operation is to relate to agricultural activities only.

How will the amount of the actual payment be computed?

You are entitled to receive an amount equal to the average annual net earnings of your farm operation, not to exceed a maximum payment of \$40,000, or less than a minimum payment of \$1,000. The average annual net earnings must be established and proven by copies of your Federal Income Tax Returns or other reasonable evidence. The method of computation is the same as that for a business.



What is a Price Differential Payment?

Generally speaking, a Price Differential Payment is the amount paid to qualified residential owner-occupants which is the difference between what the Department pays you for your dwelling and dwelling site, and the amount you actually spend on your replacement housing. The amount of the payment **CANNOT EXCEED** your maximum payment eligibility as determined by the Replacement Housing Study conducted by the Department (as explained later). The payment, together with authorized incidental costs related to the purchase of the replacement and increased interest costs (both of which are discussed later in this brochure) cannot exceed \$31,000.

What are the payment qualification requirements?

Qualification requirements are as follows:

1. You must have owned and occupied your dwelling unit for at least 90 days immediately prior to the initiation of

negotiations for the property. Owner-occupants who do not meet this length of occupancy requirement are considered "less-than-90-day owners," and they may still qualify for a Rental Assistance or Downpayment Assistance Payment, as explained later in this brochure.

2. You must be in occupancy at the initiation of negotiations for that particular tract.
3. Your property must be acquired by the Department from you. Should you sell to another party and not directly to the Department, you will not be eligible for this type payment. (The "other party" who purchases it will not be eligible for the payment, either).
4. Your displacement must be necessary (not by choice) due to the actual acquisition of your dwelling by the Department, or, due to its being rendered legally or physically landlocked or uninhabitable by the Department's acquisition.

5. The dwelling acquired as right of way by the Department must be your principal and legal place of residence.
6. You must purchase and occupy a replacement dwelling which meets decent, safe and sanitary standards within one year from the latter of the following dates:
 - a. The date on which you receive final payment from the Department for the displacement dwelling when a negotiated settlement is reached, or in the case of condemnation, the date on which the Department deposits your "fair market value" in court, or
 - b. The date on which comparable replacement housing was made available to you.
7. Your replacement housing claim must be filed with the Department no later than 18 months from the later of; the date you receive final payment for your property, or the date you move from the acquired dwelling unless your dwelling was acquired by condemnation, in which case the deadline for filing your claim will be extended to six months after final adjudication. It will be necessary for you to provide proof that you purchased a replacement dwelling and document the price paid for it. This can normally be accomplished by attaching a "closing statement" covering the purchase of your replacement dwelling. You should require a completed closing statement from the seller or your closing agent.

Are the owner-occupants of mobile homes qualified for this payment?

Yes, if the mobile home is considered to be real property. (If the mobile home is considered to be personal property, a Price Differential Payment will not be available to the owner except under unusual circumstances.) If you are the owner-occupant of a mobile home, your Relocation Coordinator will explain whether or not you are eligible for this type payment.

If I own property that contains both my residence and business, will I be entitled to a Price Differential Payment?

Yes, based on the portion of the property which is used for residential purposes. For instance, if you live on a large acreage with commercial buildings, the residence and a typical (for the area) residential lot will be "carved out" of the larger property for the purpose of conducting a Replacement Housing Study. Alternatively, if a portion of a residence is dedicated to commercial use (e.g. a beauty salon or the office of a home-based business), that portion will be carved out from the residence.

Can the owner of a multi-unit dwelling complex being acquired by the Department (duplex or apartment building) who occupies one of the units be paid a Price Differential Payment?

Yes, based on the part of the Department's right of way offer chargeable to the dwelling unit occupied by the owner. A Department appraiser will prorate the Department's total offer to show the portion chargeable to the unit or units occupied by the owner.

The prorated amount will be deducted from the probable cost of a decent, safe and sanitary available replacement, as nearly comparable as possible under the circumstances, to determine the maximum Price Differential Payment.

If I retain my existing dwelling in the right of way settlement and move it to a new location, am I eligible for a Price Differential Payment?

You may qualify for a Price Differential Payment in this situation. Your Relocation Coordinator will explain the payment computation procedure and eligibility requirements if you desire to follow this course of action.

How are Price Differential Payments computed?

In most situations, a study will be made to locate the most nearly comparable replacement dwelling unit available to you for purchase within the area.

The maximum Price Differential Payment which you can receive will be computed by subtracting the amount offered by the Department for your dwelling unit from the amount necessary for you to purchase the available replacement.

For example, if you are paid \$85,000 for your residential property and your maximum Price Differential Payment is computed as \$15,000, you must actually spend at least \$100,000 for the purchase price of a replacement, not including incidental costs. Should you only spend \$95,000, your Price Differential Payment would be reduced to \$10,000 and if you spend \$85,000 or less, you would not qualify for any Price Differential Payment.

Price Differential Payments in most cases will be computed as explained above; however, under some types of unusual circumstances, such payments may be based on the cost of constructing a new house, or on the cost of repairing an existing dwelling. Your Relocation Coordinator will explain the procedure used in computing your specific payment.

How will I be notified of the amount of my Price Differential Payment?

You will receive a letter of eligibility concerning the amount of the Price Differential Payment.

If my residential property is acquired by condemnation, must I wait until my case is settled before receiving my Price Differential Payment?

No. You will be given an opportunity to enter into a "Condemnation Agreement" and receive your Price Differential Payment as soon as you meet all qualification requirements and prior to final settlement of your condemnation case.

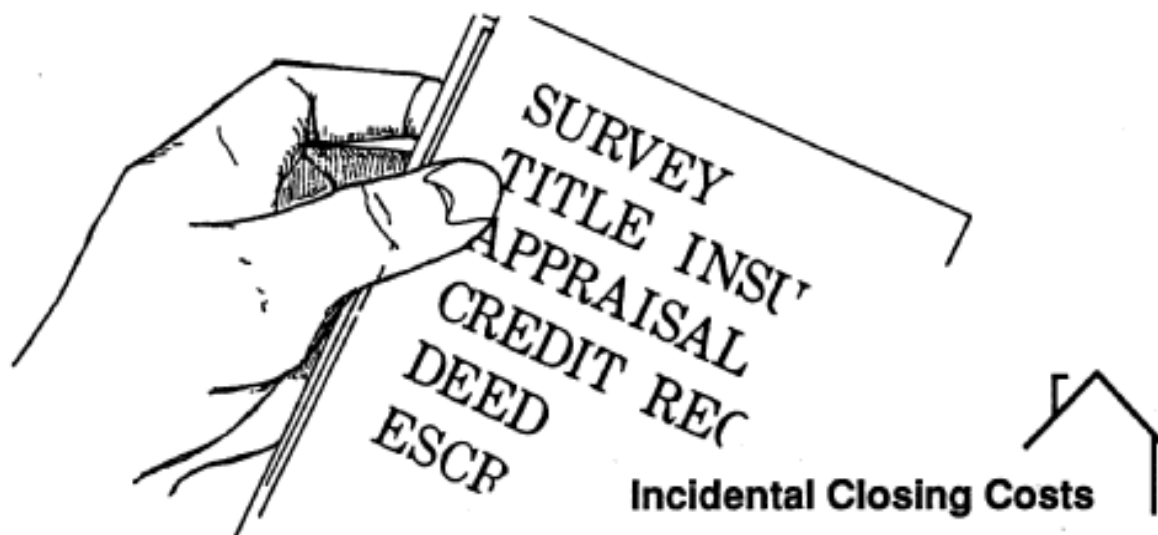
Should condemnation become necessary in the acquisition of your dwelling, your Relocation Coordinator will make a "Condemnation Agreement" available to you and/or your attorney if you decide to request your payment prior to final settlement of your condemnation case.

How can I claim my Price Differential Payment?

Claim forms can be obtained from the relocation office or your Relocation Coordinator. Your Relocation Coordinator will assist you in preparing and submitting these forms for payment.

Please understand that you will not be entitled to any Price Differential Payment if a decent, safe and sanitary comparable replacement dwell-

ing is available within the area which you can purchase for a price that does not exceed the amount paid to you by the Department for your existing dwelling.



What is an Incidental Closing Cost Payment?

An Incidental Closing Cost Payment is the amount necessary for the Department to reimburse you for the actual costs incurred incident to the purchase of your replacement dwelling.

Such costs may include the following items, if normally paid by the buyer:

1. Legal, closing and related costs including title search, abstracting and preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and recording fees.
2. Lender's application fees.
3. Loan origination, points or assumption fees that do not represent pre-paid interest. Payment will be based on the lesser mortgage balance. If there is no mortgage on the displacement dwelling, these will not be eligible costs.
4. Whole-house and termite inspection fees.
5. Credit report.
6. Title insurance not to exceed the cost for a comparable replacement dwelling, or the value of your existing mortgage.
7. Appraisal fee.
8. State revenue stamps and sales or transfer taxes not to exceed the cost for a comparable replacement dwelling.
9. Mortgage Insurance Premiums. Reimbursement should be limited to an amount based on the unpaid mortgage balance on the displacement dwelling or the new mortgage amount, whichever is less. If there is no mortgage on the displacement dwelling, this is not an eligible cost.
10. Such other costs as the Department determines to be incidental to the purchase.

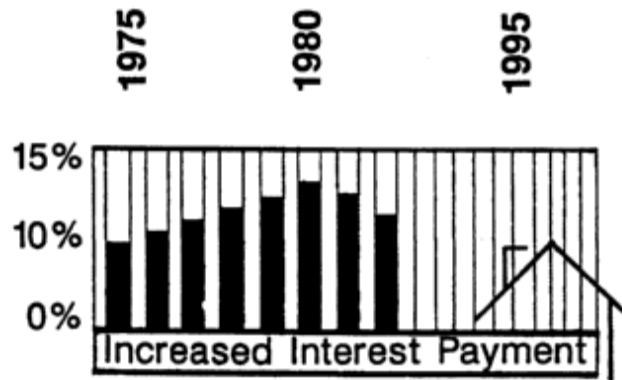
What are the payment qualification requirements?

Any displacee who is qualified for a Price Differential Payment is also entitled to receive an Incidental Closing Cost Payment.

Even if you purchase decent, safe and sanitary replacement housing which is not expensive enough for you to qualify for a Price Differential Payment, you will still be qualified for an Incidental Closing Cost Payment.

Your Incidental Closing Cost claim must be included on your Replacement Housing Payment Claim, or as a part of your Down Payment Assistance Claim, whichever is applicable. Your Relocation Coordinator will help you prepare the proper claim form.

It will also be necessary for you to document your expenditures, either by attaching paid receipts to your claim or by attaching a closing statement which specifically sets out the incidental closing cost expenditures being claimed.



What are Mortgage Interest Differential Payments?

The Mortgage Interest Differential Payment is available under the Relocation Program to a displaced, 90-Day owner-occupant to compensate for the additional expense you will encounter, if any, by paying a higher interest rate for a new mortgage(s) on your replacement property than you were paying on your existing mortgage(s) at the property acquired from you by the Department. Also, other debt service costs, if not paid as incidental costs, are reimbursable. The payment will be an amount which will reduce the principle balance on the mortgage on the replacement dwelling to an amount which could be amortized with the same monthly payment for principal and interest as that of the mortgage on the displacement dwelling.

What are the payment qualification requirements?

1. You must meet all basic qualification requirements necessary to be eligible for a Price Differential Payment as previously discussed.
2. Your residential property being acquired by the Department must have been encumbered by a bona fide mortgage(s) which was a valid lien on such property for not less than a 180

day period prior to the initiation of negotiations.

3. Your replacement dwelling must also be encumbered by a bona fide mortgage(s) which bears a higher interest rate than the mortgage(s) on the property being acquired by the Department.
4. You must prove that you qualify for this type payment by providing the following documents to the Department:
 - a. A copy of all existing notes and Deeds of Trust on the property being acquired by the Department.
 - b. A copy of all notes and Deeds of Trust on your replacement dwelling.
 - c. A copy of the closing statement covering the replacement property purchased. Your Mortgage Interest Differential Payment must be included on your Replacement Housing Payment Claim Form. (Your Relocation Coordinator will explain how to prepare a proper claim form including both payments.)

How will my payment be computed?

The exact procedure for computing Mortgage Interest Differential Payments is complicated and will, if applicable, be explained in person by your Relocation Coordinator.

Am I qualified for this type payment if I retain and move my existing house, or if I build a replacement dwelling?

Yes, in either situation if you meet all eligibility requirements.

What if I purchase a mobile home as a replacement dwelling?

You may be qualified, however, before committing yourself, it is highly recommended that you discuss your particular situation with your Relocation Coordinator.

What is the Base Monthly Rent?

The Base Monthly Rent is the lesser of:

1. The average monthly cost of rent and utilities, or
2. 30% of your gross monthly income if you qualify as "low income," or
3. the amount designated for shelter and utilities should you be receiving welfare payments from an agency which designates amounts for shelter and utilities.

Please note that if you pay little or no rent, your Base Monthly Rent may be based on the market rental rate of the dwelling you occupy unless use of said amount would cause financial or other hardship.

What is a Rental Assistance Payment?

Rental Assistance Payments are based on the increased rent and utility costs that you will have to pay for the most nearly comparable replacement dwelling unit available **over and above** the Base Monthly Rent of the unit acquired by the Department. This payment is calculated based on a 42-month period.

For an owner-occupant, the payment is calculated the same, but the Base Monthly Rent is the economic or market rent of the displacement dwelling.

Rental Assistance and Downpayment Assistance Payments

Rental Assistance Payments cannot exceed a maximum of \$7,200. The amount of this payment may also be used as Down Payment Assistance in order to assist in purchasing a replacement dwelling by tenants and owners who do not meet the

length of occupancy requirement. The full amount of the payment must be applied to the purchase of a decent, safe and sanitary dwelling. 90-Day Owners who choose to convert to tenants may not use their Rental Assistance Payment as a down payment.

If I am a tenant, what are the applicable qualification requirements?

If you are a tenant, the following qualification requirements apply:

1. **Prior Occupancy Requirements** – You must have rented and legally occupied the dwelling unit being acquired for at least 90 days immediately prior to the initiation of negotiations for the property.
2. **Occupancy Required At Initiation of Negotiations** – You must have been in legal possession and occupancy of the dwelling unit being acquired at the initiation of negotiations for that particular parcel.
3. **The Dwelling Unit You Occupy Must Be Acquired By The Department** - A Rental Assistance Payment will not be made if for any reason the dwelling unit you occupy is not acquired by the Department as originally planned.
4. **Decent, Safe and Sanitary Replacement Must Be Rented and Occupied Within One Year** - you must rent and occupy a decent, safe and sanitary replacement dwelling unit within one year from the date on which you move.

If you first rent and then decide to buy within the one year period, you may do so, however, any Rental Assistance Payment that you have previously received must be deducted from your Downpayment Assistance Payment. If, as a tenant, you use the payment to purchase a replacement dwelling, it will be inclusive of closing cost. In other words, if you use the entire payment for the down payment, you will not have any left for closing cost reimbursement. If you do not use the entire payment for a down payment, the remainder may be used for eligible closing cost reimbursement.

What if I am an owner-occupant who does not meet the 90-Day Owner requirement?

Generally speaking, the qualification requirements for a less-than-90-day owner are the same as for a tenant except you will have one year from the date you move or the date you were paid for your real estate, whichever is later, in order to rent and occupy a replacement. Also, the Rental Assistance Payment amount may be used as Downpayment Assistance in order to purchase a dwelling.

If you first rent and then decide later to purchase a replacement dwelling within the original one year period, and claim a Downpayment Assistance Payment, you can do so. However, the amount of any Rental Assistance Payment previously paid must be deducted from the Downpayment Assistance Payment.

If I am a tenant, how will I know when negotiations start with the owner of the property where I live?

You will receive a letter giving you the date of the initiation of negotiations with the owner.

What are the applicable qualification requirements if I am a 90-Day Owner who elects to rent rather than purchase replacement housing?

You must meet the qualification requirements for a Price Differential Payment, as previously discussed under that heading, and also actually rent and occupy a decent, safe and sanitary replacement within the required one year period as described under Price Differential Payments. The Rental Assistance Payment would, of course, be paid in lieu of the Price Differential Payment.

If you later decide to purchase a replacement within the original one year period, you can do so and claim a Price Differential Payment, however, the amount of any Rental Assistance Payment previously paid must be deducted from the Price Differential Payment.

A 90-Day Owner is not eligible for a Downpayment Assistance Payment.

What is the deadline for filing Rental Assistance or Downpayment Assistance Payment Claims?

Rental Assistance or Downpayment Assistance claims must be filed with the Department on an approved claim form within 18 months from the date you move if you are a tenant. If you are an owner the claim must be filed within 18 months from the date you move or the date you are paid for the real property, whichever is later. However, if you are an owner-occupant whose dwelling is acquired through condemnation, you will have 6 months after final adjudication to claim payment should that not occur within the first 12 months.

Can a Rental Assistance or Downpayment Assistance Payment be paid if I occupy a mobile home?

Normally, it can. Check your particular situation with your Relocation Coordinator to determine your payment eligibility.

Do I qualify if I only occupy a sleeping room?

Yes, if you meet the previously discussed payment qualification requirements.

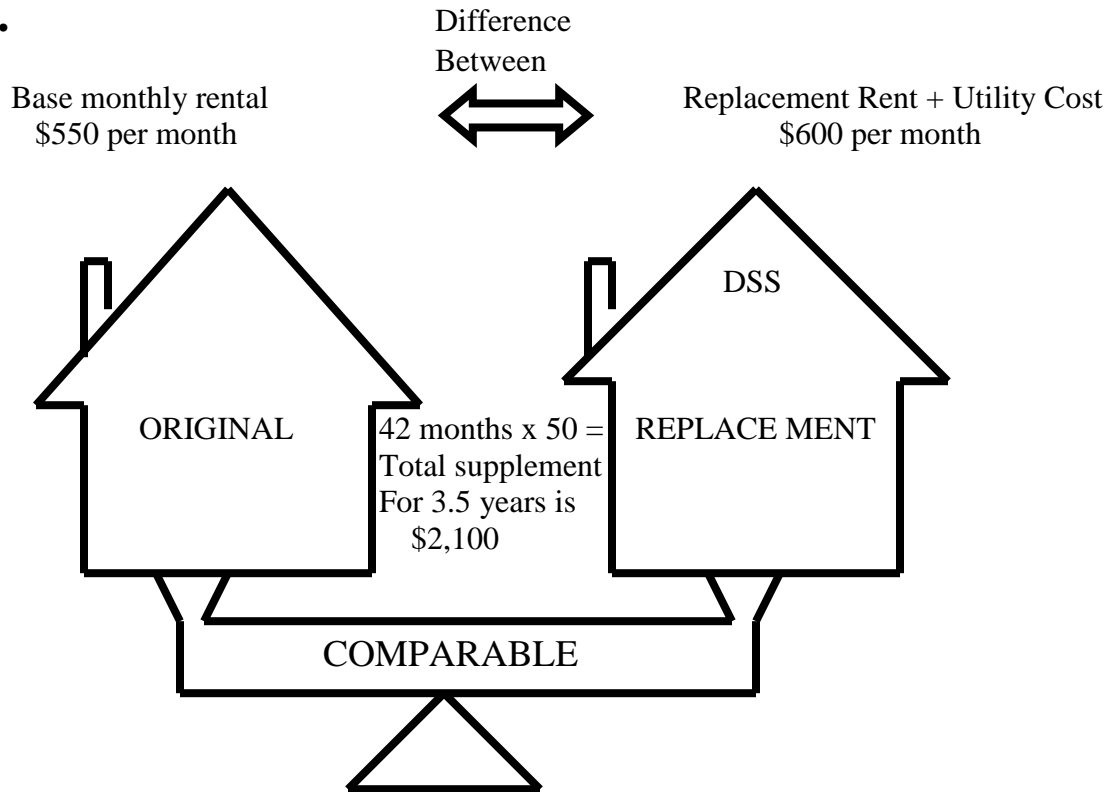
How will the amount of my payment be computed?

The procedure varies somewhat depending on whether you are a tenant or an owner. Your Relocation Coordinator will explain the exact procedure used in computing your payment. Please understand that you will not be entitled to a Rental Assistance Payment if you can rent a comparable decent, safe and sanitary replacement dwelling for an amount that does not exceed the base monthly rental rate applicable to your existing dwelling.

How will my payment be computed if I am being charged little or no rent for the dwelling unit I now occupy?

Your payment will be computed based on the economic, or market rent of the dwelling unit plus utility costs, or 30% of your gross monthly income if you qualify as "low income," whichever is less. The economic rent is the amount that would be charged for the unit you occupy based on amounts charged for similar rental units in the area. The Department will determine the economic rent. If you already receive rental assistance from a government agency, your payment will be computed based on the amounts designated for shelter and utilities by that agency.

EXAMPLE...



Base Monthly Rental for the displacement dwelling is defined as the rent and utility cost, or 30% of your monthly gross income if you qualify as “low-income,” or utilities and other government housing assistance, If applicable, whichever is the lesser.

If you are paying little or no rent, the base monthly rental is defined as the economic rent and utility cost, or 30% of your monthly gross income if you qualify as “low-income,” or utilities and other government housing assistance, If applicable, whichever is the lesser.

To All Residential Displacees

The most important thing to remember is that the replacement dwelling you select must meet the decent, safe and sanitary standards. It is recommended that you contact your Relocation Coordinator prior to executing a sales contract or a lease agreement. A representative from the Department should inspect and certify in writing that the dwelling you propose to purchase or rent meets the basic standards. Please do not jeopardize your right to re-

ceive a supplemental payment by moving into a substandard dwelling.

Relocation Assistance Services

Any person, business, farm, or nonprofit organization displaced by a Federal or Federally-assisted program shall be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation Assistance services are provided by qualified personnel employed by the Department, or those of a

consulting firm under contract with the Department. It is their goal and express desire to be of service to you, and assist in any way possible to help you successfully relocate.

Remember, they are there to help and advise you; be sure to make full use of their services. Do not hesitate to ask questions, and be sure you understand fully all of your rights and Relocation Assistance services available to you.

A Relocation Coordinator Will Contact You

A Relocation Coordinator from the Department will contact you personally. The Coordinator will explain the services and payments available to you in accordance with your eligibility. During the initial interview, the Coordinator will determine your relocation needs and desires, as well as your

need for services. The Relocation Coordinator can be of great help to you during this period of transition, so do not turn down their offer of assistance lightly.

If you accept the Coordinator's offer of assistance, you will be provided with current listings of comparable replacement properties that are available on the open market, such as decent, safe and sanitary housing, or commercial or farm rental or purchase listings. Be assured that, if you are a residential displacee, decent, safe and sanitary replacement housing will be available to you and within your financial means before you will be required to relocate.

Information will also be available concerning Federal and State housing programs, disaster loan programs, and other Federal and State agencies offering assistance to displaced persons.



Social Services Provided By Other Agencies

Your Relocation Coordinator is also familiar with the services provided by other public and private agencies in your community. If you have a special problem, the Coordinator will make every effort to secure the services of those organizations which are professionally equipped to help you. So please, make your needs known to your Coordinator.

Your Relocation Coordinator will provide you with assistance commensurate with your needs. You will be assisted in completing application or claim forms for payments and all pertinent financial information concerning replacement housing will be explained. Every displaced person will be offered assistance in order to facilitate their search for replacement property.

In Addition To Personal Contacts...

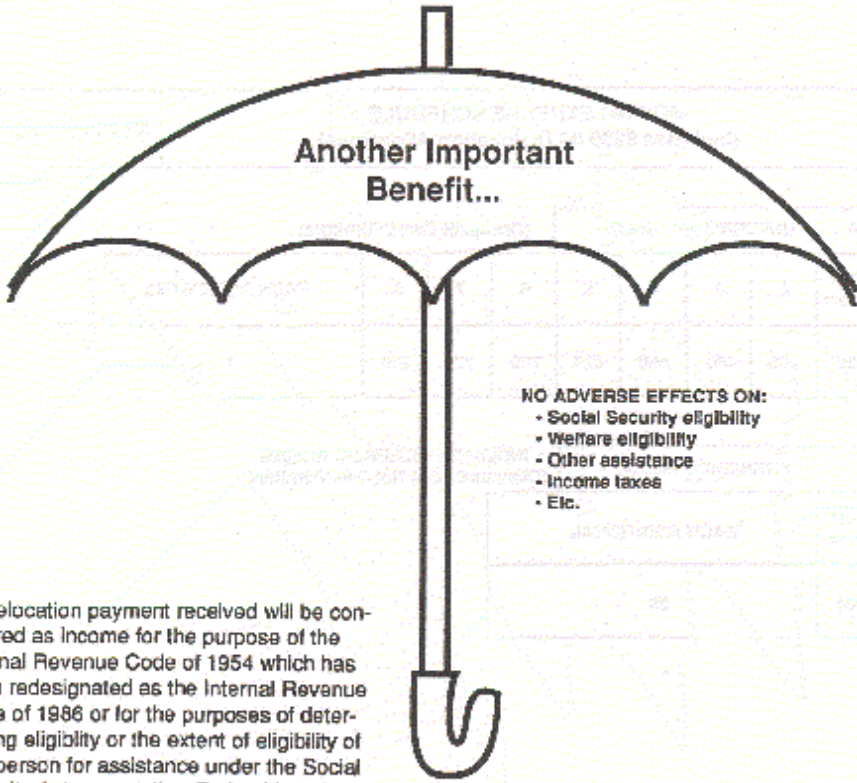
In addition to personal contacts by your Relocation Coordinator, you will usually find a relocation office on or near a project where a considerable number of people are to be relocated. Project Relocation Offices are open during hours convenient to the displacees, including evening hours when necessary. The personnel employed in the Relocation Office will also assist you. They maintain considerable information which may be of assistance to

you, such as lists of replacement properties, information concerning local housing ordinances, open housing, building codes, social services, data for such costs as security deposits, closing costs, typical down payments, interest rates and terms, VA and FHA insured loan requirements, real property taxes, consumer education literature on housing and various other subjects. So visit your Relocation Office – you will be more than welcome.

Relocation Assistance Advisory Services Checklist - Each Agency Must...

This checklist is a summary of the relocation assistance advisory services you may reasonably expect to receive if you are displaced by a Federal or Federal-aid project. In addition to the services listed, it should be emphasized that all Federal or State agencies that are displacing persons in a community wide area must coordinate their relocation activities in order to further ensure your successful relocation.

Determine need for assistance.
Provide continuing information on replacement availability.
Assure availability in advance of displacement.
Assist in obtaining suitable replacement.
Supply information on federal and state programs: Housing, loan, others.
Provide other advisory services.
All agencies must coordinate relocation activities within a community.



**Another Important
Benefit...**

- NO ADVERSE EFFECTS ON:**
- Social Security eligibility
 - Welfare eligibility
 - Other assistance
 - Income taxes
 - Etc.

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954 which has been redesignated as the Internal Revenue Code of 1986 or for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law, (except for any Federal law providing low-income housing assistance).

Fixed Residential Moving Cost Schedule

Moving Expense Schedule (Includes \$200 Displacement Allowance)								
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A UNFURNISHED UNITS						(Occupant Owns Furniture)		
First Room	2	3	4	5	6	7	8	Each Additional
\$550	\$825	\$1,100	\$1,350	\$1,600	\$1,825	\$2,050	\$2,275	\$200

B FURNISHED UNITS		INCLUDING SLEEPING ROOMS (Occupant Does Not Own Furniture)	
1 room, no furniture		Each additional room, no furniture	
\$300		\$70	

Arkansas State Highway and Transportation Department

Notice of Nondiscrimination

The Arkansas State Highway and Transportation Department (Department) complies with all civil rights provisions of federal statutes and related authorities that prohibited discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in the admission, access to and treatment in Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna McFadden, EEO/DBE Section Head (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ahtd.ar.gov .

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

