COMMONWEALTH OF KENTUCKY
TRANSPORTATION CABINET
FRANKFORT, KY 40622

MANUAL TITLE: ***Relocation Assistance Manual*** **REVISION NO.:** **1**

DATE REQUESTED: **August 11, 2014** **REPRINT:**

REQUESTED BY: **Brad Webb** **NEW:**

REVISED PROCEDURES

CHAPTER/ SECTION	EXPLANATION	OLD PAGES TO BE DELETED	NEW PAGES TO BE ADDED
	The purpose of this printing is to include the following revised procedures in the *Relocation Assistance Manual*. This revision also includes three index and nine exhibit updates.		
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	Waiver and Release to Ride in State-Owned Vehicles and Equipment, TC 11-207 (Sample)	RA-9028	
	Authorization to Transport Non-State Employee Passengers in a Commonwealth-Owned Vehicle, FM-6		RA-9028
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TRANSPORTATION CABINET
Frankfort, Kentucky 40622
www.transportation.ky.gov/

Steven L. Beshear
Governor

Michael W. Hancock, P.E.
Secretary

OFFICE OF THE SECRETARY
OFFICIAL ORDER 106657

SUBJECT: *Relocation Assistance Guidance Manual*

This manual has been prepared to provide information and guidance to personnel of the Kentucky Transportation Cabinet. Its purpose is to establish uniformity in the interpretation and administration of laws, regulations, policies, and procedures applicable to the operation of the Relocation Branch within the Division of Right of Way and Utilities and its relationship with other units of the Cabinet.

The policies and procedures set forth herein are hereby approved and declared effective unless officially changed.

All previous instructions, written and oral, relative to or in conflict with this manual are hereby superseded.

Signed and approved this 22nd day of February, 2011.

Michael W. Hancock
Secretary

Approved as to Legal Form

Office of Legal Services

Kentucky
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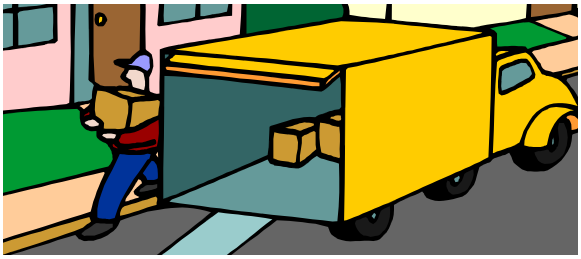
Relocation Assistance Guidance Manual



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TRANSPORTATION CABINET

FEBRUARY 2011

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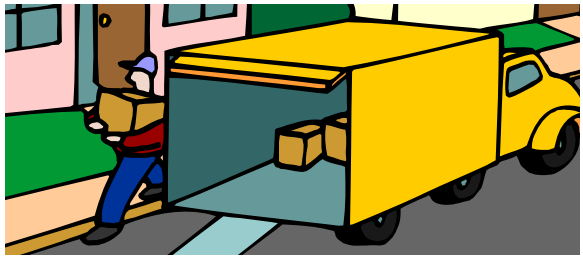
Office of Human Resource Management



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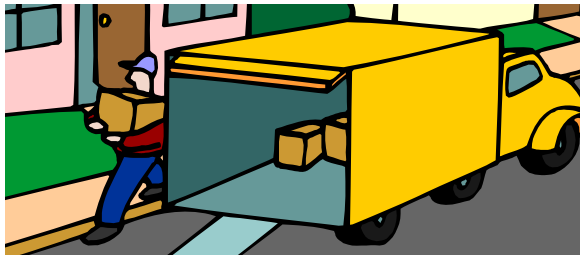


RELOCATION ASSISTANCE

Chapter

INDEXES

Subject

Glossary

ACQUIRED Legal possession, which occurs at closing in negotiated settlements or the date of deposit of the Commissioner's award in litigated cases

ACQUISITION STAGE RELOCATION REPORT To compile this report, the relocation agent identifies a project's relocation impacts, interviews all displacees to ascertain their needs, and develops a plan for orderly relocations. The district right-of-way supervisor provides this report to the Relocation Branch Manager promptly after authorization of right-of-way acquisition.

ADVERSE EFFECTS The totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include but are not limited to:

- Destruction or disruption of community cohesion or a community's economic vitality
- Destruction or disruption of the availability of public and private facilities and services
- Displacement of a significant number of persons, businesses, farms, or nonprofit organizations
- Exclusion or separation of minority or low-income individuals within a given community or from the broader community
- The denial of, reduction in, or significant delay in the receipt of benefits of FHWA programs, policies, or activities

AGENCY The federal agency, state, state agency, or person that acquires real property or displaces a person

- **Acquiring Agency**—The state agency, as defined below, that has the authority to acquire property by eminent domain under state law and a state agency or person that does not have such authority.

AGENCY (CONT.)

- **Displacing Agency**—The federal agency carrying out a program or project, and any state, state agency, or person carrying out a program or project with federal financial assistance, that causes a person to be a displaced person.

- **Federal Agency**—Any department, agency, or instrumentality in the executive branch of the government, any wholly owned government corporation, and any person who has the authority to acquire property by eminent domain under federal law.

- **State Agency**—Any department, agency, or instrumentality of the Commonwealth of Kentucky or of a political subdivision of the Commonwealth of Kentucky and any person who has the authority to acquire property by eminent domain under state law

ALIEN NOT LAWFULLY PRESENT IN THE UNITED STATES An alien who is not "lawfully present" in the United States as defined in 8 CFR 103.12

APPRAISAL A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information

APPURTENANCE Something that has been added or appended to a property, the title of which typically passes when the real property is transferred

BUILDABLE LOT A lot typical in size for residential use in the immediate community

BUSINESS Any lawful activity, except a farm operation, that is conducted (for any of the following):

- Primarily for the purchase, sale, lease or rental of personal or real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property

- Primarily for the sale of services to the public

- Primarily for outdoor advertising display purposes

- By a nonprofit organization that has established its nonprofit status under applicable federal or Commonwealth of Kentucky law

CABINET Kentucky Transportation Cabinet or KYTC

CARVE-OUT Method used for adjusting an atypical subject property acquisition to a typical home site in order to compute replacement-housing benefits

CITIZEN Includes both citizens of the United States and noncitizen nationals

CERTIFIED INVENTORY A list and/or pictures of personal property to be moved by a displacee that is prepared before the move and attested to by the displacee

CFR Code of Federal Regulations

COMPARABLE REPLACEMENT DWELLING A dwelling that is:

- Decent, safe, and sanitary as defined (see definition for a Decent, Safe, & Sanitary Dwelling)
- Functionally equivalent to the displacement dwelling

  Functionally Equivalent: The dwelling performs a similar function and provides similar utility. While it need not possess every feature of the acquired dwelling, the principal features shall be present.
- Adequate in size to accommodate the occupants
- In an area not subject to unreasonable adverse environmental conditions
- In an area not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities and reasonably accessible to the person's employment
- On a lot typical in size for residential development with normal site improvements

  Note: The site need not include special improvements such as outbuildings, swimming pools, or greenhouses.
- Currently available to the displaced person on the private market

  Example: A comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance.

COMPARABLE REPLACEMENT DWELLING (CONT.)

- Within the financial means of the displaced person, as follows:

  - A replacement dwelling purchased by a **90-day owner-occupant** is within the owner's financial means if the owner will receive the full price differential as described in **RA-904**, all increased mortgage interest cost as described in **RA-905**, all incidental expenses as described in **RA-906**, plus any additional amount required to be paid in **RA-1300**, "Last Resort Housing."

  - A replacement dwelling rented by an eligible displaced person is within his or her financial means if, after receiving rental assistance, the person's new monthly rent and estimated average monthly utility costs do not exceed the person's base monthly rental as described in **RA-907** or **RA-1003**, "Rental Assistance Payment."

  - For a tenant or owner-occupant of less than 90 days (including a subsequent occupant) who is not eligible to receive a replacement housing payment because of failure to meet the length of occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if the Cabinet pays that portion of the monthly housing costs of a replacement dwelling that exceed the person's base monthly rent for the displacement dwelling as described in **RA-1103**, "Rental Assistance Payment." Such rental assistance shall be paid under **RA-1300**, "Last Resort Housing."

CONCEPTUAL STAGE RELOCATION REPORT

A report used in determining the final location of a project and included in the socioeconomic base studies of the National Environmental Policies Act (NEPA) document for a transportation project

CONTRIBUTES MATERIALLY

During the two taxable years prior to the taxable year in which the displacement occurs, a business or farm operation (if any of the following apply):

- Had average annual gross receipts of at least $5,000

- Had average annual net earnings of at least $1,000

CONTRIBUTES MATERIALLY (CONT.)

- Contributed at least 33 1/3 percent of the owner's or operator's average annual gross income from all sources

Note: If these two years are not representative, a different period of time may be used when the Relocation Branch Manager, or designee, determines it to be more equitable.

DATE OF DISPLACEMENT

The date a displaced person moves or the date a comparable replacement dwelling is made available, whichever is later

Exception: When a person is required to relocate for a temporary period as described in **RA-807**, "Comparable Replacement Housing," the date the displacee moves from the temporary dwelling is the date of displacement.

DECENT, SAFE, & SANITARY (DS&S) DWELLING

A dwelling that meets local housing and occupancy codes including, at a minimum, the following standards:

- Be structurally sound, weather tight, and in good repair
- Contain a safe electrical wiring system adequate for lighting and other electrical devices
- Have a heating system capable of sustaining a temperature of approximately 70 degrees Fahrenheit
- Be adequate in size with respect to the number of rooms and living space area needed to accommodate the displaced person
- Contain the number of bedrooms at the replacement dwelling equal to that of the acquired dwelling, unless more are needed to meet the following requirements:
  - Children of the opposite sex under age six may occupy the same bedroom.
  - One child under age two may occupy the parents' bedroom.
  - Except for husbands and wives and couples living together by mutual consent, adult persons of the opposite sex shall not be required to occupy the same bedroom, nor children of the opposite sex over the age of six.

DECENT, SAFE, & SANITARY (DS&S) DWELLING (CONT.)

- Have a separate, well-lighted, and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system

- For a housekeeping dwelling, have a kitchen area that contains a fully usable sink properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator

- Contain unobstructed egress to safe, open space at ground level

- For a displaced person with a disability, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such displaced person

DENSITY The number of units in a multifamily dwelling or structure

DEPARTMENT Kentucky Department of Highways

DIRECTOR Unless otherwise specified, the Director of the Division of Right of Way and Utilities for the Kentucky Transportation Cabinet

DISPLACED PERSON Except as provided below in "Persons Not Displaced," any person who moves from the real property or moves his or her personal property from the real property (including a person who occupies the real property prior to its acquisition but who does not meet the length-of-occupancy requirements of The Uniform Act as described in 49 CFR 24.401(a) and 49 CFR 24.402(a), in **RA-901**, "Occupancy Requirements," and in **RA-1001**, "Occupancy Requirements."):

- As a direct result of a written notice of intent to acquire [see 49 CFR 24.203(d) and **RA-405**] or the initiation of negotiations for (or the acquisition of) such real property in whole or in part for a project

- As a direct result of rehabilitation or demolition for a project

- As a direct result of a written notice of intent to acquire, or the acquisition, rehabilitation, or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation for a project

DISPLACED PERSON (CONT.)

Note: Eligibility for such person under this paragraph applies only for purposes of obtaining relocation assistance advisory services under 49 CFR 24.205(c) and moving expenses under 49 CFR 24.301, 49 CFR 24.302, or 49 CFR 24.303.

DISPLACEE A displaced person, including a partnership, corporation, or association, as well as an individual or family

DISPLACEMENT DWELLING The dwelling from which a person is displaced for a project

DOWN-PAYMENT ASSISTANCE The eligible amount (derived from the tenant replacement housing computation) all of which is required to be applied toward the purchase of (down payment and/or closing costs) a decent, safe, and sanitary replacement dwelling

DWELLING The place of permanent or customary or usual residence of a person, according to local custom or law, including a single-family house; a single-family unit in a two-family, multifamily, or multipurpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or any other residential unit

DWELLING SITE A land area that is typical in size for similar dwellings located in the same neighborhood or rural area [49 CFR, Appendix A to Part 24, Section 24. 2(a)(11)]

ECONOMIC RENT See "Market Rent" below

FHWA Federal Highway Administration

FAMILY Two or more individuals living together in the displacement dwelling, including persons related by blood, adoption, marriage, or legal guardianship and those not related by blood or legal ties but who live together by mutual consent

FARM OPERATION Any activity conducted solely or primarily for the production of one or more agricultural products or commodities (including timber for sale or home use) and customarily producing such commodities in sufficient quantity to be capable of contributing materially to the operator's support

FEDERAL FINANCIAL ASSISTANCE A grant, loan, or contribution provided by the United States, except any federal guarantee or insurance and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual

FIXED PAYMENT A payment to a displaced business, farm, or nonprofit organization in lieu of actual moving and related expenses and actual reasonable reestablishment expenses (see "In Lieu of Payment" below and **RA-617**)

FIXED-RATE RESIDENTIAL MOVING PAYMENT A payment to a person displaced from a residence based on room count and fixed-rate schedule

FUNCTIONALLY EQUIVALENT A dwelling that performs the same function, provides the same utility, and is capable of contributing to a comparable style of living

Note: While it need not possess every feature of the acquired dwelling, the principal features shall be present.

GROSS MONTHLY INCOME All of the earned income of the individual or family before taxes; in addition to salaries and wages, all amounts, whether in cash or in kind, paid or given to the displacee, including Social Security, Supplemental Social Security Income, alimony, child support, and other assistance paid on a continuing basis

HOME SITE The real property and all residentially used improvements (dwelling, special land improvements, garages, outbuildings, etc.)

HOUSEHOLD INCOME Total gross income received for a 12-month period from all sources (earned and unearned) including but not limited to wages, salary, child support, alimony, unemployment benefits, workers' compensation, Social Security, or the net income from a business; and does not include income received or earned by dependent children and full-time students under 18 years of age, food stamps, or other federally mandated exclusions (see www.fhwa.dot.gov/realestate/exclusions.htm)

HUD Department of Housing and Urban Development (www.hud.gov)

ILLEGAL ALIEN See "Alien Not Lawfully Present in the United States"

INITIATION OF NEGOTIATIONS The delivery of the initial written offer of just compensation by the Cabinet to the owner or the owner's representative to purchase the real property for the project

Note: If the Cabinet issues a notice of intent to acquire the property and the person moves after that notice but before delivery of the initial written purchase offer, the initiation of negotiations means the actual move of the person from the property.

IN LIEU OF PAYMENT A payment to a displaced business, farm, or nonprofit organization in lieu of actual moving and related expenses and actual reasonable reestablishment expenses (see "Fixed Payment" above and **RA-617**)

KYTC Kentucky Transportation Cabinet

LEAD AGENCY The Transportation Cabinet acting through the Federal Highway Administration

LICENSES, PERMITS, & CERTIFICATIONS A fee required to be paid periodically to legally occupy a property or operate a business and is renewable and valid only for a specific period of time

LOW INCOME Monthly gross household income that is classified as "low income" by the U.S. Department of Housing and Urban Development (HUD), which are updated annually and are available on FHWA's web site at http://www.fhwa.dot.gov/realestate/ua/ualic.htm

MAJOR EXTERIOR ATTRIBUTE A major exterior improvement that contributes substantially to a property's value (such as a detached garage, swimming pool, tennis court, shed, etc.)

MARKET RENT The replacement housing evaluator's determination of the reasonable rental rate of a dwelling or other property if it were available for rent

MINORITY POPULATION Any readily identifiable groups of minority persons who live in geographic proximity and, if circumstances warrant, geographically dispersed/ transient persons who will be similarly affected by a proposed project

MOBILE HOME Manufactured homes and recreational vehicles used as residences [49 CFR, Appendix A to Part 24, Section 24.2(a)(17)]

MORTGAGE Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the Commonwealth of Kentucky, together with the credit instruments, if any, secured by the property

NEPA The National Environmental Policies Act of 1969 as amended that requires all environmental and relocation impacts be identified on any proposed federal action

NONPROFIT ORGANIZATION An organization duly registered with the Kentucky Secretary of State as a "Corporation Not for Profit" and exempt from paying federal income taxes under Section 501 of the Internal Revenue Code (26 USC 501)

NOTICES Multiple types of notifications issued by the Cabinet, including:

Note: All notices shall be written in plain, understandable language; be provided with appropriate translation and understanding to those unable to read or understand; indicate the name and telephone number of the person to be contacted for additional information; and be delivered by personal delivery or certified first-class mail, return receipt requested.

- The **General Information Notice** informs of possible displacement, payment provisions, advisory services, required notices, availability of one comparable, and the right of appeal. The notice is delivered prior to the initiation of negotiations and is included in the *Relocation Assistance Brochure*.

- The **90-Day Notice** is a written notice furnished to the displacee explaining that he or she will not be required to move for at least 90 days from the receipt of this notice.

- The **30-Day Notice** is a written notice furnished to the displacee informing him or her of the date by which he or she will be required to move from the acquired site.

- The **Notice of Intent to Acquire** is a written notice furnished to a person to be displaced that establishes eligibility for relocation benefits prior to initiation of negotiations.

- The **Notice of Denial of Claim** is a written notice furnished to the displacee giving the reason the claim is being denied, the amount being disallowed, and the appeals process available. This notice is issued promptly after denial of a claim.

NOTICES (CONT.)

- The **Notification of Determination on Appeal** is a written notice furnished to the displacee giving the findings of the appeal review and explaining further avenues available for review and litigation. This notice is issued promptly after a decision is rendered by the Transportation Cabinet Secretary.

OCCUPANT

A displacee, further defined as:

- **Less-Than-90-Day Occupant**—A displaced person who occupies the dwelling to be acquired:
  - For less than 90 days prior to the initiation of negotiations
  - After negotiations are initiated for the property

  Relocation benefits to less-than-90-day occupants shall be handled as outlined in **RA-1100**, "Replacement Housing Payments for Less Than 90-Day Occupants."

- **90-Day Tenant Occupant**—A displaced person who occupies the dwelling to be acquired at the initiation of negotiations, and:
  - Occupies the dwelling to be acquired at the initiation of negotiations
  - Has occupied the dwelling for at least 90 days immediately prior to the initiation of negotiations

  Persons in this category are eligible for either a rental assistance payment or a down-payment supplement.

- **90-Day Owner Occupant**—A displaced homeowner who:
  - Occupies the dwelling to be acquired at the initiation of negotiations
  - Has occupied the dwelling for at least the 90 days immediately prior to the initiation of negotiations

  Persons in this category are eligible for either a purchase supplement or a rental assistance payment but are not eligible to receive a down-payment supplement.

OWNER OF A DWELLING

A person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in real property:

OWNER OF A DWELLING (CONT.)

- Fee title; a life estate; a land contract; a 99-year lease; or a lease including any options for extension with at least 50 years to run from the date of acquisition
- An interest in a cooperative housing project that includes the right to occupy a dwelling
- A contract to purchase any of the interest or estates previously described above
- Any other interest, including a partial interest that in the judgment of the director, or designee, warrants consideration as ownership

PERSON Any individual, family, partnership, corporation, or association

PERSONAL PROPERTY Generally, moveable items that are not permanently affixed to the real estate (with some exceptions, items that can be removed without serious injury either to the real estate or to the items themselves)

PERSONS NOT DISPLACED The following is a nonexclusive listing of persons who do not qualify as displaced persons:

- A person who moves before the initiation of negotiations, unless the director, or designee, determines that the person was displaced as a direct result of the program or project
- A person who initially enters into occupancy of the property after its acquisition for the project
- A person who has occupied the property for the purpose of obtaining assistance under The Uniform Act
- A person who is not required to relocate permanently as a direct result of a project, whose status as such shall be determined by the director, or designee, in accordance with any guidelines established by the federal agency funding the project [49 CFR, Appendix A to Part 24, Section 24.2(a)(9)(ii)(D)]
- An owner-occupant who moves as a result of an acquisition of real property as described in 49 CFR 24.101(a)(2) or 24.101(b)(1) or (2), or as a result of the rehabilitation or demolition of the real property

PERSONS NOT DISPLACED (CONT.)

Note: The displacement of a tenant as a direct result of any acquisition, rehabilitation, or demolition for a federal or federally-assisted project is a displaced person.

- A person who the director, or designee, determines is not displaced as a direct result of a partial acquisition

- A person who, after receiving a notice of relocation eligibility [described at 49 CFR 24.203(b)], is notified in writing that he or she will not be displaced for a project

  Note: Such notice shall not be issued unless the person has not moved and the director, or designee, agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligation entered into after the effective date of the notice of relocation eligibility.

- An owner-occupant who voluntarily conveys his or her property, as described at 49 CFR 24.101(a)(2) or 24.101(b)(1) or (2), after being informed in writing that, if a mutually satisfactory agreement on terms of the conveyance cannot be reached, the Cabinet will not acquire the property

  Note: In such cases, however, any resulting displacement of a tenant is subject to the regulations in this part.

- A person who retains the right of use and occupancy of the real property for life following its acquisition by the agency

- An owner who retains the right of use and occupancy of the real property for a fixed term after its acquisition by the Department of the Interior under Pub. L. 93–477, "Appropriations for National Park System," or Pub. L. 93–303, "Land and Water Conservation Fund," except that such owner remains a displaced person for purposes of subpart D of this part

- A person who is determined to be in unlawful occupancy prior to the initiation of negotiations, or a person who has been evicted for cause, under applicable law, as provided for in 49 CFR 24.206

- A person who is not lawfully in the United States and who has been determined to be ineligible for relocation assistance in accordance with 49 CFR 24.208

PERSONS NOT DISPLACED (CONT.)

- Tenants required to move as a result of the sale of their dwelling to a person using down payment assistance provided under the American Dream Down payment Initiative (ADDI) authorized by section 102 of the American Dream Down payment Act (Pub. L. 108–186; codified at 42 U.S.C. 12821)

PRICE DIFFERENTIAL See "Purchase Supplement" below

PROGRAM OR PROJECT Any activity or series of activities undertaken by a federal agency or with federal financial assistance received or anticipated in any phase of an undertaking in accordance with the federal funding agency guidelines

PROJECT MANAGER A contractor assigned by the Cabinet to manage a project on behalf of the district right-of-way supervisor and who functions as a district right-of-way supervisor, except that calculations of all payments, replacement housing computations, move estimates, requests for alternate procedure and storage also require the supervisor's approval

A project manager shall be assigned no duties that will interfere with his or her ability to properly manage an assigned project.

PURCHASE SUPPLEMENT The amount, if any, that, when added to the acquisition price, equals the selling price of a comparable dwelling, the lesser of the amount a displacee actually spends for a decent, safe, and sanitary replacement dwelling, as described in **RA-904**, "Purchase Supplement Payment"

RELOCATEE Displacee

RELOCATION ASSISTANCE Any advisory or financial aid to assist in reestablishing persons displaced by a public program

RELOCATION AGENT A right-of-way agent or other department representative assigned by the district right-of-way supervisor to provide relocation assistance to displaced persons

Note: A relocation agent may be assigned land acquisition and/or property management responsibilities or may be assigned to work only as a relocation agent. "Relocation agent" is a functional, rather than generic, classification.

RELOCATION SPECIALIST A relocation agent to whom Central Office has delegated authority to provide Central Office review and approval of relocation documents, who may be assigned to assist the Relocation Branch Manager.

RELOCATION SPECIALIST (CONT.)

Note: "Relocation specialist" is a functional, rather than generic, classification.

REPLACEMENT HOUSING OF LAST RESORT

Replacement housing payments that exceed statutory limits ($31,000 for owners and $7,200 for tenants)

REPLACEMENT HOUSING PAYMENT (RHP)

Any of several types of payments to qualifying displaced persons, including the purchase supplement, increased interest cost payment, incidental expenses, rent supplement payment, and down-payment assistance

SALVAGE VALUE

The probable sale price of an item offered for sale to knowledgeable buyers with the requirement that it be removed from the property at the buyer's expense (that is, not eligible for relocation assistance) and includes items for re-use as well as items with components that can be re-used or recycled when there is no reasonable prospect for sale except on this basis

SMALL BUSINESS

A business operating lawfully with no more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity

Note: Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business reestablishment benefit outlined in **RA-616**.

SUBSEQUENT OCCUPANT

A person who does not occupy the property at the initiation of negotiations but who is in occupancy at the time the property is acquired and subsequently moves from the real property

Note: Payments for subsequent occupants are outlined in **RA-1100**, "Replacement Housing Payments for Less Than 90-Day Occupants."

SUBSTITUTE PERSONAL PROPERTY

A personal property item, used as a part of a business or farm operation, purchased to replace an item with a comparable function that was not moved from the acquired site to the replacement site (see **RA-606**, "Purchase of Substitute Personal Property" for valuation)

TENANT A person who has the lawful temporary use and occupancy of real property owned by another

TYPICAL HOME SITE DETERMINATION Identification of the portion of a tract of land that is typically used for residential purposes in the area

Note: If an area is not identified as a home site in the appraisal, the replacement housing evaluator may identify a typical home site, or may request the review appraiser to make the determination.

UNECONOMIC REMNANT A parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property and that the review appraiser determines has little or no value or utility to the owner

UNIFORM ACT The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Public Law 91-646, 84 Stat. 1894; 42 U.S.C. 4601 *et seq*.), and amendments thereto

UNLAWFUL OCCUPANT A person who occupies without property right, title, or payment of rent or a person legally evicted, with no legal rights to occupy a property under laws of the Commonwealth of Kentucky

Note: The Cabinet, at its discretion, may consider such person to be in lawful occupancy.

UTILITY COSTS Expenses for electricity, gas, other heating and cooking fuels, water, or sewer

UTILITY FACILITY Any publicly, privately, or cooperatively owned facility that includes any electric, gas, water, steam power, or materials transmission or distribution system; any transportation system; any communications system, including cable television; and any fixtures, equipment, or other property associated with the operation, maintenance, or repair of any such system

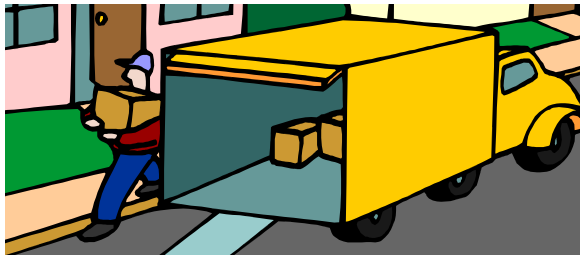
UTILITY RELOCATION The adjustment of a utility facility required by the program or project undertaken by the displacing agency and includes:

- Removing and reinstalling the facility, including necessary temporary facilities

- Acquiring necessary right of way on a new location
- Moving, rearranging or changing the type of existing facilities
- Taking any necessary safety and protective measures
- Constructing a replacement facility that has the functional equivalency of the existing facility and is necessary for the continued operation of the utility service, the project economy, or sequence of project construction

USC United States Code

WAIVER VALUATION The valuation process used and the product produced when the Cabinet determines that an appraisal is not required, pursuant to 49 CFR 24.102(c)(2) appraisal waiver provisions



RELOCATION ASSISTANCE

Chapter

INTRODUCTION

Subject

Design of This Guidance Manual

ORGANIZATION & NUMBERING

Chapter Title—The subject matter in the manual is divided into chapters. The chapter title appears in the upper right-hand corner of the first page of a subject and in the upper left-hand corner of any subsequent page.

Sections—Some chapters are divided into sections. Each section title, instead of chapter title, appears in the upper right-hand corner of the first page of a subject and in the upper left-hand corner of any subsequent page.

Subjects—Chapters and sections are arranged by subjects.

Subject Number—Each subject is assigned a number, which appears in the upper right-hand corner of each page of the subject. For example, Chapter 300 includes subject 301, followed by subject 302, which is divided into section subjects 302-1 through 302-2.

Subject Title—The title of a subject appears in the upper right-hand corner of the first page of a subject and in the upper left-hand corner of any subsequent page.

"RA" Prefix—Preceding each subject number, this prefix stands for the manual title *Relocation Assistance*.

Date—The latest issuance date of a subject appears at the bottom of each page of the subject. This date agrees with the latest issuance date shown for the subject in the Table of Contents (**RA-01**).

Page Numbering—Each subject has its own page numbering, which appears at the bottom of each page.

LOCATING INFORMATION

Indexes—Three indexes appear at the front of the manual, and one index appears at the back:

- **Table of Contents (RA-01)**—This index at the front lists the titles of the manual's chapters and sections and their subjects, as well as other information, in numerical order. It includes the latest issuance dates of all the subjects. As the manual matures, these dates change.

- **Glossary (RA-02)**—This index at the front gives a brief but detailed description of commonly used terms and subjects in the Relocation Assistance Program.

- **Table of Exhibits (RA-03)**—This index at the back lists the manual's exhibits, including forms, worksheets, diagrams, etc., by number and title.

Subject Numbers within Narrative—A subject number within the narrative on a page directs the user to more information about the subject.

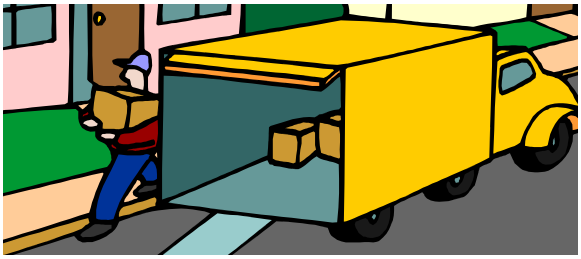
QUESTIONS

Whom to Contact—For answers to questions about the contents of the manual, please contact:

Division of Right of Way and Utilities
Transportation Cabinet Office Building
200 Mero Street
Frankfort, KY 40622
(502) 564-3210

For copies of the manual, please contact:

Organizational Management Branch
Transportation Cabinet Office Building
200 Mero Street
Frankfort, KY 40622
(502) 564-4610



RELOCATION ASSISTANCE

Chapter

ADMINISTRATION

Subject

Purpose & Authority

PURPOSE

This manual details the policies and procedures used by Kentucky Transportation Cabinet personnel to establish uniformity in the interpretation and administration of law, policies, regulations, and procedures applicable to the operation of relocation assistance activities within the Division of Right of Way and Utilities.

AUTHORITY

The following laws, rules, and regulations establish the authority of the Kentucky Transportation Cabinet's Right of Way Relocation Assistance Program:

- Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended

- Public Law 100-17, The Surface Transportation and Uniform Relocation Assistance Act of 1987

- 23 CFR, Right of Way Program Administration

  Note: All CFRs (Code of Federal Regulations) are available online at:

  http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl

- 49 CFR, Part 24, Uniform Relocation Assistance and Real Property Regulations for Federal and Federally Assisted Programs

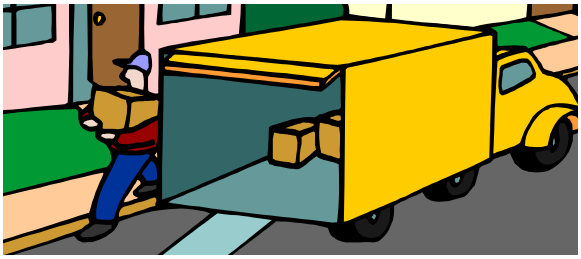
- KRS 56.610—KRS 56.760 (Relocation Assistance Authorized), online at:

  http://www.lrc.ky.gov/KRS/056-00/CHAPTER.HTM

- 600 KAR 3:010 Relocation Assistance Payments of the Transportation Cabinet, online at:

  http://www.lrc.ky.gov/kar/600/003/010.htm

AUTHORITY (CONT.) Pursuant to 49 CFR 24.8, implementation of the Relocation Assistance Program shall comply with other federal laws and implementing regulations.



RELOCATION ASSISTANCE

Chapter

ADMINISTRATION

Subject

Authorization & Applicability

FEDERAL AUTHORIZATION

On January 2, 1971, the United States Congress enacted Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (The Uniform Act).

Title II of The Uniform Act establishes a uniform policy for the fair and equitable treatment of persons displaced as a result of federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

STATE AUTHORIZATION

The Kentucky Transportation Cabinet is authorized by KRS 56.620 to comply with The Uniform Act.

FEDERAL REGULATIONS

49 CFR, Part 24 regulates the Cabinet's Relocation Assistance Program on federal and federally assisted projects.

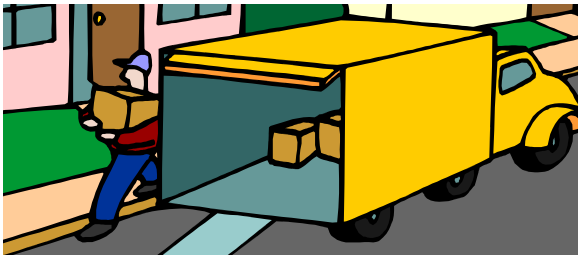
STATE REGULATIONS

Under 600 KAR 3:010, the provisions of 49 CFR, Part 24, are expanded to include Cabinet projects that are funded exclusively with state funds.

APPLICABILITY

The procedures prescribed herein are applicable to:

- All federal and federal-aid highway projects on which an individual, family, business, farm, or nonprofit organization is required to relocate or discontinue operations
- All Cabinet projects funded entirely with state funds
- All real property acquired by the Cabinet for other agencies when specifically authorized by such agencies



RELOCATION ASSISTANCE

Chapter

ADMINISTRATION

Subject

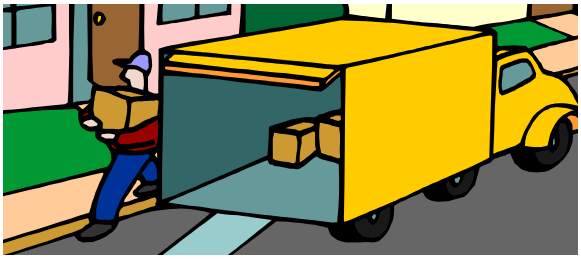
Program Assurances

POLICY

In accordance with the provisions of 49 CFR, Part 24.4, assurances of compliance with federal regulations have been submitted to the Federal Highway Administration (FHWA) and approved.

The Director of the Division of Right of Way and Utilities will submit assurances to FHWA with each final revision of the relocation assistance procedures.

The Cabinet shall take appropriate measures to carry out these procedures in a manner that minimizes fraud, waste, and mismanagement.



RELOCATION ASSISTANCE

Chapter

ADMINISTRATION

Subject

Organizational Structure

CENTRAL OFFICE

The Director of the Division of Right of Way and Utilities is responsible for the administration of the Cabinet's Relocation Assistance Program.

The Relocation Branch Manager is directly responsible for the detailed administration and supervision of the Relocation Assistance Program within policy limits established by the Cabinet. Additionally, the Central Office right-of-way relocation specialists assist in implementing and supervising the program.

DISTRICT OFFICES

The right-of-way supervisor for each district is responsible for the Relocation Assistance Program in the district and shall:

- Appoint one right-of-way agent as a district relocation agent, who will be responsible for all relocation and evaluation functions in the district

  Note: The relocation agent will be assigned no duties that will interfere with the performance of this duty.

- Appoint one right-of-way agent as a district replacement housing evaluator, who will be responsible for computing replacement housing and rental payments as required

  Note: The evaluator shall not compute and present a replacement housing offer to any displacee unless a relocation specialist, the Relocation Branch Manager, or the director has approved the computation. This allows the districts and consultants to administer the program with one relocation agent.

- Assign additional relocation agents and evaluators to assist the district relocation agent, as needed

- Take appropriate measures to carry out these procedures in a manner that minimizes fraud, waste, and mismanagement

RELOCATION AGENTS

Using assigned staff, the Cabinet is to administer the Relocation Assistance Program. If it becomes necessary to contract with an individual, firm, corporation, or a federal, state, or private agency, the district right-of-way supervisor shall recommend such contract in writing to the director. Contractors and assigned staff shall comply with all qualification requirements and procedures outlined in the *Right of Way Guidance Manual* and the *Relocation Assistance Guidance Manual*.

BASE OF OPERATIONS

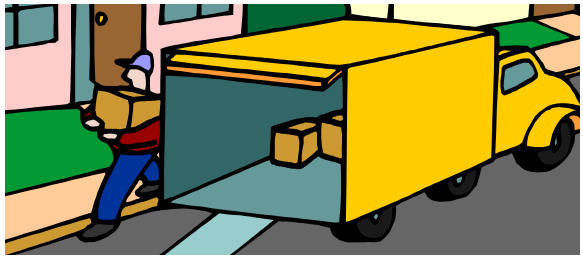
The district office is to be the base of operations, maintaining all informational material, forms, and records for administering the Relocation Assistance Program. Whether the program is administered from the district office, a subsidiary office, or an office established by a consultant, regular office hours shall be maintained, unless other office hours are specified in the contract for consulting services.

If it is necessary to establish a subsidiary office for a project, the right-of-way supervisor is to consider the location of the project, the number of people being displaced, and the accessibility of the district office. The supervisor shall submit a subsidiary office recommendation to the director in the relocation plan at the right-of-way stage.

Once the subsidiary office is established, the supervisor shall furnish, through local advertising media, a notice of the days and hours it will be open to serve the needs of those desiring assistance. Office hours shall be commensurate with the workload and needs of the people being displaced and may include evening hours when necessary.

RELOCATION SERVICES PROVIDED BY OTHERS

Whether relocation services are provided by a consultant, a local public agency, or other subagent of the Cabinet, services on all federal and state projects shall be provided in accordance with policies and procedures as outlined in the *Right of Way Guidance Manual* and the *Relocation Assistance Guidance Manual*.



RELOCATION ASSISTANCE

Chapter

ADMINISTRATION

Subject

Training

OVERALL DIVISION RESPONSIBILITIES

The Division of Right of Way and Utilities is responsible for acquiring right of way for transportation projects. Policies and procedures described in the *Right of Way Guidance Manual* and this manual assure compliance with federal and state regulations (49 CFR Part 24 and 600 KAR 3:010, respectively).

Only staff or contract personnel meeting minimum qualifications described in the Personnel Cabinet's *Class Specifications* or the division's prequalification requirements shall perform relocation agent functions. No person, whether division or district staff, subagents, or contract personnel, shall be given an assignment until he or she has:

- Received training in that function
- Worked sufficiently with an experienced person
- Demonstrated to management that he or she:
  - Has a clear understanding of current policies and procedures
  - Can perform required tasks with minimal supervision

To promote training opportunities commensurate with the experience level of district staff, the right-of-way supervisor shall promptly forward to the Director of the Division of Right of Way and Utilities a summary of each new right-of-way agent's education and work history.

CENTRAL OFFICE RESPONSIBILITIES

The Relocation Branch Manager shall develop and offer the following training sessions upon request and as schedules and budgets permit:

- Workshops that introduce right-of-way employees to policies and procedures

CENTRAL OFFICE RESPONSIBILITIES (CONT.)

- Advanced sessions in various disciplines as needed

RIGHT-OF-WAY SUPERVISOR RESPONSIBILITIES

District right-of-way supervisors shall coordinate with the Relocation Branch Manager to provide training for district staff. Sources of training include:

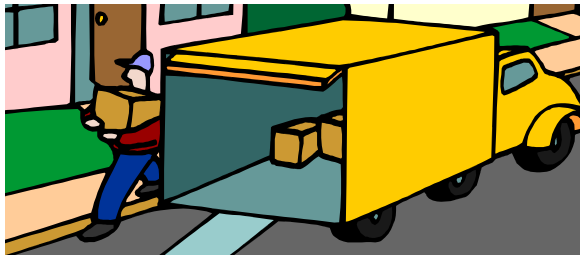
- Assignment to work with an experienced staff member, either in the trainee's own district or in another district
- Educational seminar presented by a recognized professional organization
- Training seminar provided by the Federal Highway Administration
- Training seminar conducted by the Division of Right of Way and Utilities

CONSULTANT & SUBAGENT RESPONSIBILITIES

Contract personnel and subagents of the Transportation Cabinet, including local public agencies, shall coordinate with the Relocation Branch Manager to provide training for their agents. Sources of training include:

- Educational seminar presented by a recognized professional organization
- Training seminar provided by the Federal Highway Administration
- Training seminar conducted by the Division of Right of Way and Utilities

When the Cabinet provides training, contract personnel and subagents will be charged a fee to offset the costs of using Cabinet personnel and materials.



RELOCATION ASSISTANCE

Chapter

PROJECT ACTIVITIES

Subject

Cost Estimates

LOCATION EVALUATION

Upon request, the district relocation agent, or consultant, shall conduct a field inspection of proposed routes to prepare a realistic relocation cost estimate based on his or her experience in the project area.

The agent shall carefully consider the type of business being displaced, since the cost to relocate businesses can vary significantly. For example, it costs less to relocate a small business than it does to relocate a feed mill, warehouse, or large retail operation.

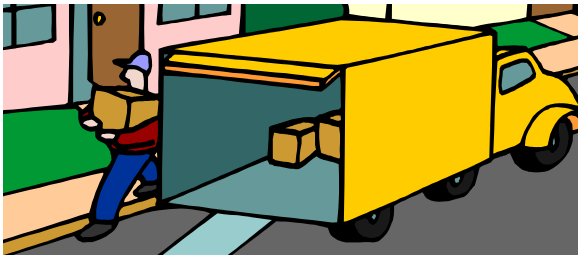
The agent shall also consider the type of home being acquired and the estimated household income when preparing a relocation cost estimate. Project relocation costs will be higher when there is a shortage of comparable replacement housing, and if low-income or handicapped occupants are displaced.

SUBMITTAL PROCEDURES

The individual estimating relocation costs shall sign and date the estimate and place a copy of the estimate, along with field notes and a parcel-by-parcel estimate of cost, in the district's project folder. **Exhibit 9029** illustrates a sample of a cost estimate.

Copies of all relocation estimates and any limiting conditions are provided to the following:

- District Right-of-Way Supervisor
- District Project Development Branch Manager
- Central Office Acquisition and Relocation Branch Managers



RELOCATION ASSISTANCE

Section

CONCEPTUAL STAGE

Subject

Environmental Assessments, Studies, & Estimates

INTRODUCTION

A project is in the conceptual stage until such time as its location and design concept are approved.

ENVIRONMENTAL ASSESSMENT

The National Environmental Policies Act (NEPA) of 1969, as amended, requires an environmental impact assessment for all federal projects to ensure that social impacts to communities and people are recognized early in the transportation decision-making process.

ENVIRONMENTAL JUSTICE

The Federal Environmental Justice Order mandates that federal projects with the potential for discrimination or disproportionately high and adverse effects on minority or low-income populations, be delivered only if:

- A substantial need for the project exists, based on the overall public interest
- Alternatives with fewer adverse effects on protected populations have either of the following:
  - More severe adverse social, economic, environmental, or human health impacts
  - Increased costs of an extraordinary magnitude

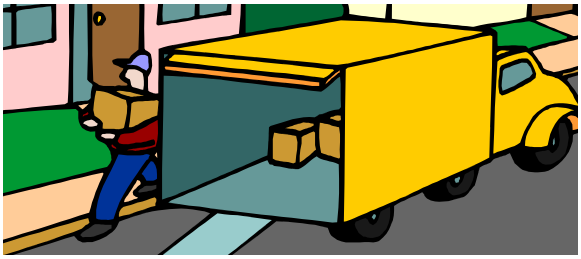
If a project does have environmental justice impacts, FHWA may require a separate study and plan to be developed and approved before the project can go forward.

STUDIES & ESTIMATES

Upon request from the Division of Environmental Analysis, district relocation staff, contractors, or subagents of the Transportation Cabinet provide input regarding social, economic, and environmental effects of proposed projects for preparation of:

- Environmental Impact Statements
- Environmental Assessments
- Categorical Exclusions
- Feasibility Studies
- Alternative Route Locations
- Project Scoping
- Other Assignments

Before the district right-of-way supervisor assigns staff to work on a study or estimate, the Division of Environmental Analysis shall identify a project to which staff can make charges.



RELOCATION ASSISTANCE

Section

CONCEPTUAL STAGE

Subject

Preparing a Conceptual Stage Relocation Report (CSRR)

TIMING OF REPORT

The Conceptual Stage Relocation Report (CSRR) is prepared prior to final location approval to identify project relocation impacts.

RESPONSIBILITIES

The Division of Environmental Analysis (DEA) is responsible for developing the environmental document, which typically is prepared by a consulting firm. The CSRR (which is incorporated into the environmental document for a transportation project) may be prepared by the district relocation staff or by a consultant.

The district relocation staff and environmental coordinator are jointly responsible for developing and including socioeconomic data in the environmental document and, as such, should coordinate data collection to avoid duplication of efforts.

The DEA will advise the right-of-way supervisor when a CSRR is needed. The DEA and supervisor will review workload and time schedules to determine if the CSRR will be prepared by the district relocation staff or by a consultant.

When the district prepares the CSRR, the right-of-way supervisor will provide a copy of the report to the Relocation Branch Manager and a copy to FHWA on interstate and NHS projects.

Costs incurred to secure and assemble the required information are charged to the appropriate project using design funds.

REPORT PURPOSE

The CSRR is intended to identify projected relocation impacts. The depth of the report shall be directly proportional to the scope of relocation impacts on the proposed alternates. The CSRR shall include a relocation plan for orderly and humane relocation of persons displaced by a project without creating adverse impacts or costly delays.

REPORT PURPOSE (CONT.)

If an inadequate supply of comparable replacement housing is anticipated at the time a project is expected to be under way, the CSRR shall include potential last-resort housing options for each alternate under study (see **RA-1300**, "Last-Resort Housing").

DATA SOURCES

The CSRR shall reference the sources of data utilized.

Primary sources should be utilized only when secondary sources cannot supply the information needed.

- **Primary Data Sources**—Any person such as an individual, family, business, etc., located within the proposed corridor alignment
- **Secondary Data Sources**—All information sources other than primary

All data shall be dated according to its original compilation date.

DATA TO BE OBTAINED

When requested by the DEA, the district relocation staff will be responsible for providing the following conceptual stage relocation data for inclusion in the environmental assessment document:

- Comparative table of relocation impacts and estimated costs for each alternate
- Discussion of the project's specific objectives
- Discussion of the communities and neighborhoods affected by the project, including divisive or disruptive effects (such as separation from community facilities, such as churches, schools, parks, etc.), special relocation considerations, and measures proposed to resolve relocation concerns
- Estimation of the following relocation impacts:
  - The number of households to be displaced, including:
    - The number of owner-occupied households
    - The number of tenant-occupied households
  - The income range of the affected households and the income range of the affected neighborhoods or communities
  - The percentage of low-income households to be displaced and the percentage of low-income households in the affected neighborhoods or communities

DATA TO BE OBTAINED (CONT.)

- The percentage of minority (racial, national origin, or ethnic) households to be displaced and the percentage of minority households in the affected neighborhoods or communities
- The percentage of elderly households to be displaced in relationship to the total households being displaced
- The percentage of households containing five or more family members
- The number of handicapped or disabled residential occupants for whom special assistance services may be necessary

- Discussion of the type of homes being acquired, including occupancy status (owner/tenant), size, number of bedrooms, age, condition, and price range

- Discussion of the neighborhoods into which displacees will likely relocate, the expected impact due to displacees seeking homes in those areas, potential adverse environmental factors present in those areas, and seasonal or other considerations (such as plant expansions, other projects competing for housing resources, etc.) that must be considered with regard to timing of the project; including:

  - Estimation of the distance from the project to the neighborhoods into which displacees will likely relocate
  - Discussion of the makeup of the neighborhoods into which displacees will likely relocate (such as racial and ethnic composition, availability of community facilities, etc.)
  - Comparison of the number of available decent, safe, and sanitary houses in the area with the housing needs of displacees (to include occupancy status [owner/tenant], size, number of bedrooms, age, condition, and price range)

- Description of special relocation advisory services that will be necessary for identified unusual conditions or unique problems (such as handicapped or disabled displacees, problems of the elderly, racial and ethnic considerations, or non-English-speaking persons) and comments on governmental and social agencies available to serve these particular needs

DATA TO BE OBTAINED (CONT.)

- Discussion of actions proposed to remedy insufficient relocation housing that includes a commitment to use last resort housing provisions, if necessary

  Note: If a project has a large number of residential displacements, a complete last-resort housing plan may be necessary (see **RA-1300**, "Last Resort Housing").

- Estimation of the number, tenure (owner/tenant), type, and size of businesses, farms, and nonprofit organizations to be displaced, including:

  - Discussion of special business characteristics, services to specialized clientele, or cultural orientation

  - Approximate number of employees for each operation and, if ascertainable, the general impact of the displacements on the economy of the community

  - Available sites in the areas into which the affected operations may relocate, the likelihood of such relocation, and impacts on remaining businesses, whenever possible

- Estimation of the number and tenure (owner/tenant) of businesses, farms, and nonprofit organizations affected by proximity, including:

  - Discussion of special business characteristics, services to specialized clientele, or cultural orientation

  - Approximate number of employees for each operation and, if ascertainable, the general impact of possible displacements on the economy of the community

- Discussion of the results of early consultation with local governments and any early consultation with businesses potentially subject to displacement, to include:

  - Planning for incentive packaging, such as tax abatement, flexible zoning, and building requirements

  - Advisory assistance that has been or will be furnished

  - Other appropriate information

DATA TO BE OBTAINED (CONT.)

- Documentation of the results of discussions with local officials, social agencies, and such groups as the elderly, handicapped, nondriver, transit-dependent, and minorities regarding the relocation impacts

- Discussion of any potential hazardous waste concerns

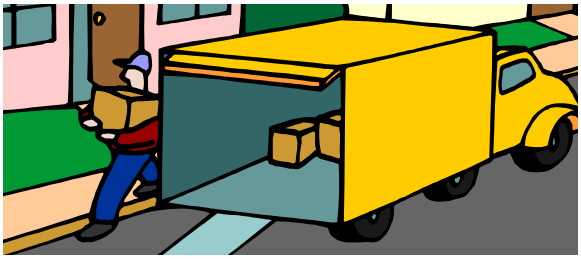
  Note: A report shall be provided to the district environmental coordinator any time the presence of hazardous waste is suspected. Matters pertaining to hazardous waste will be handled in accordance with the *Right of Way Guidance Manual* and **RA-600**, "Nonresidential Moves" and **RA-603**, "Hazardous Wastes and Substances."

- Discussion of any publicly owned lands that may require consideration for functional replacement of real property in public ownership and the results and decisions of any meetings with property owners or jurisdictional agencies where the potential for functional replacement exists pursuant to 23 CFR 710.509

- Discussion of the most efficient and effective way to accomplish project goals, including the lead time required

- Statement that the acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended

- Statement that relocation resources are available to all displacees without discrimination



RELOCATION ASSISTANCE

Chapter

PROJECT ACTIVITIES

Subject

Preparing an Acquisition Stage Relocation Report (ASRR)

TIMING OF REPORT

Promptly after right-of-way acquisition is authorized, the Relocation Branch Manager, or designee, will advise the district right-of-way supervisor that an acquisition stage relocation report (ASRR) is needed.

RESPONSIBILITIES

The district relocation staff, or consultant, shall prepare the ASRR promptly after receiving notice that the report is needed.

REPORT PURPOSE

The ASRR is intended to identify relocation impacts based on approved plans and personal interviews with persons actually being displaced by the project. Personal interviews are conducted with displacees to determine their relocation needs and develop a relocation plan.

If the supply of comparable replacement housing is inadequate when right-of-way acquisition is authorized, the ASRR shall include recommended last resort housing options (see **RA-1300**, "Last Resort Housing").

IDENTIFYING DISPLACEMENTS

The district relocation agent, or consultant, shall thoroughly review approved plans and inspect the project to identify displacements. A displacement is presumed to occur on any parcel from which an improvement is acquired, until the relocation agent, or consultant, personally interviews the property owner, inspects the parcel, and confirms otherwise. Likewise, when the agent observes personal property within an acquisition area, he or she shall identify the parcel as a relocation parcel.

Sometimes it is not readily apparent that an acquisition will cause a displacement, particularly when a partial acquisition occurs. The district relocation agent, in coordination with other Cabinet personnel, shall determine if a displacement may occur as a result of a partial acquisition. The agent may consider the probable effect in the after situation of each of the following circumstances to the occupants of real property subject to a partial acquisition. The decision can be made when preparing the ASRR or when additional information becomes available resulting in a change in the initial decision.

IDENTIFYING DISPLACEMENTS (CONT.)

The district relocation agent may determine that a displacement occurs with the existence of only one of the circumstances set forth below.

- **Residential Displacements**
  - Design safety standards
  - Severance of building
  - Change in highest and best use
  - Impairment or reduction of access
  - Change in neighborhood situation
  - Elevation of new roadway
  - Viable living unit (septic or water system taken) in the after situation
  - Project effects on decent, safe, and sanitary status of dwelling in the after situation (such as, proximity of proposed right of way to dwelling)
  - Appraiser's opinion of after situation
  - Local, state, or federal code requirements
  - Other circumstances or factors that, in the judgment of the Relocation Branch Manager, or designee, would justify giving the occupant the option to relocate

- **Nonresidential Displacements**
  - Design safety standards
  - Severance of building
  - Change in highest and best use
  - Impairment or reduction of access
  - Substantial reduction of parking facilities in the after situation
  - Irreparable disruption of internal traffic
  - Type of business (such as, walk-in clientele, length of average visit, business transactions conducted off-site, etc.)
  - Impact of road design on operation of business
  - Ability to obtain operating permits in the after situation
  - Appraiser's opinion of after situation
  - Local, state, or federal code requirements
  - Other circumstances or factors that, in the judgment of the Relocation Branch Manager, or designee, would justify giving the occupant the option to relocate

The Relocation Branch Manager, or designee, shall make the final determination of displacement when such a decision would appear to conflict with the conclusion in the Cabinet's approved appraisal regarding the remaining property.

IDENTIFYING DISPLACEMENTS (CONT.)

When a displacement occurs with a partial acquisition, the relocation agent, or consultant, shall document in the TC 62-77 form, *Record of Contacts*, (**Exhibit 9013**), the reasoning used to arrive at the determination.

DATA SOURCES

The district relocation staff, or consultant, shall interview people actually being displaced to gather worksheet information. All questions asked, answers given, and the date of contact shall be recorded on the TC 62-77.

When an owner-occupied residence is being acquired, local lending institutions shall be contacted to obtain prevailing mortgage interest rates, that shall be recorded on the TC 62-50, *Mortgage Interest Rates* (**Exhibit 9006**).

DATA TO BE OBTAINED

When the right-of-way supervisor is advised that an ASRR is needed, the district relocation staff, or consultant, will interview and obtain worksheet information for each displacee.

REPORT SUBMITTAL

After interviewing all displacees and developing a project relocation plan, the district relocation staff, or consultant, will submit through the district right-of-way supervisor an ASRR to the Relocation Branch Manager. Documentation will include:

- A memorandum discussing all relocation aspects of the project, with particular attention given to any potential relocation problems (such as, an inadequate supply of comparable replacement housing or nonresidential replacement sites; the need for last resort housing funds; low-income, elderly, or handicapped displacees; etc.)

  The memorandum shall identify:

  - The total number of residential, business, farm, nonprofit organization, sign, and miscellaneous move displacements
  - The number of owners and tenants comprising each of the above categories of displaced persons
  - The estimated amount of lead time required to carry out a timely, orderly, and equitable relocation program
  - Identification of resource limitations, if perceived

REPORT SUBMITTAL (CONT.)

- Discuss any potential hazardous waste concerns

  Note: When the relocation agent suspects any potential hazardous waste may be encountered, a report shall be provided to the district environmental coordinator.

  Matters pertaining to hazardous waste shall be handled in accordance with the *Right of Way Guidance Manual*, **RA-600**, "Nonresidential Moves," and **RA-603**, "Hazardous Wastes and Substances."

The memorandum shall include the following statements:

- "*The acquisition and relocation program will be conducted in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.*"

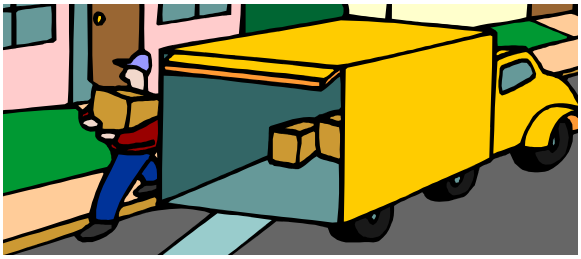
- "*Relocation resources are available to all displacees without discrimination.*"

➢ Worksheets, TC 62-208, *Non-Residential Worksheet* (**Exhibit 9019**) or TC 62-214, *Replacement Housing Payment Worksheet* (**Exhibit 9025**) for all displacees

➢ The TC 62-97 form, *Relocation Project Summary* (**Exhibit 9015**)

  Note: The agent shall submit updated TC 62-97 forms as detailed in **RA-306** and **RA-307**.

➢ A current TC 62-50 form, *Mortgage Interest Rates* (**Exhibit 9006**) when an owner-occupied residential displacement will occur



RELOCATION ASSISTANCE

Chapter

PROJECT ACTIVITIES

Subject

Protective Rent

POLICY

Prior to a property's acquisition (residential or nonresidential), the Cabinet may lease vacant property scheduled to be acquired by the Cabinet (or property that is vacated after initiation of negotiations on the parcel), when doing so will be less costly for the Cabinet than relocating a potential subsequent tenant.

These leases require prior written approval of the Director of the Division of Right of Way and Utilities.

RECOMMENDATION FOR PAYMENT OF PROTECTIVE RENT

The right-of-way supervisor shall be responsible for recommending payment of protective rent, subject to the following:

- Before recommending payment of protective rent, consideration shall be given to the district's ability to promptly initiate negotiations and, if necessary, proceed with condemnation.

- When the Cabinet is paying protective rent for a property prior to the beginning of appraisal work on the project, the right-of-way supervisor shall ensure maximum coordination among appraisal, acquisition, and relocation assistance to facilitate timely acquisition of that property.

- Priority shall be given to ordering and reviewing an appraisal, presenting an offer to purchase to the owner, carrying out subsequent negotiations, and obtaining a prompt closing or right of entry.

RENTAL AMOUNT

The rental amount shall not exceed the market rent for like units within the area or community, and shall be negotiated, taking into account the following factors:

- The rent payment is assured.

RENTAL AMOUNT (CONT.)

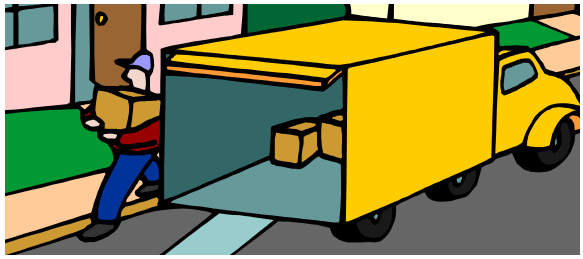
- No one will actually occupy the property; therefore no clean-up, painting, or improvements will be needed.
- The owner shall be responsible for maintenance.
- The owner shall pay all water, gas, electrical, or other utility expenses which may be assessed against the property.
- Negotiations shall begin at a monthly rent no higher than the most recent monthly rent paid for the property.

The district shall document the reasoning used and facts considered in determining the need for a protective lease, which will be made on a month-to-month basis.

The right-of-way supervisor is responsible for having a TC 62-102 form, *Protective Rental Agreement* executed with prior written approval of the director.

CLAIM SUBMITTAL

The claim for payment shall be submitted to the Central Office Acquisition Branch. The *Right of Way Guidance Manual* details the procedures for submitting a claim.



RELOCATION ASSISTANCE

Chapter

PROJECT ACTIVITIES

Subject

Relocation Records

PARCEL FILES

Records of relocation activities will be kept in each district, including:

- Project and parcel identification
- Names, addresses, telephone numbers, social security numbers, and federal identification numbers of displacees
- Payments and services offered
- Payment claim support documentation
- A TC 62-77 form, *Record of Contacts* (**Exhibit 9013**), documenting each meeting or telephone call with the displacees and other involved parties

PROJECT BASIS

Each district office shall maintain the following information on a project basis:

- Copies of federal and state regulations pertaining to the Relocation Assistance Program (49 CFR Part 24 and 600 KAR 3:010)
- All forms necessary to assist the displacee in filing a claim for payment offered under this program
- Copies of the Cabinet's *Relocation Assistance Program Pamphlet*

Each district office shall take necessary measures on a project basis to provide displacees with the following information:

- Current and continuing list of replacement dwellings available without regard to race, color, religion, sex, or national origin, and suitable in price, size, and condition for those being displaced
- Current and continuing list of comparable commercial properties and locations for displaced businesses

PROJECT BASIS (CONT.)

- Current financial data from lending and loan-insuring agencies in the area, that includes:

  - Interest rates and terms
  - Down-payment requirements
  - Closing costs
  - Rental rates
  - Security deposits
  - Utility deposits
  - Other financial information helpful to displacees

- A map or sketch, when appropriate, showing the locations of schools, churches, parks, playgrounds, shopping facilities, and available local metropolitan bus routes

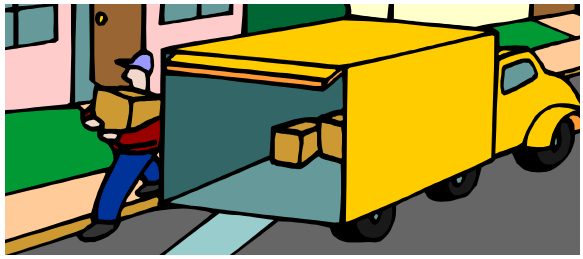
- Schedules and costs of public transportation that serve the area

- Other important information of value to the displacee in a particular area

RECORD KEEPING

The Cabinet shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with 23 CFR section 710.201 (f) and 49 CFR part 24 and the decisions that have been made. These records shall be retained for at least three years after each owner of a property and each person displaced from the property receives the final payment to which he or she is entitled under this part, or in accordance with the applicable regulations of the federal funding agency, whichever is later.

Records maintained by the Cabinet in accordance with this part are confidential regarding their use as public information, unless applicable law provides otherwise.



RELOCATION ASSISTANCE

Chapter

PROJECT ACTIVITIES

Subject

Relocation Reports

RELOCATION PROJECT SUMMARY

The district right-of-way supervisor shall ensure that the TC 62-97 forms, *Relocation Project Summary* (**Exhibit 9015**), are kept current for all active relocation projects in the district, whether staff or consultants perform the relocation. The supervisor shall forward a current TC 62-97 form for each active project to the Relocation Branch Manager, or designee, quarterly, unless requested more frequently as the project's letting date nears. When relocation is completed on a project, the TC 62-97 shall be noted as a "Final Report."

SPECIAL REPORTS

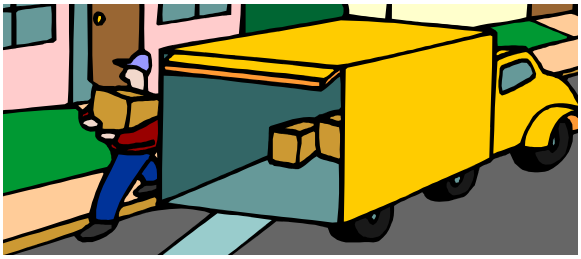
If the Central Office requires a special relocation report from a district, the request shall be in writing to the district right-of-way supervisor and specify a completion deadline. If unclear on the request or if the deadline cannot be met, the supervisor shall contact the Relocation Branch Manager within three days of receipt of the request.

ANNUAL FEDERAL REPORT

The Central Office shall submit a report annually to the Federal Highway Administration (FHWA) that is to be compiled from data supplied by the Division of Right of Way and Utilities' data management system; the Transportation Cabinet accounting system; TC 62-97 forms, *Relocation Project Summary* reports (**Exhibit 9015**), and ledgers maintained by the Central Office.

If the automated data is inconclusive or incomplete, the Director of the Division of Right of Way and Utilities shall request the respective districts to submit the appropriate data.

This report shall be prepared and submitted to the FHWA on or before November 15, or as otherwise specified in 49 CFR Part 24.



RELOCATION ASSISTANCE

Chapter

PROJECT ACTIVITIES

Subject

Project Completion

PROJECT COMPLETION

When relocation activities have been completed on a project, the right-of-way supervisor shall ensure that the district relocation staff, or consultant, has provided:

- To each displaced person, a TC 62-91 form, *Relocation Assistance Opinion Survey* (**Exhibit 9014**) and a postage-paid envelope addressed to:

  Division of Right of Way and Utilities
  Transportation Cabinet Office Building
  200 Mero Street
  Frankfort, KY 40622

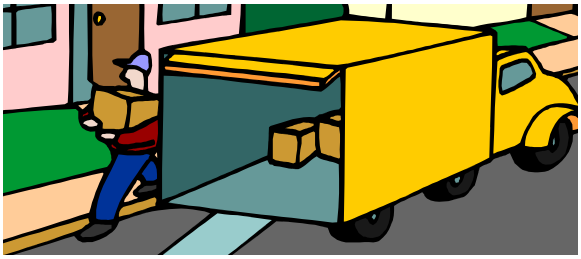
  Note: Central Office relocation staff will provide envelopes to the district upon request.

- To the Relocation Branch Manager, or designee:

  - Original relocation payment support documentation

  - A current TC 62-97 form, *Relocation Project Summary* (**Exhibit 9015**) marked "Final Report"

    Note: A current TC 62-97 marked "Final Report" shall be sent to the Central Office Relocation Branch no later than when relocation activities are complete on the project.



RELOCATION ASSISTANCE

Chapter

PARCEL ACTIVITIES

Subject

Record of Contacts

PROCEDURE

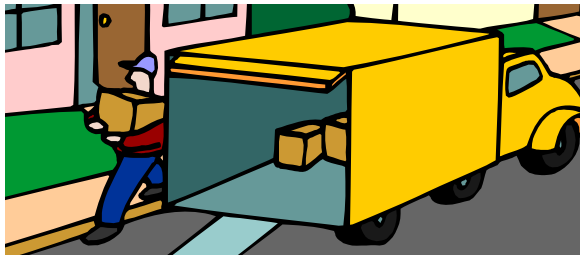
The relocation agent shall prepare and maintain a TC 62-77 form, *Record of Contacts* (**Exhibit 9013**) on a current basis for all parcels. To accomplish this, the agent shall record in the TC 62-77:

- Date of contact
- Time of contact
- Place of the contact
- Name of every person involved, including the relocation agent
- Method and date of delivery of each required notice (see **RA-405**, "Required Notices") and the dollar amount offered to each displacee
- In the same manner as above, any subsequent offer and the reasons for the revision
- When applicable, the offer of comparable replacement housing in accordance with the program requirements
- All pertinent items discussed, questions asked, and answers given

  Note: If an answer to a question cannot be given immediately, the agent shall include the answer in the TC 62-77 of a subsequent meeting.

- Any other information deemed relevant by the agent

Immediately after the meeting, the agent shall record each contact to ensure accuracy.



RELOCATION ASSISTANCE

Chapter

PARCEL ACTIVITIES

Subject

Advisory Services

GENERAL

The Cabinet's relocation assistance advisory program shall satisfy requirements of:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq*.)
- Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601d *et seq*.)
- Executive Order 11063 (27 FR 11527, November 24, 1962), and other services described in this section

Note: The Cabinet may offer advisory services to a person occupying property adjacent to proposed right of way when the right-of-way supervisor determines that the acquisition of right of way for a project causes substantial economic injury to such person.

SERVICES TO BE PROVIDED

The Cabinet's advisory program shall include such measures as may be needed to provide the following services.

- **For each business, farm, and nonprofit organization (business) to be displaced**—By personal interview with each business owner and operator, the relocation agent, or consultant, shall:
  - Determine the relocation needs and preferences of each business and explain the relocation payments and other assistance for which the business may be eligible, related eligibility requirements, and procedures for obtaining such assistance
  - Identify the business's replacement site requirements, current lease terms and other contractual obligations, and the financial capacity of the business to accomplish the move
  - Determine, in accordance with 49 CFR Part 24.301(g)(12), if outside specialists are needed to plan the move, assist with or perform the move, or reinstall machinery or other personal property

SERVICES TO BE PROVIDED (CONT.)

- Make every effort to identify and resolve any realty or personalty issues prior to or at the time of the appraisal of the property
- Estimate the time required for the business to vacate the site
- Estimate the difficulty in locating a replacement property
- Identify any advance relocation payments required for the move and the Cabinet's legal capacity to provide them
- Provide current and continuing information on the availability, purchase prices, and rental costs of suitable replacement properties and assist the business to obtain and become established in a suitable replacement location
- Minimize hardships to a displaced business by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate
- Supply a displaced business with appropriate information concerning disaster loan and other programs administered by the Small Business Administration, other federal and state programs offering assistance to displaced persons, and technical help to persons applying for such assistance

➢ **For each residential displacement**—By personal interview with each person to be displaced, the relocation agent, or consultant, shall:

- Determine the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the person may be eligible, related eligibility requirements, and procedures for obtaining such assistance
- Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in 49 CFR Part 24.204(a)
- As soon as feasible, inform the person in writing of the specific comparable replacement dwelling, the price or rent used for establishing the upper limit of the replacement housing payment [see 49 CFR Part 24.403 (a) and (b)], and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which he or she may qualify

SERVICES TO BE PROVIDED (CONT.)

- When feasible before a house is offered to a displaced person, inspect the house to assure that it meets applicable standards [see 49 CFR Part 24.2(a)(8)]

  Note: If such an inspection is not made, the relocation agent shall notify the person to be displaced that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be decent, safe, and sanitary.

- Whenever possible, give minority persons reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means

  Note: This policy does not require the Cabinet to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling. [See 49 CFR, Appendix A to Part 24.205(c)(2)(ii)(D).]

- Offer all persons transportation to inspect housing to which they are referred

  Note: Before being transported in a state vehicle, a displaced person must sign the Finance and Administration Cabinet's FM-6 form, *Authorization to Transport Non-State Employee Passengers in a Commonwealth-Owned Vehicle* (**Exhibit 9028**).

- Advise any displaced person that may be eligible for government housing assistance at the replacement dwelling of any requirements of such government housing assistance program that would limit the size of the replacement dwelling [see 49 CFR Part 24.2(a)(6)(ix)], as well as of the long-term nature of such rent subsidy, and the limited (42-month) duration of the relocation rental assistance payment

- Minimize hardships to displacees by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate

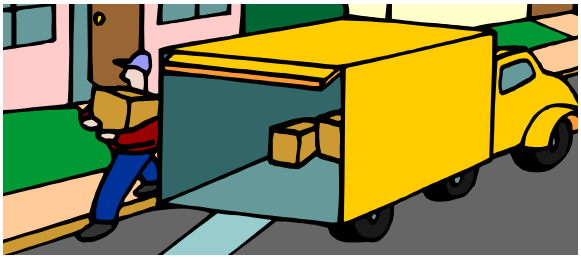
- Supply persons to be displaced with appropriate information concerning federal and state housing programs, disaster loan and other programs administered by the Small Business Administration, and other federal and state programs offering assistance to displaced persons and offer technical help to persons applying for such assistance

COORDINATION OF RELOCATION ACTIVITIES

The district right-of-way supervisor shall ensure that relocation activities are coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized. (See 49 CFR 24.6)

OCCUPANCY OF PROPERTY ACQUIRED BY THE CABINET

Any person who initially occupies a property after it is acquired by the Cabinet shall execute a short-term rental agreement subject to termination when the Cabinet needs the property. Such an occupant is eligible for advisory services as determined by the right-of-way supervisor. The *Right of Way Guidance Manual* details procedures for rent-acquired improvements.



RELOCATION ASSISTANCE

Chapter

PARCEL ACTIVITIES

Subject

Waiver of Relocation Benefits

NO REQUEST BY CABINET

The Cabinet shall not propose or request that a displaced person waive relocation assistance benefits under The Uniform Act. However, the Cabinet may accept a written waiver request from the displacee.

After disclosing and explaining all relocation entitlements, the relocation agent, or consultant, may inform a displacee of the right to waive relocation assistance benefits if he or she chooses. [See 49 CFR 24.207(f).]

DISPLACEE REQUESTS TO WAIVE BENEFITS

While the Cabinet shall not propose or request that a displaced person waive relocation benefits under the Uniform Act, the Cabinet may accept a written waiver request from the displaced person that:

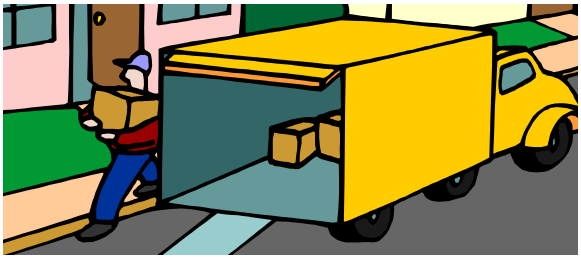
- Shows relocation benefits available to the displacee

  Note: A copy of the notice provided by the Cabinet and signed by the displacee may serve as documentation.

- States the benefits the displacee has chosen not to accept

The waiver request shall be signed and dated and shall not be coerced by the Cabinet.

The relocation agent, or consultant, shall forward the original signed waiver request to the Relocation Branch Manager, or designee.



RELOCATION ASSISTANCE

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PARCEL ACTIVITIES

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Persons Not Lawfully Present in the United States

REQUIREMENTS

Each person seeking relocation payments or relocation advisory assistance shall certify:

- **In the case of an individual**, that he or she is either a citizen or national of the United States or an alien who is lawfully present in the United States

- **In the case of a family**, that each family member is either a citizen or national of the United States or an alien who is lawfully present in the United States

  Note: The certification may be made by the head of the household on behalf of other family members.

- **In the case of an unincorporated business, farm, or nonprofit organization**, that each owner is either a citizen or national of the United States or an alien who is lawfully present in the United States

  Note: The certification may be made by the principal owner, manager, or operating officer on behalf of other persons with an ownership interest.

- **In the case of an incorporated business, farm, or nonprofit organization**, that the corporation is established pursuant to the laws of the Commonwealth of Kentucky and is authorized to conduct business within the United States

When worksheet information is gathered, the relocation agent, or consultant, shall give the displaced person a *Relocation Assistance Brochure*, and verify the displaced person's residency status.

The relocation agent shall explain that failure to provide the required certification will result in denial of relocation benefits.

REQUIREMENTS (CONT.) After gathering worksheet data, if the relocation agent determines the certification is invalid, the right-of-way supervisor shall conduct a review (as outlined in "Basis for Determination" below) before denying relocation benefits and services. Any person denied eligibility may appeal the determination, as discussed in **RA-410**.

DENIAL OF BENEFITS

The Cabinet may deny relocation benefits and services only when the supervisor determines that denial would not result in exceptional and extremely unusual hardship and if either of the following applies:

- A displaced person fails to provide the required certification
- The right-of-way supervisor determines that a person's certification is invalid based on a fair and nondiscriminatory review, as outlined below

The right-of-way supervisor shall be satisfied that the failure to certify constitutes a refusal or inability to certify and is not merely an oversight, misunderstanding, or other mistake.

Before denying relocation benefits or services, the right-of-way supervisor shall conduct a review as outlined below in "Basis for Determination." Any person denied eligibility may appeal the determination.

BASIS FOR DETERMINATION

In determining the validity of a person's certification, the district right-of-way supervisor shall conduct a fair and nondiscriminatory review of an alien's documentation or other information considered to be reliable and appropriate. For persons claiming to be lawfully present aliens, review by the Immigration and Naturalization Service (INS) may be necessary.

The determination of an invalid certification should be based on the supervisor's judgment, relying on:

- KYTC staff contacts with the displaced person
- Knowledge of the affected geographic area
- Contacts with neighbors and neighborhood institutions
- Other factors that may apply to the specific situation

BASIS FOR DETERMINATION (CONT.)

To determine what constitutes an exceptional and extremely unusual hardship, the supervisor should focus on significant and demonstrable impacts on health, safety, or family cohesion. The supervisor may examine **only** the impact on an alien's spouse, parent, or child who is a citizen or lawful resident alien. The standard of hardship involves more than the loss of any relocation payments or benefits alone.

COMPUTATION OF REPLACEMENT HOUSING PAYMENT

To compute a replacement housing payment, unlawful occupants are not counted as part of the family, and the comparable replacement dwelling size is reduced accordingly.

The income of a person unlawfully present in the U.S. is counted in the household's gross monthly income, unless the relocation agent, or consultant, is certain the ineligible person will not continue to reside with the family. To exclude the ineligible person's income would result in a windfall by providing a higher relocation payment because the family member was not lawfully present in the U.S.

MOVE PAYMENT ELIGIBILITY

Because the Uniform Act defines a "person" as an individual, family, partnership, corporation, or association, relocation benefits and services shall not be provided to any member of these entities who is not legally present in the United States. Thus, move payments shall be calculated as follows:

- **Residential displacees**—A move payment cannot be made to an ineligible member of the household. Prorate the move payment based on the ratio between eligible and ineligible household members.

- **Sole proprietor**—Since a sole proprietorship involves only one person, eligibility for all move and related expense payments (or an in lieu of payment) is determined by the residency status of the proprietor.

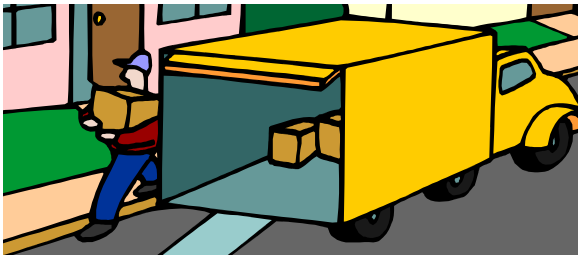
- **Partnerships (or other associations with more than one owner but are not incorporated)**—Move and related expense payments cannot be made to an ineligible owner of the partnership or association. Prorate the move and related expense payments (or in lieu of payment) based on the ratio of ownership between eligible and ineligible owners.

MOVE PAYMENT ELIGIBILITY (CONT.)

- **Corporation**—A corporation established pursuant to laws of the Commonwealth of Kentucky is legally authorized to conduct business in the United States and is eligible for move and related expense payments (or an in lieu of payment).

PRORATING MOVE & RELATED EXPENSE PAYMENTS

All move and related expense payments, including fixed or in lieu of payments, shall be reduced by a percentage based on the proportion of eligible owners to the total number of owners.



RELOCATION ASSISTANCE

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PARCEL ACTIVITIES

Subject

Required Notices

GENERAL STANDARDS FOR NOTICES

All notices shall be written in clear, understandable language. Persons who are unable to read and understand the notices shall be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or for other needed help.

DELIVERY OF NOTICES

The relocation agent, or consultant, shall deliver each notice within this subject whenever practical. When not personally delivered, a notice shall be sent by certified mail, return receipt requested. The TC 62-77 form, *Record of Contacts* (**Exhibit 9013**), shall document:

- The date of the notice and method of delivery
- If the notice was mailed, the reason for a nonpersonal delivery and the return receipt

GENERAL RELOCATION NOTICE (AT RIGHT OF WAY AUTHORIZATION)

All persons scheduled to move shall be furnished with written information on the relocation program as soon as practical after right-of-way acquisition is authorized. This information is contained in the *Relocation Assistance Brochure* and shall be made available at public hearings.

Typically, this notice is issued when worksheet information is being gathered. At that contact, the relocation agent shall:

- Give the person a *Relocation Assistance Brochure*
- Explain to the person that he or she may be displaced by a project
- Generally describe relocation benefits and services for which the person may be eligible and the procedures for obtaining payment
- Emphasize that the person must occupy the property at the initiation of negotiations to remain eligible for benefits

GENERAL RELOCATION NOTICE (AT RIGHT OF WAY AUTHORIZATION) (CONT.)

- Inform the potential displacee that he or she:
  - Is to be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other assistance necessary for a successful relocation
  - Will not be required to move without a minimum of 90 days written advance notice
  - If being displaced from a dwelling, cannot be required to move until at least one comparable replacement dwelling has been made available
  - Is not eligible for relocation benefits or services if they are not legally present in the United States
  - Has the right to appeal the Cabinet's determinations of relocation eligibility and benefits and explain the appeal process as outlined in **RA-410**
  - If the displaced person is a property owner, explain that relocation benefits are not part of the "fair market" offer for the real estate, and are not intended to "make up any differences" but are solely for the purpose of facilitating the relocation process with the least amount of disruption to the displacee
- Explain that relocation benefits and services will be provided in compliance with the Uniform Act and 49 CFR Part 24

NOTICE OF RELOCATION ELIGIBILITY

All occupants of a property to be acquired shall be notified, in writing, of their eligibility for relocation assistance. The Cabinet typically combines information required in this notice with a 90-day notice to vacate (see "90-Day Notice to Vacate" below).

Relocation eligibility begins when one of the follow occurs, whichever occurs first:

- Issuance of a notice of intent to acquire (as described below)
- The initiation of negotiations (see **RA-02**, "Glossary")

NOTICE OF RELOCATION ELIGIBILITY (CONT.)

- Actual acquisition of the property by the Cabinet

Unless a notice of intent to acquire is issued prior to the initiation of negotiations, the notice of relocation eligibility shall be issued:

- For owners, at the initiation of negotiations
- For tenants who occupy the property at the initiation of negotiations, no later than 7 working days from the date of initiation of negotiations
- For subsequent occupants (those who do not occupy the property at the initiation of negotiations but do occupy the property before or when it is acquired), no later than 7 working days from the date the Cabinet obtains possession of the property

The notice of relocation eligibility shall include an explanation of all services and payments to which the occupant is entitled. The amounts of such payments may be delivered at a later time.

This notice shall include who to contact for relocation assistance services and questions.

If this notice is delivered by certified mail, the displaced person shall be personally contacted within 30 days from the date of initiation of negotiations.

When a comparable replacement property is available for a residential displacee, the notice of eligibility shall also include:

- The amount of the maximum entitlements for which the displacee may be eligible
- Identification of the comparable replacement dwelling upon which the amount is based
- A description of procedures the displaced person is to follow to qualify for relocation benefits

  Note: The displacee shall be advised that he or she must follow required procedures to receive a relocation payment, and that this is a reimbursement, not a grant, program.

NOTICE OF RELOCATION ELIGIBILITY (CONT.)

If a notice of relocation eligibility is delivered to a residential displacee before the Cabinet makes available at least one comparable replacement dwelling, the notice shall clearly state that the occupant is not required to move for at least 90 days after comparable replacement housing is made available.

NOTICE OF INTENT TO ACQUIRE

A notice of intent to acquire is provided to a person to be displaced to establish eligibility for relocation assistance prior to the initiation of negotiations. Rarely does the Cabinet issue a notice of intent to acquire, and such notice is issued only with prior approval of the Director of the Division of Right of Way and Utilities.

The purpose of issuing a notice of intent to acquire is to alleviate a hardship to a displaced person due to health, safety, or financial reasons. Whether initiated by a displacee or the district, a request to establish early relocation eligibility (prior to initiation of negotiations) shall be considered on the basis of a written submission that documents and supports health, safety, or financial reasons to promptly vacate the property to be acquired.

For examples, a notice of intent to acquire would be appropriate in the following situations:

- A slide on existing right of way endangers the occupants of a home adjacent to the slide
- Construction activities on a highway project damage a home's lateral lines, leaving the home uninhabitable
- An occupant of a home to be acquired will be laid-off unless he or she transfers to another area and the appraisal of the property cannot be completed before the occupant's transfer must occur

A displaced person's request for early relocation eligibility will not be approved unless the district is authorized to acquire right of way for the project. If right-of-way acquisition has not been authorized, a displacee's request for early relocation eligibility shall be handled as a hardship acquisition, as outlined in the *Right of Way Guidance Manual*.

The right-of-way supervisor shall submit a recommendation for early relocation eligibility to the Director of the Division of Right of Way and Utilities for approval. The supervisor's recommendation shall include estimated costs to purchase the property and to provide relocation assistance services.

NOTICE OF INTENT TO ACQUIRE (CONT.)

When the director approves early relocation eligibility, a notice of intent to acquire is issued to all occupants of the parcel as follows:

- If notice is given to an owner, all tenants shall be given a notice within 7 working days
- If notice is given to a tenant, the owner shall be given a notice simultaneously with or as soon as practical after the tenant

After issuance of a notice of intent to acquire, normal relocation procedures outlined in the manual shall be followed.

90-DAY NOTICE TO VACATE

The Cabinet typically combines information required in this notice with a notice of relocation eligibility. However, if a notice of eligibility is delivered to a residential displacee before the Cabinet makes available at least one comparable replacement dwelling, the notice is to clearly state that the occupant is not required to move for at least 90 days after comparable replacement housing is made available. A 90-day notice cannot be issued to a person being displaced from a dwelling until at least one comparable replacement dwelling is made available.

Negotiations for residentially-occupied properties would not generally be initiated unless a comparable replacement dwelling is available. However, it may be necessary to begin negotiations prior to making a comparable replacement dwelling available when:

- A person has to move because continued occupancy would constitute a substantial danger to health or safety
- Multiple occupants are being displaced on a parcel

If the district right-of-way supervisor determines that a 90-day notice is impracticable because continued occupancy would constitute a substantial danger to health or safety, an occupant may be required to move prior to the end of the 90-day period. A written record of this determination, approved by the Director of the Division of Right of Way and Utilities, shall be maintained in the parcel file.

Each displaced person shall receive a 90-day notice that states that the displacee is not required to move for at least 90 days from the date such notice is received. This notice will also state that a 30-day notice to vacate will be sent, specifying the date by which he or she must move.

90-DAY NOTICE TO VACATE (CONT.)

This 30-day notice may run concurrently with the last 30 days of the 90-day notice, depending upon when the payment for real estate is made or the interlocutory order and judgment (IOJ) is filed and a right of entry obtained.

ALTERNATE PROCEDURE FOR ISSUING 90-DAY NOTICE TO VACATE

An alternate procedure can be used to issue the 90-day notice when property to be acquired has multiple residential units and there are not sufficient rental units available to compute the replacement housing payments. In this case, the requirement to make the replacement housing payment offer to the displacees within 7 working days could not be met.

The Cabinet shall utilize the alternate procedure only when the district right-of-way supervisor determines it is necessary using the following guidelines:

- The replacement housing evaluator shall submit a written request to use the alternative procedure, stating circumstances that justify such use.
- The request shall be submitted to the district right-of-way supervisor for approval.
- Consultants wishing to use this procedure shall secure approval from the district right-of-way supervisor.
- The parcel file shall contain appropriate documentation, a copy of which is to be provided to the Relocation Branch Manager.

If the supervisor approves using the alternative procedure, the relocation agent, or consultant, shall:

- Contact the owner and make the fair market value (FMV) offer for the property
- Within 7 working days of the FMV, deliver a notice of relocation eligibility to all tenants that includes:
  - Date of initiation of negotiations for the parcel

ALTERNATE PROCEDURE FOR ISSUING 90-DAY NOTICE TO VACATE (CONT.)

- Explanation of all services and payments to which the occupant is entitled, although the amount of such payments may be delivered at a later time

- Information as to where additional information concerning relocation assistance may be obtained

This notice does not include a 90-day notice. If notice is delivered by certified mail, the displaced person shall be personally contacted within 30 days from the date of initiation of negotiations.

When a comparable replacement property is available, the displaced person is given another notice that shall include:

- Amount of the maximum entitlements for which the displacee may be eligible

- Identification of the comparable replacement dwelling upon which the amount is based

- Description of procedures the displaced person shall follow to qualify for relocation benefits

  Note: The displacee shall be advised that he or she must follow required procedures to receive a relocation payment, and that this is a reimbursement, not a grant, program.

- A 90-day notice that states the occupant is not required to move before at least 90 days have elapsed from the date he or she receives the notice

- A statement that the occupant will receive a written 30-day notice specifying the date by which he or she is to move

30-DAY NOTICE TO VACATE

Each displaced person shall receive a 30-day notice to vacate that states the date by which he or she is to move, unless:

- An occupant willingly moves prior to the date the Cabinet would have issued the notice

30-DAY NOTICE TO VACATE (CONT.)

- A person is not required to move as a result of a partial acquisition

The file shall be documented when a 30-day notice to vacate is not required.

The 30-day notice shall be issued to owners and tenants promptly after the Cabinet obtains control of the property being acquired, provided 60 days have passed since the 90-day notice was delivered. (Control is obtained when the owner is paid or when payment is posted in court.)

Any extension of time shall be made in writing and requires the approval of the district right-of-way supervisor.

The district relocation agent, or consultant, shall issue this notice at least 30 days before the person is to vacate the property. If the right-of-way supervisor or District Attorney grants an extension to remain in occupancy, the extended vacation date shall be reflected in the notice to vacate.

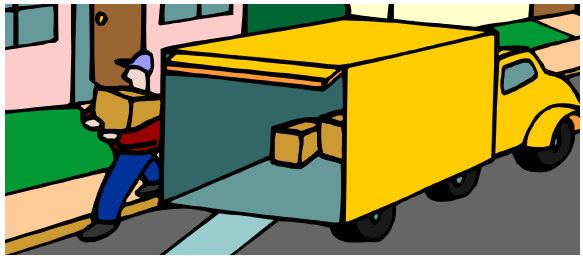
A 30-day notice is not issued to a person who is not required to move (such as when an occupant becomes eligible because of land-locking, damage to a septic system renders a residence uninhabitable, the Cabinet determines the remainder is too small for continued operation of a business, etc.).

When the Cabinet determines a person is eligible for relocation benefits but is not **required** to move, the person qualifies for relocation benefits only if he or she actually moves. In place of a 30-day notice to vacate, a person not required to move shall be given a notice that relocation benefits remain available to them for one year after:

- For owners, they are paid for the property

- For tenants, they receive such notice

The notice shall specify all requirements the person must satisfy to qualify for relocation benefits (such as to purchase or rent and occupy a replacement dwelling within one year of the events noted above).



RELOCATION ASSISTANCE

Chapter

PARCEL ACTIVITIES

Subject

Worksheets

WORKSHEETS

When the right-of-way supervisor is advised that an Acquisition Stage Relocation Report (ASRR) is needed, the district relocation agent, or consultant, shall interview people actually being displaced to gather worksheet information. Information requested on the worksheet shall be recorded on one of the following:

- TC 62-208 form, *Non-Residential Worksheet* (**Exhibit 9019**)
- TC 62-214 form, *Replacement Housing Payment Worksheet* (**Exhibit 9025**)

At this contact the relocation agent, or consultant, shall:

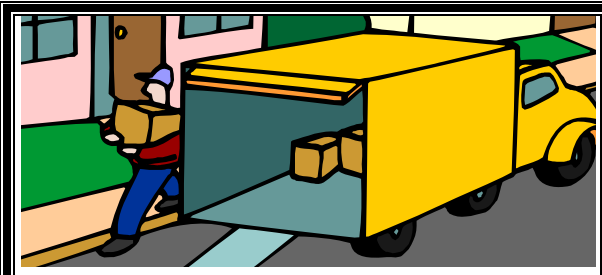
- Issue a general relocation notice as outlined in **RA-405**, "Required Notices" by giving the person a *Relocation Assistance Brochure*
- Verify the person's residency status and record it on the appropriate worksheet (TC 62-208 or TC 62-214), explaining that:
  - A person is not eligible for relocation benefits or services if they are not legally present in the United States
  - Failure to provide the required certification will result in denial of relocation benefits
- Explain to the person that he or she may be displaced by a project
- Generally describe relocation benefits and services for which the person may be eligible and the procedures for obtaining payment
- Emphasize that the person must occupy the property at the initiation of negotiations to remain eligible for benefits

WORKSHEETS (CONT.)

- Inform the potential displacee that he or she:
  - Is to be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other assistance necessary for a successful relocation
  - Will not be required to move without a minimum of 90 days written advance notice
  - If being displaced from a dwelling, cannot be required to move until at least one comparable replacement dwelling has been made available
  - Has the right to appeal the Cabinet's determinations of relocation eligibility and benefits and explain the appeal process as outlined in **RA-410**
  - If the displaced person is a property owner, explain that relocation benefits are not part of the fair market value offer for the real estate and are not intended to make up any differences, but are solely for the purpose of facilitating the relocation process with the least amount of disruption to the displacee
- Explain that relocation benefits and services will be provided in compliance with the Uniform Act as outlined in 49 CFR Part 24
- Provide advisory services as outlined in **RA-402**

DOCUMENTING WORKSHEET CONTACT

All questions asked and answers given and the date of contact shall be recorded on a TC 62-77 form, *Record of Contacts* (**Exhibit 9013**).



RELOCATION ASSISTANCE

Chapter

PARCEL ACTIVITIES

Subject

Relocation Process

PREPARATION BY RELOCATION AGENT

The relocation agent shall become familiar with all information concerning the parcel owner, the person being displaced, the relocation type (residential, business, farm, nonprofit, billboard, or miscellaneous), and how the acquisition affects the person being displaced. The agent can obtain this information from the:

- Right-of-Way Plans
- Title Reports
- Deeds
- Appraisal
- Appraiser

REALTY VERSUS PERSONALTY

The relocation agent shall make every effort to resolve realty/personalty issues prior to making a relocation offer. If the classification of an item is unclear in the appraisal, the agent shall request written clarification from the appraiser. Relocation payments cannot be made to move real property items.

TENANT OCCUPANTS

When the acquisition displaces a tenant, the relocation agent shall contact both the property owner and the tenant to verify terms of the rental agreement or lease and explain the benefits and services available to each. If a tenant is being displaced from a dwelling, the property owner is to complete a TC 62-58 form, *Rent Certification* (**Exhibit 9007**) to provide the following information:

- Legal occupants
- Address of the property to be acquired
- Date the occupants initially occupied the property to be acquired
- Monthly rental rate
- Monthly utility costs and the utilities included in the monthly rent

The agent shall advise the tenant to keep paying rent according to his or her rental agreement with the owner, until the Cabinet acquires the property.

COORDINATION WITH BUYER

The relocation agent shall coordinate with the buyer to present simultaneous fair market value (FMV) and relocation offers to displaced owners. Any required relocation offer or notice to a tenant shall be made within 7 days of the FMV offer, as outlined in **RA-405**, "Required Notices."

At times, it is not apparent that an acquisition will affect personal property until the buyer makes the offer to purchase. As soon as practical after the buyer becomes aware that personal property needs to be cleared from proposed right of way, he or she shall inform the district right-of-way supervisor, who will advise the relocation agent so that the appropriate relocation assistance offer can be made.

Note: If relocation services are being provided by a consultant, relocation activities cannot begin until the parcel is added to the consultant's contract.

PERSONAL CONTACT

The relocation agent always attempts personal contact with each displaced person. However, if a displacee designates a person to be his or her representative, the agent shall work with the designee until directed back to the displaced person.

PERSONS NOT LEGALLY PRESENT IN THE UNITED STATES

Each displacee shall certify to the relocation agent his or her residency status. A person is not eligible for relocation benefits or services if he or she is not legally present in the United States or fails to provide the required certification.

ADVISORY SERVICES

Throughout the relocation process a relocation agent, or consultant, shall provide reasonable advisory services to help a displaced person have a successful move. Relocation benefits and services shall be provided in compliance with 49 CFR Part 24; **RA-402**, "Advisory Services;" and this manual.

The agent, or consultant, shall offer transportation to all persons to inspect housing to which they are referred.

Note: A displaced person must sign the Finance and Administration Cabinet's FM-6 form, *Authorization to Transport Non-State Employee Passengers in a Commonwealth-Owned Vehicle* (**Exhibit 9028**), before being transported in a state vehicle.

OCCUPANCY OF PROPERTY ACQUIRED BY THE CABINET

Any person who initially occupies a property after it is acquired by the Cabinet shall execute a short-term rental agreement subject to termination when the Cabinet needs the property. Such an occupant is eligible for advisory services as determined by the right-of-way supervisor. (The *Right of Way Guidance Manual* details procedures for rent-acquired improvements.)

DOCUMENTING RECORDS

The TC 62-77 form, *Record of Contacts* (**Exhibit 9013**) shall be prepared and maintained on a current basis for all relocation parcels, as outlined in **RA-401**, "Record of Contacts."

WORKSHEETS

The district relocation agent, or consultant, shall:

- Interview people actually being displaced to gather worksheet information
- Record the worksheet information on the TC 62-208 form, *Non-Residential Worksheet* (**Exhibit 9019**) or TC 62-214 form, *Replacement Housing Payment Worksheet* (**Exhibit 9025**)

RA-406, "Worksheets" outlines the services and explanations to be provided at this time.

CLAIMS FOR PAYMENT

To process a claim for payment, the displaced person shall provide the following information:

- Address
- Phone number
- Social Security Number or tax identification number

Each relocation claim for payment shall be filed as outlined in this manual and supported by documentation of expenses actually incurred. The relocation agent, or consultant, shall provide a displaced person with reasonable assistance necessary to complete and file any relocation claim for payment.

PARCEL COMPLETION

When relocation activities have been completed on a parcel, the right-of-way agent, or consultant, shall provide:

- A TC 62-91 form, *Relocation Assistance Opinion Survey* (**Exhibit 9014**) to each displacee, to be enclosed with a postage-paid envelope addressed to:

  Division of Right of Way and Utilities
  Transportation Cabinet Office Building
  200 Mero Street
  Frankfort, KY 40622

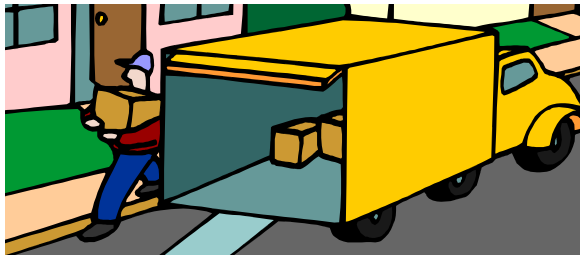
  Note: Central Office Relocation Branch staff will provide envelopes to the district upon request.

- To the Relocation Branch Manager, or designee, original documentation supporting an advance claim

  Note: Central Office staff approves advance relocation claims conditioned on the relocation agent securing appropriate supporting documentation prior to payment delivery. Original supporting documentation shall be sent to the Central Office Relocation Branch no later than when relocation activities are complete on the project.

- A current TC 62-97 form, *Relocation Project Summary* (**Exhibit 9015**), marked "Final Report," to the Central Office Relocation Branch

The relocation agent or consultant shall audit each relocation file to ensure all required records and supporting documents are properly filed before closing the project files.



RELOCATION ASSISTANCE

Chapter

PARCEL ACTIVITIES

Subject

Claims for Payment–General

TIME FOR FILING

All claims for a relocation payment shall be filed with the district right-of-way agent, or consultant, no later than 18 months after:

- For **owners**, the later of:
  - The date the displacee moves from real property or moves his or her personal property from the real property
  - The date of final payment for acquiring the real property, closing or posting of the commissioners' award, and issuing the interlocutory order and judgment (IOJ)
- For **tenants**, the date the displacee moves from the real property or moves his or her personal property from the real property

The 18-month time frame shall be waived for good cause. Such waiver shall be in writing and approved in advance by the Relocation Branch Manager, or designee.

DOCUMENTATION

Each relocation claim for payment shall be filed as outlined in this manual and supported by documentation required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. The relocation agent, or consultant, shall provide a displaced person with reasonable assistance necessary to complete and file any relocation claim for payment.

EXPEDITIOUS PAYMENTS

The district relocation agent, or consultant, and Relocation Branch Manager, or designee, shall review claims in an expeditious manner. The claimant shall be promptly notified if the claim requires additional documentation. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.

ADVANCED PAYMENTS

A relocation payment shall be made only after the displaced person performs as required to qualify for such payment, unless the displacee demonstrates the need for an advanced payment to avoid or reduce a hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made, subject to appropriate safeguards to ensure that the objective of the payment is accomplished.

ADVANCED CLAIMS

An advance claim is one submitted in advance of a qualifying event (for example, a move claim submitted prior to a move so that payment is available upon completion of the move). While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment, unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined above.

NOTICE OF CLAIM DENIAL

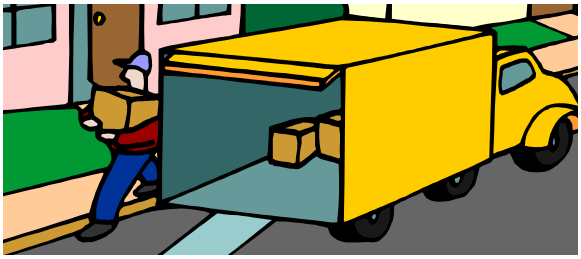
If the Cabinet disapproves all or part of a claim for payment or refuses to consider a claim on its merits because of untimely filing or other grounds, the Cabinet shall promptly notify the claimant in writing of the determination, the basis for the determination, and the procedures for appealing that determination as outlined in **RA-410**, "Appeal Process." Before accepting an appeal, the Cabinet shall provide a two-level administrative review as outlined in **RA-409**, "Reconsideration of Claim Denial."

NO WAIVER OF RELOCATION ASSISTANCE

The Cabinet shall not propose or request that a displaced person waive his or her rights or entitlements to relocation assistance and benefits provided by the Uniform Act and these procedures, as discussed in **RA-403**, "Waiver of Relocation Benefits."

EXPENDITURE OF PAYMENTS

Relocation payments are reimbursements and are not considered to be federal financial assistance.



RELOCATION ASSISTANCE

Chapter

PARCEL ACTIVITIES

Subject

Reconsideration of Claim Denial

WHO MAY REQUEST RECONSIDERATION OF CLAIM DENIAL?

Any person who believes the Cabinet failed to properly determine eligibility for, or the amount of, a relocation payment may file a written request for reconsideration. The Cabinet shall consider the request for reconsideration without regard to its form.

The relocation agent shall provide assistance as needed in completing a request for reconsideration (including providing a copy of the TC 62-216, *Request for Relocation Review/Appeal* [**Exhibit 9027**]) and explain the process to the displacee or aggrieved person.

A written request for reconsideration shall be filed with the district right-of-way supervisor, who will conduct an administrative review of the case.

The request for reconsideration shall be filed with the supervisor in whose district the project is located, not later than 60 calendar days from the date the aggrieved person receives written notice from the relocation agent that the claim has been denied. Failure to submit a written request within this time may result in a denial of the claim.

DISTRICT REVIEW

All information and justifications submitted by the displacee or aggrieved person shall be considered. The district right-of-way supervisor may personally contact the displacee.

The supervisor shall promptly notify the displacee of the results of the reconsideration. The written notice shall be delivered in person or sent by certified mail, return receipt requested.

If the supervisor denies the claim, he or she shall advise the aggrieved person that the Relocation Branch Manager will review the determination. The supervisor shall promptly forward a written request for an administrative review to the Relocation Branch Manager.

All documentation used as a basis for the supervisor's decision and any information requested by the Relocation Branch Manager shall be promptly sent to the Central Office, including:

DISTRICT REVIEW (CONT.)

- A statement of the issue under review
- Citations of applicable provisions upon which the district's determination was based
- A complete copy of the displacee's relocation file, including copies of all related materials
- A statement of any extenuating circumstances pertinent to the district's actions
- A recommendation for administrative action

CENTRAL OFFICE REVIEW

After review of all pertinent information, the following applies:

- If the Relocation Branch Manager finds in favor of the aggrieved person, the Director of Right of Way and Utilities shall review the appeal.

  If the director concurs with the Relocation Branch Manager, the branch manager shall notify the supervisor of this determination, and the relocation agent shall provide the necessary claim forms and assistance to process the claim.

- If the branch manager concurs with the district's determination, then he or she shall notify the aggrieved person of the right to appeal the Cabinet's determination via a notice that shall:

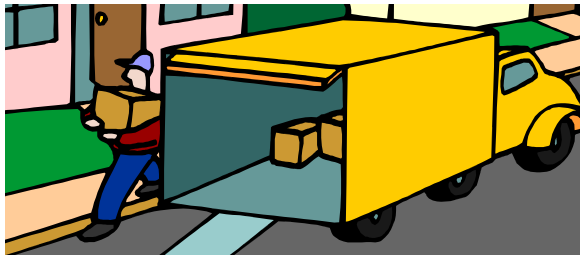
  - Include an explanation of the basis on which the decision was made, referencing the specific procedures and rules under which the claim was denied when such is the case
  - Be sent by certified mail, return receipt requested
  - State that a request for a hearing is to be made no later than 60 calendar days from the date the aggrieved person receives written notice from the Relocation Branch Manager that the claim has been denied

  Note: The branch manager shall provide the right-of-way supervisor with a copy of any notice to an aggrieved person.

CENTRAL OFFICE REVIEW (CONT.)

The aggrieved person is to send the request for a hearing to:

Division of Right of Way and Utilities
Attention: Relocation Branch Manager
Transportation Cabinet Office Building
200 Mero Street
Frankfort, Kentucky 40622



RELOCATION ASSISTANCE

Chapter

PARCEL ACTIVITIES

Subject

Appeal Process

WHO MAY FILE AN APPEAL?

Any person may file a written appeal with the district right-of-way supervisor, or project manager, if he or she believes the Cabinet has failed to properly determine eligibility for, or the amount of, a relocation payment. The Cabinet shall consider the appeal without regard to its form.

The relocation agent shall provide assistance as needed in completing the appeal (including providing a copy of the TC 62-216, *Request for Relocation Review/Appeal* [**Exhibit 9027**]) and explain the appeal process to the displacee or aggrieved person.

The Cabinet shall consider all information and justifications submitted by the aggrieved person. Officials reviewing the Cabinet's determination may personally contact the displacee.

A person has a right to legal or other representation in connection with the appeal, but solely at his or her expense.

Before accepting an appeal, the Cabinet shall provide a two-level administrative review as outlined in **RA-409**, "Reconsideration of Claim Denial."

WHAT CANNOT BE APPEALED?

Payment limitations prescribed in the Uniform Act and 49 CFR, Part 24, are not appealable. These would include the maximum amount to be paid for reestablishment expenses, search expenses, and in lieu of payments.

INSPECTION OF FILES

Persons who appeal shall be permitted, during regular office hours, to inspect and photocopy all nonconfidential materials that are pertinent to the appeal. Note the following:

- The Transportation Cabinet may impose reasonable conditions on the person's right to inspect.
- The District Attorney shall be consulted to determine the materials that can be made available to the aggrieved person.

WHEN TO FILE AN APPEAL

An appeal shall be filed no later than 60 calendar days from the date the aggrieved person receives written notice from the Relocation Branch Manager that the claim has been denied. Failure to submit an appeal within this time may result in a denial of the claim. The appeal shall be in writing and directed to:

Division of Right of Way and Utilities
Attention: Relocation Branch Manager
Transportation Cabinet Office Building
200 Mero Street
Frankfort, KY 40622

Promptly after receiving a timely appeal, the Relocation Branch Manager, by memorandum to the Cabinet's Executive Director of the Office of Legal Services, shall request a hearing. All documentation used as a basis for the Cabinet's determination shall accompany the request.

HEARING PROCESS

A hearing officer approved by the Office of the Attorney General shall conduct a hearing, pursuant to KRS 13B, to determine the merits of the appeal. The Cabinet shall make a record of evidence introduced at the hearing.

The hearing officer shall make findings of fact and conclusions of law and shall issue a recommended order to the Transportation Cabinet Secretary, who may:

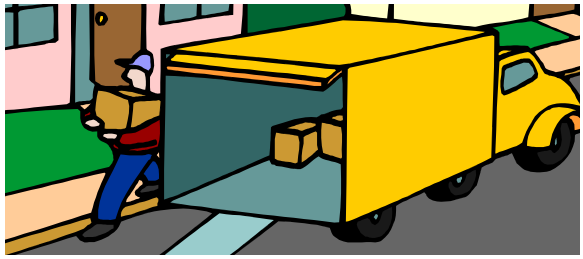
- Accept the recommended order and adopt it as the Cabinet's final order
- Reject or modify, in whole or in part, the recommended order
- Remand the matter, in whole or in part, to the hearing officer for further proceedings as appropriate

FINAL ORDER

The Secretary shall issue the final order within 90 days of receiving the recommended order from the hearing officer, unless the Secretary remands the matter for further proceedings.

If different from the hearing officer's recommended order, the Cabinet's final order shall include separate statements of findings of facts and conclusions of law.

If full relief requested is not granted, the Cabinet shall advise the aggrieved person of his or her right to seek judicial review pursuant to KRS 13B.140 and KRS 13B.150.



RELOCATION ASSISTANCE

Chapter

PARCEL ACTIVITIES

Subject

Parcel Completion

PROCEDURES

When relocation activities have been completed on a parcel, the right-of-way agent, or consultant, shall provide:

- A TC 62-91 form, *Relocation Assistance Opinion Survey* (**Exhibit 9014**) to each displacee and a postage-paid envelope addressed to:

  Division of Right of Way and Utilities
  Transportation Cabinet Office Building
  200 Mero Street
  Frankfort, KY 40622

  Note: Central Office Relocation Branch staff will provide envelopes to the district upon request.

- To the Relocation Branch Manager, or designee:

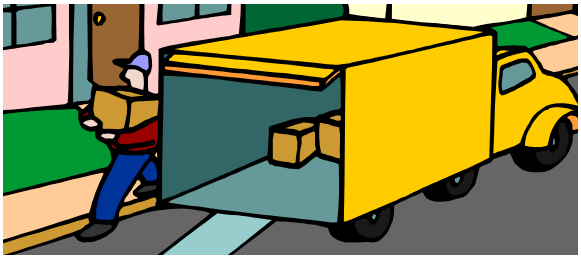
  - Original documentation supporting an advance claim

    Note: Central Office staff approves advance relocation claims conditioned on the relocation agent securing appropriate supporting documentation prior to payment delivery. Original supporting documentation shall be sent to the Central Office Relocation Branch no later than when relocation activities are complete on the project.

  - The final TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

  - The TC 62-210 form, *Relocation Benefits Summary* (**Exhibit 9021**)

The relocation agent or consultant shall audit each relocation file to ensure all required records and supporting documents are properly filed before closing the project files.



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Eligibility Criteria

CRITERIA

Anyone who qualifies as a displaced person and who moves from a dwelling (including a mobile home) is entitled to payment of his or her actual moving expenses, as the Transportation Cabinet deems reasonable and necessary.

A displacee will receive reasonable and necessary moving expense payment for:

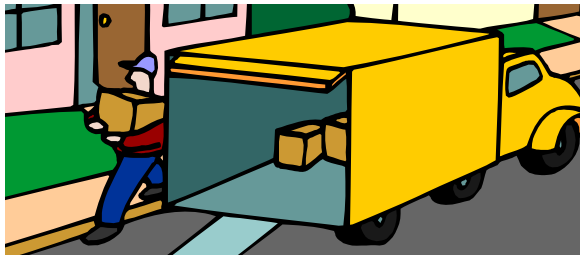
- Moving personal property located within proposed right of way and easement areas
- Moving from other real property not acquired when the right-of-way supervisor determines the acquisition necessitates such a move, with prior approval by the Relocation Branch Manager, or designee
- Moving the personal property of one person from real property owned by another when the Cabinet requires the personalty be moved because of an acquisition

The displacee must legally occupy the real property being acquired when negotiations begin, when the Cabinet issues a written notice of intent to acquire, or when the Cabinet acquires the real property (see **RA-02**, for definitions of each event).

Only one move may be eligible for payment, except where it is shown that more than one move is in the public interest and prior written approval is obtained from the Relocation Branch Manager, or designee.

A move in and out of storage, when approved in advance by the right-of-way supervisor, is considered a single move; however, payment shall be made in two increments. A partial payment shall be made upon completion of the move into storage, with the balance paid upon completion of the move out of storage.

Note: Because incremental payments are made, move bids and estimates shall identify the amounts to be paid moving into and out of storage.



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Eligible & Ineligible Moving Expenses

ELIGIBLE MOVING EXPENSES

Actual, reasonable moving expenses that will be paid are as follows:

- Transporting residential displacees to the replacement site, including, when necessary, special transport (such as ambulances) based upon actual, reasonable fees charged for such commercial transport for a distance of no more than 50 miles

  Note: The Relocation Branch Manager, or designee, may approve payment for transport beyond this distance, provided the file is appropriately documented.

  Note: Before being transported in a state vehicle, a displaced person must sign the Finance and Administration Cabinet's FM-6 form, *Authorization to Transport Non-State Employee Passengers in a Commonwealth-Owned Vehicle* (**Exhibit 9028**).

- Transporting personal property for a distance of no more than 50 miles

  Note: The Relocation Branch Manager, or designee, may determine a move cannot be accomplished within 50 miles and therefore approve payment for a move beyond this distance, provided the file is appropriately documented.

- Packing, crating, unpacking, and uncrating personal property

- Disconnecting, dismantling, removing, reassembling, and reinstalling household appliances and other personal property

- Storing personalty, provided all of the following conditions are met:

  - The relocation agent determines that storage is reasonable and necessary. Such may be the case when a displacee, through no fault of his or her own, is unable to immediately occupy the replacement site after issuance of the Cabinet's 30-day notice to vacate.

ELIGIBLE MOVING EXPENSES (CONT.)

- The personalty is not stored on property being acquired or property already owned or leased by the displacee.

- The right-of-way supervisor gives prior written approval, and the file is appropriately documented.

Note: Storage is limited to a maximum period of 12 months unless the Relocation Branch Manager, or designee, determines that storage for a longer period of time, up to a total maximum of 18 months, cannot be avoided.

- Insuring the replacement value of the property in connection with the move and necessary storage

Note: This insurance is generally available for added cost and provides for replacement or repair of items damaged or destroyed. All move bids should include insurance coverage based on replacement cost. In addition to replacement cost coverage, movers offer two other basic types of insurance (which shall be used only when replacement value coverage is not available):

- **Benefit paid by weight**—This is the basic insurance required by state or local law. It pays an allowance for damage based on the weight of an item. This payment is typically 60 cents per pound.

- **Benefit based on depreciated value**—This insurance is common in moves subject to the jurisdiction of the Interstate Commerce Commission. It pays for the depreciated value of items damaged. If an entire shipment is lost, payment is limited by the total weight of the goods.

- Providing for replacement value of property lost, stolen, or damaged in the moving process through no fault or negligence of the displacee or his or her agent or employee, where insurance covering such loss, theft, or damage is not available

Note: The relocation agent, or consultant, shall verify that insurance coverage is unavailable and obtain prior approval of the Relocation Branch Manager, or designee. This provision is an exception rather than a common occurrence, since the financial risk could be high.

ELIGIBLE MOVING EXPENSES (CONT.)

- Providing meals and lodging, limited to current allowable travel expenses for Cabinet employees, when determined necessary by the right-of-way supervisor

  Note: Lodging and meals may be considered reasonable and necessary for a short period of time when a mobile home or retained dwelling is being moved to a replacement site and the displacee has no family or friends with whom to stay.

- Replacing a concrete pit, pad, foundation, etc. that is necessary to reinstall personal property

  Note: When the appraisal assigns a contributing value to an acquired pit, pad, or foundation, reimbursement is limited to the cost to replace the item, less its contributing value.

- Other moving-related expenses not listed as ineligible below, provided:

  - The relocation agent, or consultant, deems the expenses are reasonable and necessary

  - The Relocation Branch Manager, or designee, approves the expense in advance and the file is appropriately documented

INELIGIBLE MOVING EXPENSES

Moving expenses for which a displacee is not entitled to payment include:

- The cost~~s~~ to move any structure or other real property improvement in which the displacee retained ownership

- Interest on a loan to cover moving expenses

- Personal injury

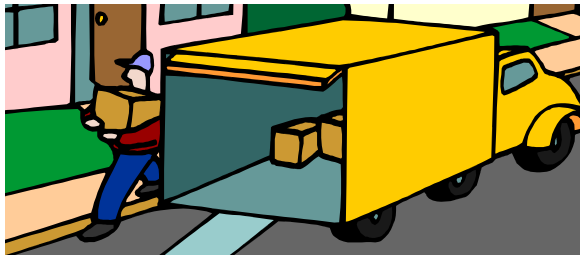
- Any legal fees or other cost to prepare a claim for a relocation payment or for representing the claimant before the Cabinet

- Expenses for searching for a replacement dwelling

- Physical changes to the real property at the replacement location that would constitute an improvement to the real property or site

INELIGIBLE MOVING EXPENSES (CONT.)

- The cost to store personal property on real property already owned or leased by the displaced person
- Refundable security and utility deposits
- The cost to move any item that was paid for in the appraisal, including any item with no contributing value
- The cost to move any item that is not legally occupying the acquired property



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Move Methods

POLICY

Any person displaced from a dwelling (including a mobile home) is entitled to payment of his or her actual moving expenses, as outlined in this chapter. This includes moving personal property outside of the dwelling when the personalty is located within an acquisition area.

Note: A displaced person is entitled to payment for moving personal property located outside of an acquisition area, when:

- The right-of-way supervisor determines that an acquisition necessitates such a move
- Prior approval is given by the Relocation Branch Manager, or designee, and the file is appropriately documented

MOVE METHODS

A person displaced from a residence may choose one or a combination of the following move methods:

- **Commercial Move**—A move performed by a licensed commercial mover, whose certificate is issued by the Kentucky Department of Vehicle Regulation. When multiple occupants move to separate locations using a commercial mover, each eligible displacee receives a prorated share of the cost to connect utilities. (See **RA-509**, "Commercial Moves" for additional guidance.)
- **Self-Move**—A move performed by the displaced person, payment for which is based on the fixed-rate residential moving cost schedule. When multiple occupants move to separate locations using a fixed-rate schedule payment, each eligible displacee receives a prorated share of the first room payment, which includes a dislocation allowance to connect utilities. (See **RA-508**, "Fixed-Rate Schedule Moves.")

COMBINED MOVES

There is no restriction on combining move methods. For example, a displacee may elect to use a commercial mover to move heavy items (such as pianos, appliances, and dressers) and use the fixed residential moving cost schedule to move the remaining items.

When a displacee uses the fixed-rate schedule and a commercial mover:

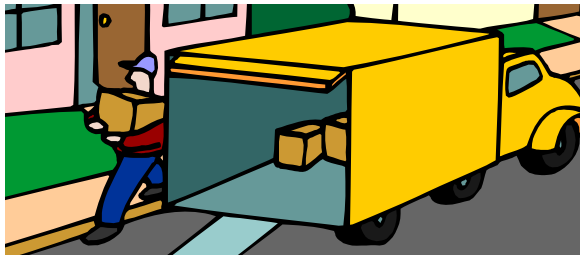
- The relocation agent, or consultant, shall adjust the fixed schedule room count to offset items moved by the commercial mover
- The fixed residential moving cost schedule includes utility connection charges

CLASSIFYING THE TYPE OF MOVE

A displaced person may choose a combination of move methods; however, the relocation agent, or consultant, shall classify the move as a single residential move.

In most cases, the agent can add rooms to the fixed-rate schedule to calculate a fair payment for moving miscellaneous items in addition to a residential move. (See **RA-508**, "Fixed-Rate Schedule Moves.")

When a residential displacee must also move large, bulky, or heavy items requiring special equipment, the agent, or consultant, may with written approval of the right-of-way supervisor classify the move as a residential move and a miscellaneous move. (See **RA-701**, "Miscellaneous Moves: General.")



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Mobile Homes

MOBILE HOME IS REAL PROPERTY

If the landowner and the mobile-home owner are the same, the mobile home is considered a fixture (real property) and will be valued along with the land in the appraisal. When a mobile home is valued in the appraisal, the Cabinet acquires title to the home and the displacee is not eligible for the cost to the home.

MOBILE HOME IS PERSONAL PROPERTY

If the landowner and the mobile home owner are different, the mobile home is considered personalty. When a mobile home is personalty, the mobile home owner is eligible for actual and reasonable move costs as outlined in this section and **RA-502**, "Eligible & Ineligible Moving Expenses."

ELIGIBLE MOVING EXPENSES

Actual, reasonable moving expenses that will be paid include:

- Transporting the mobile home and other personal property for a distance of no more than 50 miles

  Note: The Relocation Branch Manager, or designee, may determine a move cannot be accomplished within 50 miles and therefore approve payment for a move beyond this distance, provided the file is appropriately documented.

- Disassembling, moving, and reassembling the mobile home and any attached porch, deck, skirting, or awning that was not valued in the appraisal

  Note: Payment shall not be made to move any porch, deck, skirting awning or other appurtenance that was valued in the appraisal.

- Reasonable cost of repairs or modifications to a mobile home so that it can be moved, and when an owner-occupant moves the home and uses it as a replacement dwelling, reasonable repairs and modifications to make the home decent, safe and sanitary

ELIGIBLE MOVING EXPENSES (CONT.)

- Anchoring the mobile home, when an owner-occupant moves the home and uses it as a replacement dwelling

- Paying for nonrefundable mobile-home park entrance fees when comparable mobile home parks not requiring fees are unavailable

- Disconnecting and reconnecting utilities

  Note: Payment shall be made to reconnect only those utilities that were connected at the displacement site. Payment does not include the cost to install utilities at the replacement site, only utility "hook-up" charges. When a fixed-rate payment is claimed for moving the contents of the mobile home, the fixed-rate schedule payment includes utility hook-up charges.

- Replacing a concrete pit, pad, foundation, etc. that is necessary to reinstall the mobile home or other personal property

  Note: When the appraisal assigns a contributing value to an acquired pit, pad, or foundation, reimbursement is limited to the cost to replace the item, less its contributing value.

- Other eligible expenses as described in **RA-502**, "Eligible & Ineligible Moving Expenses"

MOBILE HOME CANNOT BE MOVED

The replacement housing evaluator or relocation agent may determine that a mobile home cannot be moved when the home can be described as any of the following:

- Is residentially-occupied and it is not (and cannot economically be made) decent, safe, and sanitary

- Cannot be relocated without substantial damage or unreasonable cost

- Cannot be relocated because there is no available comparable replacement site

- Cannot be relocated because it does not meet mobile home park entrance requirements

MOBILE HOME CANNOT BE MOVED (CONT.)

When a mobile home cannot be moved due to one of the above situations:

- The owner is not eligible for the cost to move the mobile home
- Any residential occupant of the mobile home is eligible for a replacement housing payment as outlined in **RA-800**, "Replacement Housing Payments (RHP) - General" and **RA-900**, "RHP for 90-Day Owner Occupants," **RA-1000**, "RHP for 90-Day Tenant Occupants," or **RA-1100**, "RHP for Less Than 90-Day Occupants"

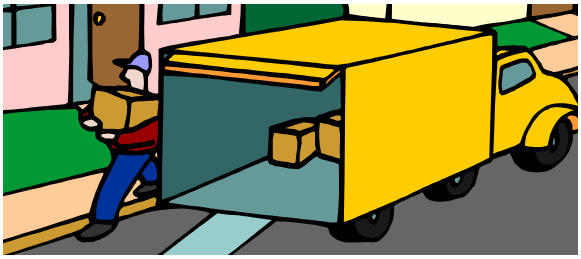
REQUIREMENTS

Before the move the relocation agent, or consultant, will advise the displacee of the following:

- The displacee must not move until authorized to do so by the agent
- The mobile home must be moved by a licensed commercial mobile home carrier
- All personal property must be moved from the acquired real property
- Payment may be withheld if any personal property is abandoned
- Except in unusual situations and only with prior approval of the Relocation Branch Manager, or designee, payment will be made only upon completion of the move

The agent, or consultant, shall submit a claim for payment as outlined in **RA-508**, "Fixed-Rate Schedule Moves" or **RA-509**, "Commercial Moves."

Before delivering a move payment, the agent, or consultant, will verify by an on-site inspection that all personal property has been moved from the acquired real property.



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Owner Retention of Dwelling

POLICY

When an owner reacquires ownership of his or her dwelling that was acquired by the Cabinet, the cost of moving it to the remainder or to replacement land is not eligible for move cost reimbursement.

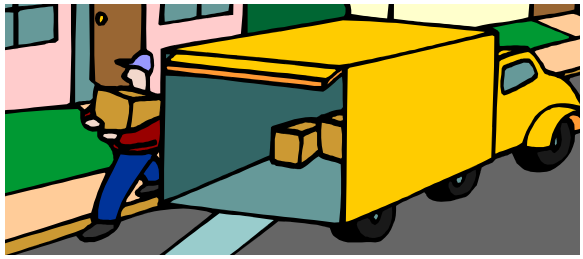
Costs of temporary lodging and meals may be claimed on an actual, reasonable cost basis, when determined necessary by the right-of-way supervisor. Lodging and meals may be considered reasonable and necessary for a short period of time when the displacee has no family or friends with whom to stay.

Reimbursement for lodging and meals is:

- To be supported by paid receipts
- Limited to the standard per-diem rates for Transportation Cabinet employees

The displaced person may choose to move his or her personal property by one or a combination of the commercial (**RA-509**) or fixed-rate (**RA-508**) move methods as outlined in **RA-503**, "Move Methods."

If the dwelling is used as a means to move personal property, move costs shall be paid pursuant to the fixed-rate schedule outlined in **RA-508**.



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Notification & Inspection of Move

NOTIFYING THE DISPLACEE

As soon as practical after negotiations are initiated, the relocation agent, or consultant, will notify the displacee of the following:

- Any item considered to be realty in the appraisal is not eligible for move cost reimbursement.
- If necessary, the displacee must permit a Cabinet representative to inventory items to be moved.
- The displacee must permit a Cabinet representative to make reasonable and timely inspections of personal property at the acquired and replacement sites and to monitor the move, if deemed necessary by the Cabinet.
- If using a commercial mover, the move agreement is between the displacee and the mover, but the Cabinet can pay the mover directly upon receipt of a bill after the move. The following apply:
  - The Cabinet will not accept a move cost bid from a mover who has not inspected the inventory and, when appropriate, been provided with move specifications.
  - The displacee will not give a mover permission to proceed until the relocation agent, or consultant, authorizes that displacee to move.
  - If the displacee selects a mover other than the one with the lowest bid, reimbursement will be for the approved amount or for the selected mover's actual bill, whichever is less.

BEFORE THE MOVE

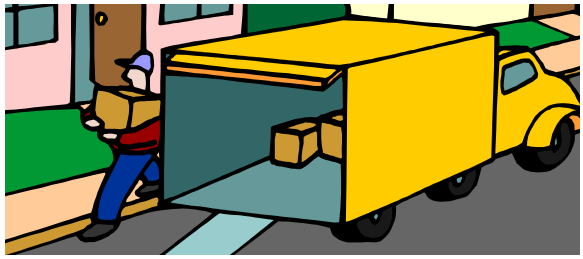
The relocation agent, or consultant, shall inventory items to be moved as outlined in **RA-507** and advise the displacee of the following:

- The displacee must not move until authorized to do so by the agent.
- All personal property must be moved from the acquired real property.
- Payment may be withheld if any personal property is abandoned.
- Except in unusual situations and only with prior approval of the Relocation Branch Manager, or designee, payment will be made only upon completion of the move.

INSPECTION AFTER MOVE

The relocation agent, or consultant, shall submit a claim for payment as outlined in **RA-508**, "Fixed-Rate Schedule Moves" and **RA-509**, "Commercial Moves."

Before delivering a move payment, the agent, or consultant, will verify by an on-site inspection that all personal property has been moved from the acquired real property.



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Inventory of Items to Be Moved

PREPARING FOR THE MOVE

The relocation agent, or consultant, shall identify the personal property that must be moved. When a displacee elects to use a commercial mover, the agent shall also identify:

- Each appliance that is connected to utilities and the type utility servicing each appliance (such as, an electric cooking stove, a clothes dryer connected to natural gas, etc.)

- The number of phones jacks in use

  Note: A phone jack is a stationary or fixed connector that connects wired telephones to wall outlets.

- The number of computers connected to a digital subscriber line (DSL)

  Note: A DSL provides digital data transmission over local telephone network wires. DSL service is delivered simultaneously with regular telephone on the same telephone line using a higher frequency band that is separated by filtering.

- The number of television sets connected to a cable or satellite system

- Any other personal property item that is connected to a utility or service provider at the displacement location

REALTY VERSUS PERSONALTY

The relocation agent, or consultant, shall make every effort to resolve realty and personalty issues prior to making a relocation offer. If the classification of an item is unclear in the appraisal, the agent shall request written clarification from the appraiser. Relocation payments cannot be made to move a real property item, even if the item has no contributing value.

MULTIPLE OCCUPANTS

The relocation agent, or consultant, shall establish who owns personal property so as to pay moving expenses to the appropriate party.

If two or more occupants of a displacement dwelling move to separate locations, each eligible occupant is entitled to reasonable move costs based on the personal property each eligible displacee actually owns.

DOCUMENTING PERSONALTY TO BE MOVED

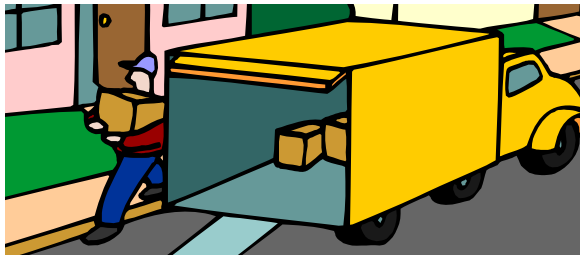
The relocation agent, or consultant, shall inspect and document personal property to be moved, as follows:

- When the volume of personalty to be moved does not exceed 12 rooms, the agent shall identify the rooms on the TC 62-77 form, *Record of Contacts* (**Exhibit 9013**).

- When the volume of personalty to be moved exceeds 12 rooms, the agent shall identify the rooms in the *Record of Contacts* and have the displacee sign the TC 62-68 form, *Certified Inventory* (**Exhibit 9030**).

  Note: A certified inventory signed by the displacee is required on all commercial moves.

The inventory may be a typed list, pictures, or a combination of a list and pictures of items to be moved. When pictures are used in lieu of a written list, they are to be inserted in the TC 62-68 form.



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Fixed-Rate Schedule Moves

POLICY

A person displaced from a dwelling or seasonal residence may choose to receive a fixed payment in lieu of payment for a commercial or an actual cost move. Each item authorized under the actual cost move (including utility connection charges) has been included in the fixed-rate schedule, and no additional payment will be authorized.

MULTIPLE OCCUPANTS

The relocation agent, or consultant, shall establish who owns personal property so as to pay moving expenses to the appropriate party.

If two or more occupants of a displacement dwelling move to separate locations, the fixed-rate payment will be based on the personal property actually owned by each eligible occupant. The $280 dislocation allowance included in the first room shall be prorated between eligible displacees.

SEPARATE HOUSEHOLDS

When the relocation agent determines that separate households are maintained, the agent, or consultant, shall identify each household as a residential relocation. The agent may determine that separate households are maintained when:

- Each family has separate baths, kitchen areas, bedrooms, etc.
- A person rents a sleeping room within a dwelling

When the relocation agent determines that separate households are maintained, each eligible displaced family is entitled to separate move payments.

MOBILE HOMES

When a mobile home is considered to be personal property, an owner occupant is eligible for the actual cost to move the mobile home as outlined in **RA-504**. If the owner is required to pack and remove personal property prior to moving the mobile home, the owner is also eligible for a fixed-rate move payment.

MOBILE HOMES (CONT.)

Note: When a fixed-rate payment is claimed for moving the contents of the mobile home, the fixed-rate schedule payment includes utility hook-up charges.

Tenant occupants may move the contents of the mobile home by using a commercial mover (**RA-509**) and/or a fixed-rate schedule move.

INSPECTION PRIOR TO MOVE

Before the move, the relocation agent, or consultant, shall inspect the personalty to be moved and check the appraisal to ensure that no item paid for in the appraisal is included in the personal property to be moved.

The agent shall make every effort to resolve realty and personalty issues prior to making a relocation offer. If the classification of an item is unclear in the appraisal, the agent shall request written clarification from the appraiser. Relocation payments cannot be made to move a real property item, even if the item has no contributing value. (See **RA-507**, "Inventory of Items to Be Moved" for additional guidance.)

DEFINING A ROOM

The fixed-rate move payment is based on the volume of personal property to be moved, as outlined below.

- The room count shall be based on the actual number of furnished rooms plus basements, attics, garages, and out buildings if such spaces contain sufficient personalty to constitute a room.
- Closets and bathrooms shall not be counted as a room.
- An area may be counted as more than one room if the quantity of personalty exceeds that which would reasonably be found in a single room.
- Items stored in detached structures or outside of the residence shall be counted as additional rooms.

The agent shall add rooms to the fixed-rate schedule to calculate a fair payment for moving miscellaneous items outside of a residence and in other buildings.

When a residential displacee must also move large, bulky, or heavy items requiring special equipment, the agent, or consultant may, with written approval of the right-of-way supervisor, classify the move as a miscellaneous move (see **RA-701**, "Miscellaneous Moves: General").

DOCUMENTING THE ROOM COUNT

The relocation agent, or consultant, shall inspect and identify the rooms used to establish the payment amount on the TC 62-77 form, *Record of Contacts* (**Exhibit 9013**) and TC 62-99 form, *Move Claim – Residential* (**Exhibit 9016**).

A TC 62-68 form, *Certified Inventory* (**Exhibit 9030**) is required when the volume of personalty to be moved exceeds twelve rooms, or when a commercial mover is used. The displacee must sign the *Certified Inventory*, which shall include a typed list, pictures, or a combination of a list and pictures of items to be moved. When pictures are used in lieu of a written list, they shall be inserted in the TC 62-68 form.

BEFORE AUTHORIZING THE MOVE

The agent shall check the appraisal to ensure that no item paid for in the appraisal is included in the inventory of property to be moved, and notify the displacee that he or she:

- Is not eligible for the cost to move any item considered to be realty in the appraisal
- Must permit a Cabinet representative to make reasonable and timely inspections of personal property at the acquired and replacement sites and to monitor the move, if deemed necessary by the Cabinet
- Must not move until authorized to do so by the agent
- Must move, or have moved, all personal property from the acquired real property
- May have payment withheld if any personal property is abandoned
- Will receive payment only upon completion of the move (except in unusual situations and only with prior approval of the Relocation Branch Manager, or designee)

PAYMENT AMOUNT

Payment amounts shall be based on the fixed residential moving cost schedule approved by the Federal Highway Administration (FHWA). The payments listed below (or as may subsequently be revised by FHWA) apply with two exceptions. Payment is limited to $100.00 if either of the following conditions applies:

- A person has minimal possessions and occupies a dormitory style room

PAYMENT AMOUNT (CONT.)

- A person's residential move is performed by the Cabinet at no cost to the person

Occupant Owns Furnishings

1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms
$500	$700	$900	$1,100	$1,300

6 Rooms	7 Rooms	8 Rooms	Each Additional Room
$1,500	$1,700	$1,900	$200

Occupant Does Not Own Furnishings

1 Room No Furnishings	Additional Room No Furnishings
$ 350	$ 50

ILLEGAL ALIEN ADJUSTMENT

A move payment cannot be made to an ineligible member of the household. Thus, the agent shall prorate the move payment based on the ratio between eligible and ineligible household members. (For additional guidance, see **RA-510**, "Claim for Payment.")

TO WHOM PAYMENT IS MADE

Payment will be made to the displacee, unless he or she requests otherwise in writing.

CLAIM PACKAGE

A claim for payment shall include the following documents in the order in which they are listed:

- TC 62-221, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-99, *Move Claim – Residential* (**Exhibit 9016**)
- TC 62-68, *Certified Inventory* (**Exhibit 9030**) when the room count exceeds 12 rooms
- TC 62-77, *Record of Contacts* (**Exhibit 9013**)

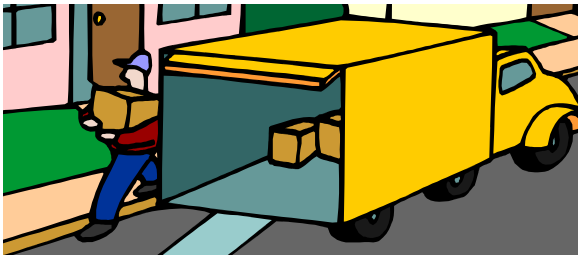
AGENT TO VERIFY MOVE COMPLETION

Before delivering a move payment, the relocation agent, or consultant, will verify by an on-site inspection that all personal property has been moved from the acquired real property.

AGENT TO VERIFY MOVE COMPLETION (CONT.)

Payment will be made after the move is completed unless a hardship exists (for example, the displacee does not have funds or access to a loan to cover the cost of moving). With prior written approval of the Relocation Branch Manager, or designee, an advance payment equal to ½ of the claim amount may be made to the displacee to start the move.

Note: Upon approval of a hardship the relocation agent, or consultant, shall request in the claim package the full amount of the claim to be disbursed in two checks. Once the move is completed the agent shall deliver the remaining portion of the payment.



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Commercial Moves

POLICY

Residential displacees may move by using a household-goods mover (whose certificate is issued by the Kentucky Department of Vehicle Regulation). Displacees are eligible for reimbursement of actual and reasonable move costs, including insurance for the replacement value of the property and storage as outlined in **RA-502**, "Eligible & Ineligible Moving Expenses."

MULTIPLE OCCUPANTS

The relocation agent, or consultant, shall establish who owns personal property so as to pay moving expenses to the appropriate party.

If two or more occupants of a displacement dwelling move to separate locations, each eligible occupant is entitled to:

- Reasonable move costs based on the personal property each eligible displacee actually owns
- A prorated share of the cost to connect utilities

SEPARATE HOUSEHOLDS

When the replacement housing evaluator or relocation agent determines that separate households are maintained, each eligible displaced family is entitled to separate move payments. The agent may determine that separate households are maintained when:

- Each family has separate baths, kitchen areas, bedrooms, etc.
- A person rents a sleeping room within a dwelling

MOBILE HOMES

When a mobile home is considered to be personal property an owner occupant is eligible for the actual cost to move the mobile home as outlined in **RA-504**, "Mobile Homes." If the owner is required to remove personal property prior to moving the mobile home, the owner is also eligible for a payment to move the personal property by using a commercial mover or a fixed-rate schedule move (**RA-508**).

MOBILE HOMES (CONT.)

Note: When a fixed-rate payment is made to move the mobile home contents, the fixed-rate schedule payment includes utility hook-up charges.

Tenant occupants may move the contents of a mobile home by using a commercial mover or a fixed-rate schedule move (**RA-508**).

INSPECTION PRIOR TO MOVE

Before the move, the relocation agent, or consultant, shall inspect the personalty to be moved and check the appraisal to ensure that no item paid for in the appraisal is included in the personal property to be moved.

The agent shall make every effort to resolve realty and personalty issues prior to making a relocation offer. If the classification of an item is unclear in the appraisal, the agent shall request written clarification from the appraiser. Relocation payments cannot be made to move a real property item, even if the item has no contributing value. (For additional guidance, see **RA-507**, "Inventory of Items to Be Moved.")

CERTIFIED INVENTORY

When a commercial mover is used, the relocation agent, or consultant, shall prepare a TC 62-68 form, *Certified Inventory* (**Exhibit 9030**). The displacee must sign the *Certified Inventory* which shall include a typed list, pictures, or a combination of a list and pictures of items to be moved. When pictures are used in lieu of a written list, they shall be attached to or inserted in the TC 62-68 form.

The displacee signs the *Certified Inventory* to:

- Certify that he or she owns the personal property
- Acknowledge that all items must actually be moved
- Agree that a move payment will be revised if the inventory actually moved deviates significantly from that listed on the TC 62-68
- Acknowledge that any arrangement with a commercial mover is between the displacee and the moving company, not the Transportation Cabinet
- Agree that the mover may submit the bill for the move directly to the Transportation Cabinet for payment

BEFORE AUTHORIZING THE MOVE

The relocation agent, or consultant, shall check move bids:

- To ensure that all items are bid as requested
- For mathematical errors

The agent shall notify the displacee that he or she:

- Is not eligible for the cost to move any item considered to be realty in the appraisal
- Must permit a Cabinet representative to make reasonable and timely inspections of personal property at the acquired and replacement sites and to monitor the move, if deemed necessary by the Cabinet
- Must not move until authorized to do so by the agent
- Must move or have moved all personal property from the acquired real property
- May have payment withheld if any personal property is abandoned
- Will receive payment only upon completion of the move (except in unusual situations and only with prior approval of the Relocation Branch Manager, or designee)

MOVE BIDS

The relocation agent, or consultant, shall obtain bids from two household goods movers when the first bid obtained exceeds $10,000. A third bid may be necessary when there is a significant difference between the first two bids. The Cabinet does not pay a mover for a residential move bid.

A move bid is a price guarantee a mover gives to accomplish a specific move within a specific time frame. A mover shall inspect the personal property to be moved prior to submitting a bid.

Bids shall be obtained as close to the anticipated move date as is practical, and the replacement site known.

Bids shall include the cost to store personalty when all of the following conditions are met:

- It is determined that storage is reasonable and necessary. Such may be the case when a displacee, through no fault of his or her own, is unable to immediately occupy the replacement site after issuance of the Cabinet's 30-day notice to vacate.
- The personalty is not stored on property being acquired or property already owned or leased by the displacee.

MOVE BIDS (CONT.)

- The right-of-way supervisor gives prior written approval, and the file is appropriately documented.

Note: Storage is limited to a maximum period of 12 months unless the Relocation Branch Manager, or designee, determines that storage for a longer period of time, up to a total maximum of 18 months, cannot be avoided.

Move bids shall identify the amount to be paid upon the move into storage and the amount due when the personalty is moved out of storage.

Storage costs shall be reimbursed every three months unless monthly reimbursement is needed to prevent or reduce a hardship and is approved by the Relocation Branch Manager, or designee.

AUTHORIZING THE MOVE

The relocation agent, or consultant, shall authorize a commercial move based on the lowest acceptable bid obtained. As outlined in the TC 62-68 form, *Certified Inventory* (**Exhibit 9030**), any move agreement is between the displacee and the mover. The Cabinet will pay the mover directly upon receipt of a bill after the move.

If the displacee selects a mover other than the one with the lowest bid, reimbursement will be for the approved amount or for the selected mover's actual bill, whichever is less.

PAYMENT AMOUNT

Payment is limited to the lowest acceptable move bid obtained or the mover's actual bill, whichever is less. When the low bidder performs the move and their bill exceeds the approved bid amount, the mover must include written justification for the increased cost. Payment is limited to the low bid amount unless the Relocation Branch Manager, or designee, approves the increased cost.

ILLEGAL ALIEN ADJUSTMENT

A move payment cannot be made to an ineligible member of the household. Thus, the agent shall prorate the move payment based on the ratio between eligible and ineligible household members. (For additional guidance, see **RA-510**, "Claim for Payment.")

TO WHOM PAYMENT IS MADE

Payment will be made directly to the mover after the move is complete and a bill is received by the relocation agent.

TIME TO FILE A CLAIM

A written claim for payment must be submitted to the relocation agent within 18 months of the later of:

- The date the displacee moves from real property or moves their personal property from the real property
- The date of final payment for the acquisition of the real property, closing, or final judgment date

The 18-month time frame shall be waived for good cause. The displacee shall justify in writing to the right-of-way supervisor the reasons why a waiver is needed. The supervisor shall forward the displacee's request and the supervisor's written recommendation for approval by the Relocation Branch Manager, or designee.

ADVANCED CLAIM

An advance claim is one submitted in advance of a qualifying event. For example, a move claim submitted prior to a move so that payment is available upon completion of the move. Since a commercial move payment is made upon receipt of a bill after the move is complete, an advance claim is not typically an option with this type move.

If an advance claim is approved for a commercial move, payment shall not be delivered until the move is complete unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined in **RA-408**, "Claims for Payment–General."

CLAIM PACKAGE:

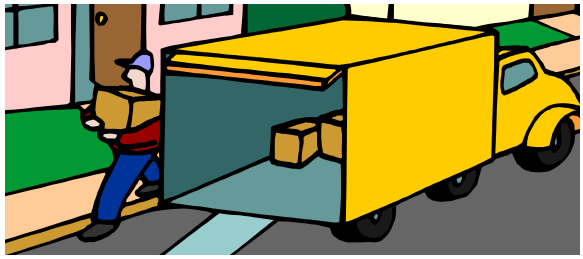
A claim for payment shall include the following documents in the order in which they are listed:

- TC 62-221, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-99, *Move Claim – Residential* (**Exhibit 9016**)
- TC 62-206, *Moving Expense Estimate/Bid* (**Exhibit 9017**)
- The mover's bill and a copy of all bids obtained
- TC 62-68, *Certified Inventory* (**Exhibit 9030**)
- TC 62-77, *Record of Contacts* (**Exhibit 9013**)

AGENT TO VERIFY COMPLETION OF MOVE

Before delivering a move payment the relocation agent, or consultant, will verify by an on-site inspection that all personal property has been moved from the acquired real property.

Payment for a commercial move shall only be made after the move is completed.



RELOCATION ASSISTANCE

Chapter

RESIDENTIAL MOVES

Subject

Claim for Payment

PAYMENT AMOUNT

Move payment amounts shall be calculated as outlined in **RA-508**, "Fixed-Rate Schedule Moves" or **RA-509**, "Commercial Moves."

ILLEGAL ALIEN ADJUSTMENT

A move payment shall not be made to an ineligible member of the household. Thus, the relocation agent shall prorate all move payments based on the ratio between eligible and ineligible household members.

Example 1: If four out of five displacees are lawfully present, the proportion of lawful displacees is 80 percent (4 lawful displacees ÷ 5 total displacees) and that percentage shall be applied against any move payment that otherwise would have been received.

Example 2: The volume of personalty to be moved by a family of six equals 14 rooms. One occupant is not lawfully present in the United States. Thus, the proportion of lawful occupants is 83 percent (5 eligible individuals ÷ 6 total family members), and that percentage shall be applied to the move payment.

Using the family make-up cited in Example 2, the Cabinet would pay 83 percent of utility connection charges and a mover's bill when a commercial mover performs the move. The displacees would be responsible for paying the remaining balance, or 17 percent of the costs.

TIME TO FILE A CLAIM

A written claim for payment must be submitted to the relocation agent within 18 months of the later of:

- The date the displacee moves from real property or moves their personal property from the real property
- The date of final payment for the acquisition of the real property, closing or final judgment date

TIME TO FILE A CLAIM (CONT.)

The 18-month time frame shall be waived for good cause. The displacee shall justify in writing to the right-of-way supervisor the reasons why a waiver is needed. The supervisor shall forward the displacee's request and the supervisor's written recommendation for approval by the Relocation Branch Manager, or designee.

DOCUMENTATION

Each move claim shall be filed and supported by documentation as outlined in this chapter. The relocation agent, or consultant, shall provide a displaced person with reasonable assistance necessary to complete and file any relocation claim for payment.

EXPEDITIOUS PAYMENTS

The district relocation agent, or consultant, and Relocation Branch Manager, or designee, shall review claims in an expeditious manner. The claimant shall be promptly notified if additional documentation is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.

ADVANCED MOVE PAYMENTS

A move payment is made after the move unless the Relocation Branch Manager, or designee, gives prior approval to deliver payment before the move as outlined in **RA-408**, "Claims for Payment—General."

ADVANCED CLAIMS

An advance claim is one submitted in advance of a move so that payment is available upon completion of the move. While advance claims are routine, payment shall not be delivered until the displaced person actually moves unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined in **RA-408**.

NOTICE OF CLAIM DENIAL

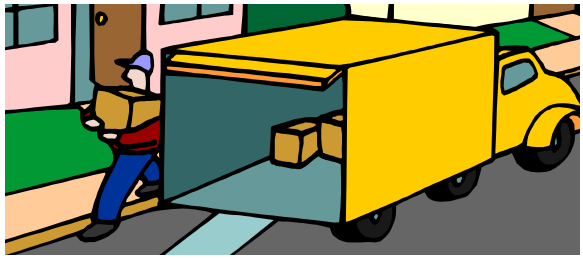
If the Cabinet disapproves all or part of a move claim or refuses to consider a move claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and procedures for appealing that determination as outlined in **RA-410**, "Appeal Process." Before accepting an appeal, the Cabinet shall provide a two-level administrative review as outlined in **RA-409**, "Reconsideration of Claim Denial."

NO WAIVER OF RELOCATION ASSISTANCE

The Cabinet shall not propose or request that a displaced person waive rights or entitlements to a move payment provided by the Uniform Act and these procedures. (See **RA-403**, "Waiver of Relocation Benefits.")

MOVE PAYMENTS NOT TAXABLE

Relocation payments are reimbursements and are not considered to be federal financial assistance; therefore, these payments are considered as nontaxable items.



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Eligibility Criteria

CRITERIA

Anyone who qualifies as a displaced person and who moves personal property is entitled to payment of his or her actual moving expenses, as the Transportation Cabinet deems reasonable and necessary.

When a small business, farm, or nonprofit organization is displaced, the displaced owner is also entitled to move-related expenses as outlined in this chapter.

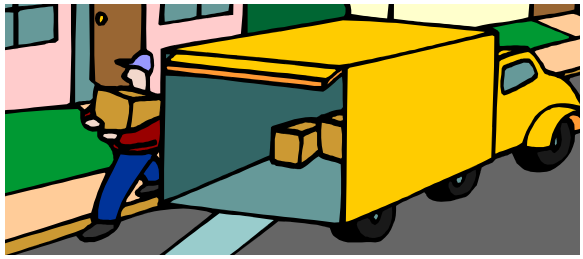
A displacee will receive reasonable and necessary moving expense payments for:

- Moving personal property located within proposed right of way and easement areas
- Moving from other real property not acquired when the right-of-way supervisor determines the acquisition necessitates such a move, with prior approval by the Relocation Branch Manager, or designee
- Moving the personal property of one person from real property owned by another when the Cabinet requires the personalty be moved because of an acquisition

The displacee must legally occupy the real property being acquired when negotiations begin; when the Cabinet issues a written notice of intent to acquire; or when the Cabinet acquires the real property. (See **RA-02**, for definitions of each event.)

Only one move may be eligible for payment, except where it is shown that more than one move is in the public interest and prior written approval is obtained from the Relocation Branch Manager, or designee.

CRITERIA (CONT.) A move in and out of storage, when approved in advance by the right-of-way supervisor, is considered a single move; however, payment shall be made in two increments. A partial payment shall be made upon completion of the move into storage, with the balance paid upon completion of the move out of storage. Because incremental payments are made, move bids and estimates shall identify the amounts to be paid moving into and out of storage.



RELOCATION ASSISTANCE

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NONRESIDENTIAL MOVES

Subject

Eligible & Ineligible Expenses

ELIGIBLE MOVING EXPENSES

Actual, reasonable moving and related expenses that will be paid include:

- Transporting personal property for a distance of no more than 50 miles

  Note: The Relocation Branch Manager, or designee, may determine a move cannot be accomplished within 50 miles and therefore approve payment for a move beyond this distance, provided the file is appropriately documented.

- Packing, crating, unpacking, and uncrating of personal property

- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, including:

  - Substitute personal property

  - Connections to nearby utilities

    Note: Expenses for providing utilities from the right-of-way line to the replacement site are eligible if the right-of-way supervisor determines they are actual, reasonable, and necessary.

  - Modifications to the personal property or to the utilities at the replacement site necessary to adapt them to each other or to meet occupational codes

- Storing personalty, provided all of the following conditions are met:

  - It is determined that storage is reasonable and necessary. Such may be the case when a displacee, through no fault of his or her own, is unable to immediately occupy the replacement site after issuance of the Cabinet's 30-day notice to vacate.

ELIGIBLE MOVING EXPENSES (CONT.)

- The personalty is not stored on property being acquired or property already owned or leased by the displacee.

- The right-of-way supervisor gives prior written approval, and the file is appropriately documented.

Note: Storage is limited to a maximum period of 12 months unless the Relocation Branch Manager, or designee, determines that storage for a longer period of time, up to a total maximum of 18 months, cannot be avoided.

- Insuring the replacement value of the personal property in connection with the move and necessary storage

Note: This insurance is generally available for added cost and provides for replacement or repair of items damaged or destroyed. All move bids should include insurance coverage based on replacement cost. In addition to replacement cost coverage, movers offer two other types of insurance (which are to be used only when replacement value coverage is not available):

- **Benefit paid by weight**—This is the basic insurance required by state or local law. It pays an allowance for damage based on the weight of an item. This payment is typically 60 cents per pound.

- **Benefit based on depreciated value**—This type of insurance is common in moves subject to the jurisdiction of the Interstate Commerce Commission. It pays for the depreciated value of items damaged. If an entire shipment is lost, payment is limited by the total weight of the goods.

- Providing for replacement value of property lost, stolen, or damaged in the moving process through no fault or negligence of the displacee or his or her agent or employee, where insurance covering such loss, theft, or damage is not available

Note: The relocation agent, or consultant, shall verify that insurance coverage is unavailable and obtain prior approval of the Relocation Branch Manager, or designee. This provision is an exception rather than a common occurrence, since the financial risk could be high.

ELIGIBLE MOVING EXPENSES (CONT.)

- Replacing a concrete pit, pad, foundation, pit, etc. that is necessary to reinstall personal property

  Note: When the appraiser assigns a contributing value to an acquired pit, pad, or foundation, reimbursement is limited to the cost to replace the item less its contributing value.

- Obtaining any license, permit, or certification required at the new location, with the following provisions:

  - Only an item paid periodically is considered to be a license, permit, or certification. These items are renewable and valid only for a specific period of time.

  - Payment will be based upon the remaining useful life of the current license, permit, or certification, if not refundable or transferable.

  - If the license, permit, or certification is one that is required by local code at the replacement site but not at the previous site, payment will be for the minimum obtainable time.

- Providing professional services necessary to plan the move of the personal property, move the personal property, or plan the installation of the relocated personal property at the replacement location, with the following provisions:

  - Payment is limited to planning the plant layout of tangible personal property only, for example, not for exterior design or landscaping.

  - Payment will not be made for services routinely provided by the relocation agent, such as advisory assistance, move-cost estimates, inventories, move specifications, etc.

  - Payment will not be made for legal services provided to the displacee.

  - Payments may be made for professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation, including but not limited to soil-testing, feasibility, and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site).

ELIGIBLE MOVING EXPENSES (CONT.)

- At the discretion of the right-of-way supervisor a reasonable preapproved hourly rate shall be established. See 49 CFR, Appendix A to Part 24, Section 24.303(b).

- Impact fees or one-time assessments for anticipated heavy utility usage, as determined necessary by the right-of-way supervisor

- Relettering signs and replacing stationery, business cards, and invoices on hand that are made obsolete due to the move, with the following provisions:

  - Payment will be based on the number of obsolete items turned in to the relocation agent, or consultant.

  - Payment to reletter a sign is limited, when possible, to changes in that portion of the sign made obsolete (for example, phone number and address). However, if necessary, the cost to reletter the entire sign may be paid.

  - Receipted bills from the providers shall document payment.

- Providing for actual direct loss of tangible personal property that will not be moved as a result of moving or discontinuing the business or farm operation (see **RA-605**), such as outdated equipment, old merchandise, etc.

  Note: To be eligible for this payment the displacee shall make a good-faith effort to sell the personal property, unless the Relocation Branch Manager, or designee, determines that an attempt to sell is not necessary. Payment shall consist of the lesser of:

  - The market value in place of the item as-is for continued use, less the proceeds from its sale. (Market value in place shall be based on the cost of the goods to the business, not the potential selling price.)

  - The estimated cost for moving the item as-is but not including any allowance for storage or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of 50 miles.

ELIGIBLE MOVING EXPENSES (CONT.)

- The reasonable cost of attempting to sell an item that is not to be relocated

  Note: This provides payment for advertisement, equipment rental, auction fees, etc. Generally the goods to be sold should be of sufficient value to at least equal the cost of the sale. The Relocation Branch Manager, or designee, may waive the need for a sale attempt if items are not expected to produce sufficient revenues to at least pay the cost of the sale. Items that are not being moved and not sold can be donated, or with approval of the Relocation Branch Manager or designee, abandoned in place. The Cabinet's cost to remove such item shall not affect the amount of the payment to the displacee.

- Purchasing substitute personal property

  Note: If an item of personal property that is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displacee is entitled to payment of the lesser of:

  - The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item
  - The estimated cost of moving and reinstalling the replaced item but with no allowance for storage

  Note: A single bid or estimate may be used when estimated move costs do not exceed $10,000.

- Searching for a replacement business, farm operation, or nonprofit organization site, not to exceed $2,500

  Note: A detailed accounting of time and expenditures shall be submitted and approved. Expenses eligible for reimbursement include:

  - Transportation, limited to current allowable travel expenses that Cabinet employees receive
  - Lodging and meals while 50 miles away from home, limited to standard single occupancy rates charged by motels and hotels within the search area unless the right-of-way supervisor approves reimbursement for more than one representative of the displaced operation

ELIGIBLE MOVING EXPENSES (CONT.)

- ♦ Time spent searching (based upon the reasonable salary or earnings of the persons conducting the search), as long as the reimbursement claim is accompanied with a daily log showing the following information:
  - Date of search
  - Persons contacted
  - Places visited
  - Activity involved
- ♦ Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site
- ♦ The costs of obtaining permits and attending zoning hearings

➢ Other moving-related expenses not listed as ineligible below, provided:

- ♦ The relocation agent, or consultant, deems the expenses are reasonable and necessary
- ♦ The Relocation Branch Manager, or designee, approves the expenses in advance, and the file is appropriately documented

INELIGIBLE MOVING EXPENSES

Moving expenses for which a displacee is not entitled to payment include:

➢ The cost~~s~~ to move any structure or other real property improvement in which the displacee retained ownership

➢ Interest on a loan to cover moving expenses

➢ Loss of goodwill

➢ Loss of profits

➢ Loss of trained employees

INELIGIBLE MOVING EXPENSES (CONT.)

- Any additional operating expenses incurred by a business or farm operation because of operating in a new location, except as provided in **RA-616**, "Reestablishment Expenses"

- Personal injury

- Any legal fees or other cost to prepare a claim for a relocation payment or for representing the claimant before the Cabinet

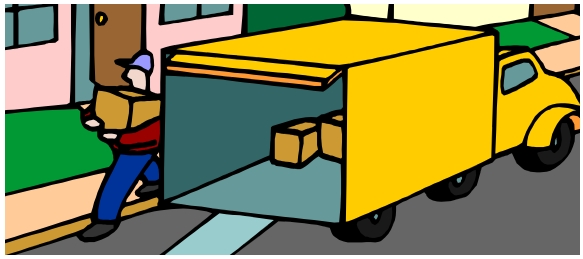
- Physical changes to the real property at the replacement location of a business or farm operation that would constitute an improvement to the real property or site, except as provided in "Eligible Moving Expenses" above, or **RA-616**, "Reestablishment Expenses"

- The cost to store personal property on real property already owned or leased by the displacee

- Refundable security and utility deposits

- The cost to move any item that was paid for in the appraisal, including any item with no contributing value

- The cost to move any item that is not legally occupying the acquired property



RELOCATION ASSISTANCE

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NONRESIDENTIAL MOVES

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Hazardous Wastes & Substances

HAZARDOUS WASTES

By sending the *Hazardous Substances Notice* (**Exhibit 9011**), the relocation agent, or consultant, shall notify all nonresidential displacees, with the exception of sign owners, of their responsibilities under applicable state law pertaining to hazardous waste. If the district determines that a sign owner should also receive notification, the file shall include documentation of such notice.

ABOVE- & UNDER-GROUND TANKS

In accordance with all applicable laws, regulations, and ordinances, the displacee shall empty all underground and aboveground tanks in service prior to the subject site's being vacated. These tanks and their contents **shall not** be abandoned.

If the displacee chooses to dispose of the tank contents, the Cabinet will pay the lesser of the cost to dispose or the cost to move. If the displacee chooses to move the tank contents to the replacement site, the Cabinet will pay the actual, reasonable, and necessary costs associated with the move.

OTHER HAZARDOUS MATERIALS

In accordance with all applicable laws, regulations, and ordinances, the displacee shall dispose of all hazardous substances, pollutants, and contaminants that are not hazardous wastes or move them to the replacement site. They **shall not** be abandoned but shall be addressed as follows:

- If the displacee chooses to dispose of the hazardous materials, the Cabinet will pay the lesser of the cost to dispose or the cost to move the hazardous materials.

- If the displacee chooses to move the hazardous materials to the replacement site, the Cabinet will pay the actual, reasonable, and necessary costs associated with the move to a legally-permitted site.

OTHER HAZARDOUS MATERIALS (CONT.)

- If the applicable law does not permit the displacee to move the hazardous materials to the replacement site, the Cabinet will pay the costs of disposal and transportation to the disposal site.

- If disposal of hazardous materials is part of the displacee's normal operation, the Cabinet will not pay for the cost of such disposal. However, if the operation maintains a schedule for pick-up or transportation of hazardous materials to a disposal site and is required to move the materials at an unscheduled time, the Cabinet will pay the actual, reasonable, and necessary costs associated with the move.

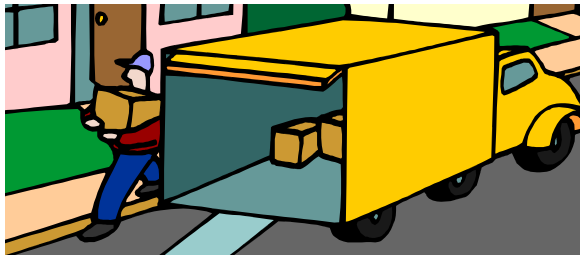
- **Under no circumstances is the Cabinet to be considered the owner or shipper of any hazardous materials in its transportation to a replacement site or a disposal site.**

GENERATOR OF SOLID WASTES

Any generator of a solid waste shall make a hazardous waste determination under the Resource Conservation and Recovery Act (RCRA), 45 USC 6901 et seq.

The generator shall dispose of all hazardous wastes, as defined in RCRA, in accordance with all applicable laws, regulations, and ordinances at the sole cost of the generator before the subject site is vacated.

The relocation agent, or consultant, shall notify the district environmental coordinator when operations, processes, or activities are encountered that are likely to generate hazardous wastes and to have chemical or fuel storage facilities on site.



RELOCATION ASSISTANCE

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Low-Value, High-Bulk Items

POLICY

If the estimated cost to move an item of low value and high bulk disproportionately exceeds its value, the Relocation Branch Manager, or designee, may approve paying the displacee the lesser of:

- The estimated amount that would be received if the item were sold at the displacement site
- The replacement cost of a comparable quantity delivered to the new business location

Examples of personal property covered by this provision include but are not limited to stockpiled sand, gravel, minerals, metals, and other similar items.

DOCUMENTING PAYMENT

The relocation agent, or consultant, shall:

- Make a written and supported estimate of the amount that would be received if the item were sold on site
- Make a written and supported determination of the cost to replace the item at the replacement site
- Obtain approval of the Relocation Branch Manager, or designee, to pay the amount that would be received if the item were sold or the replacement cost of a comparable quantity, whichever is less

ILLEGAL ALIEN ADJUSTMENT

All move payments shall be reduced by a percentage based on the proportion of eligible owners to the total number of owners.

For example, if four out of five owners to be displaced are lawfully present, the proportion of lawful owners is 80 percent (4 lawful owners ÷ 5 total owners), and that percentage is to be applied against any move payment that otherwise would have been received. (For additional guidance see **RA-404**, "Persons Not Lawfully Present in the United States.")

NOTIFYING DISPLACEE

After prorating the low-value, high-bulk payment based on the percentage of lawful owners, the relocation agent shall advise the owner of the allowable payment amount.

Low-value, high-bulk items **do not** remain the property of the displacee; they remain on site.

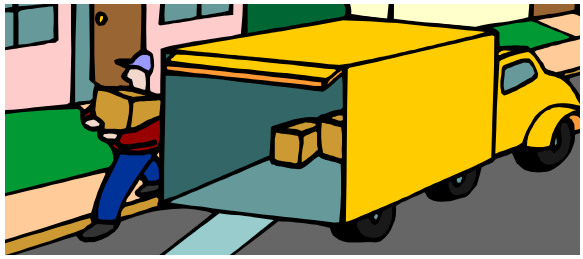
CLAIM PACKAGE

A claim for payment shall include the following documents in the order in which they are listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-207 form, *Nonresidential Payment Request* (**Exhibit 9018**)
- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
- A copy of the approval to make a low-value, high-bulk payment
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

PAYMENT DELIVERY

Before delivering a low-value, high-bulk move payment, the relocation agent shall secure from the displacee a bill of sale or similar document transferring ownership of the personal property to the Cabinet.



RELOCATION ASSISTANCE

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Direct-Loss Payment

POLICY

A tangible personal property loss may occur when a business, farm, or nonprofit is going out of business or the owner elects not to move a piece of equipment, old merchandise, etc.

To be eligible for a direct-loss payment the displacee shall make a good faith effort to sell the personal property, unless the district right-of-way supervisor determines that an attempt to sell is not necessary.

Generally, the goods to be sold should be of sufficient value to at least equal the cost of the sale. If the items are not expected to produce sufficient revenues to at least pay the cost of the sale or if there is no market for the items, then an effort to sell should not be required. When the supervisor determines there is no need to attempt to sell the items, the relocation agent shall document the parcel file accordingly.

When a direct-loss payment is made:

- The personal property is not moved but remains on site
- The displacee shall execute a bill of sale or similar document transferring ownership of the personal property to the Cabinet
- The Cabinet's cost to remove the item shall not affect the amount of the payment to the displacee

Direct loss payments for off-premise sign owners are addressed in **RA-609**, "Off-Premise Signs (Billboards)."

PAYMENT AMOUNT

A direct loss payment shall consist of the lesser of:

- The market value in place of the item as-is for continued use, less the proceeds from its sale

  Note: Market value in place shall be based on the cost of the goods to the business, not the potential selling price.

PAYMENT AMOUNT (CONT.)

- The estimated cost to move the item as-is but not including any allowance for storage or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site

  Note: If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of 50 miles.

When calculating a direct-loss payment, the Cabinet will deduct the actual, reasonable costs of the sale from the proceeds of the sale.

EXAMPLE

A displaced business owner elects not to move or replace an old piece of equipment.

Market value in place of an item as-is for continued use		$5,000
Net from sale	$600	
Cost of sale	-200	
Less proceeds from sale		-400
		$4,600
Estimated cost to move the item as-is		$3,900

Displacee is eligible for a direct-loss payment of $3,900.

ILLEGAL ALIEN ADJUSTMENT

All direct loss payments shall be reduced by a percentage based on the proportion of eligible owners to the total number of owners.

For example, if four out of five owners to be displaced are lawfully present, the proportion of lawful owners is 80 percent (4 lawful owners ÷ 5 total owners), and that percentage shall be applied against the direct loss payment that otherwise would have been received. (For additional guidance, see **RA-404**, "Persons Not Lawfully Present in the United States.")

DOCUMENTING PAYMENT

The displacee shall provide the relocation agent with:

- Paid receipts, copies of advertisements, offers to sell, auction records, and invoices to support actual, reasonable costs of the sale (such as, advertisement costs, equipment rental, auction fees, etc.)

- A bill of sale or similar document to support proceeds from the sale

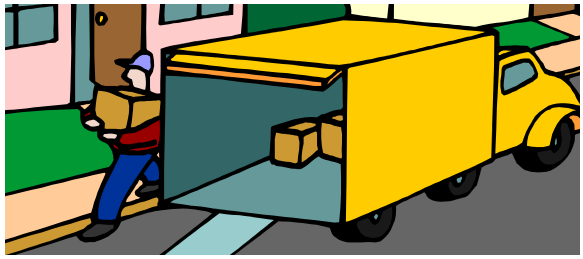
CLAIM PACKAGE

A claim for a direct-loss payment shall include the following documents in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-207 form, *Nonresidential Payment Request* (**Exhibit 9018**)
- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
- Documents supporting the cost and proceeds of the attempted sale or the right-of-way supervisor's approval to waive a sales attempt
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

PAYMENT DELIVERY

Before delivering a direct-loss move payment, the relocation agent shall secure from the displacee a bill of sale or similar document transferring ownership of the personal property to the Cabinet when an attempted sale was unsuccessful or the sale was waived.



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Purchase of Substitute Personal Property

POLICY

If an item of personal property that is used as part of a business, farm, or nonprofit operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displacee is entitled to a payment to purchase substitute personal property.

To be eligible for this payment the displacee shall make a good faith effort to sell the personal property, unless the right-of-way supervisor determines that an attempt to sell is not necessary. The Cabinet will deduct the actual, reasonable costs to advertise and conduct the sale from the proceeds of the sale before calculating a payment to purchase substitute personal property.

Generally, the property to be sold should be of sufficient value to at least equal the cost of the sale. If the items are not expected to produce sufficient revenues to at least pay the cost of the sale or if there is no market for the items, then an effort to sell should not be required. When the supervisor determines there is no need to attempt to sell the items, the relocation agent shall document the parcel file accordingly.

When a displacee claims a payment to purchase substitute personal property:

- Personal property not sold or traded in remains on site
- The displacee shall execute a bill of sale or similar document transferring ownership of personal property not sold or traded in to the Cabinet
- The Cabinet's cost to remove property not sold or traded in shall not affect the amount of the payment to the displacee

PAYMENT AMOUNT

A substitute personal property payment shall consist of the lesser of:

- The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item

- The estimated cost of moving and reinstalling the replaced item but with no allowance for storage

  Note: A single bid or estimate may be used when estimated move costs do not exceed $10,000.

When calculating a substitute personal property payment the Cabinet will deduct the actual, reasonable costs of the sale from the proceeds of the sale.

EXAMPLES

Example 1: A displaced business owner elects not to move but to replace an old piece of equipment.

Cost of substitute item, including installation costs		$7,150
Net from sale	$1,900	
Cost of sale	-200	
Less Proceeds from sale		-1,700
		$5,450
Estimated cost to move and reinstall original equipment		$4,400

The displacee sold the old item and is eligible for a $4,400 payment to purchase substitute personal property.

Example 2: A displaced nonprofit organization elects to trade in and replace old equipment.

Cost of substitute item, including installation costs	$2,750
Less trade in of old equipment	-500
	$2,250
Estimated cost to move and reinstall original equipment	$1,860

The displacee traded in the old item and is eligible for a $1,860 payment to purchase substitute personal property.

ILLEGAL ALIEN ADJUSTMENT

All payments to purchase substitute personal property shall be reduced by a percentage based on the proportion of eligible owners to the total number of owners.

For example, if four out of five owners to be displaced are lawfully present, the proportion of lawful owners is 80 percent (4 lawful owners ÷ 5 total owners) and that percentage shall be applied against the substitute personal property payment that otherwise would have been received. (For additional guidance see **RA-404**, "Persons Not Lawfully Present in the United States.")

DOCUMENTING PAYMENT

The displacee shall provide the relocation agent with:

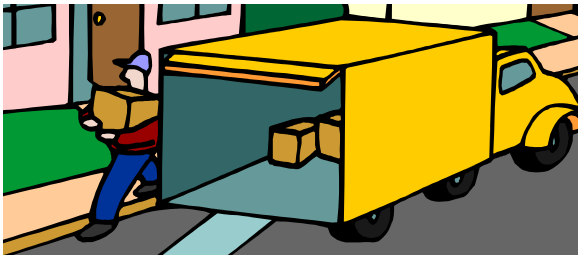
- When a sale is attempted:
  - Paid receipts, copies of advertisements, offers to sell, auction records, and invoices to support the costs of the sale (such as advertisement costs, equipment rental, auction fees, etc.)
  - A bill of sale or similar document to support proceeds from the sale
- Receipts showing the cost of the new equipment and, when applicable, the trade-in value of the old item

CLAIM PACKAGE

A claim to purchase substitute personal property shall include the following documents in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-207 form, *Nonresidential Payment Request* (**Exhibit 9018**)
- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
- Documents supporting:
  - The cost and proceeds of the attempted sale or the right-of-way supervisor's approval to waive a sales attempt; whichever is applicable
  - The cost of the new equipment and, when applicable, the trade-in value of the old item
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

PAYMENT DELIVERY Before delivering a substitute personal property payment, the relocation agent shall secure from the displacee a bill of sale or similar document transferring ownership of any personal property not sold or traded in to the Cabinet.



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Searching Expenses

POLICY

A displaced business, farm, or nonprofit operation is entitled to reimbursement for actual expenses, as the Cabinet determines to be reasonable, incurred searching for a replacement location, including:

- Mileage, limited to current allowable travel expenses that Transportation Cabinet employees receive
- Meals and lodging while away from home 50 miles

  Note: Lodging is limited to the standard single occupancy rate charged by motels and hotels within the search area unless the right-of-way supervisor approves reimbursement for more than one representative of the displaced operation.
- Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites
- Time spent searching, based upon the reasonable salary or earnings of the person conducting the search
- Time spent obtaining permits and attending zoning hearings
- Time spent negotiating the purchase of a replacement site, based on a reasonable salary or earnings

PAYMENT AMOUNT

A searching expense payment is based on properly documented, actual, and reasonable expenses not to exceed $2,500.

DOCUMENTING PAYMENT

The displacee shall support a searching expense claim with a detailed accounting of time and expenditures. A log showing the following information shall accompany a searching expense claim:

- Date of search
- Persons contacted

DOCUMENTING PAYMENT (CONT.)

- Places visited and activity involved

Meals and lodging shall be documented with receipted bills.

ILLEGAL ALIEN ADJUSTMENT

All searching expense payments shall be reduced by a percentage based on the proportion of eligible owners to the total number of owners.

For example, if four out of five owners to be displaced are lawfully present, the proportion of lawful owners is 80 percent (4 lawful owners ÷ 5 total owners), and that percentage shall be applied against the searching expense payment that otherwise would have been received. (For additional guidance, see **RA-404**, "Persons Not Lawfully Present in the United States.")

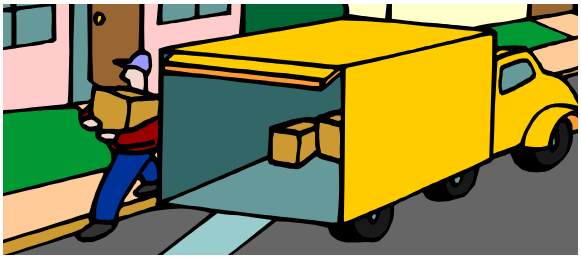
CLAIM PACKAGE

A searching expense claim shall include the following documents in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-207 form, *Nonresidential Payment Request* (**Exhibit 9018**)
- Bills, receipts, cancelled checks, affidavits, and other documents supporting expenses incurred by the displacee while searching for a replacement site
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

PAYMENT DELIVERY

The relocation agent shall deliver a searching expense payment as soon as practical after receipt.



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Reprinting / Replacement of Obsolete Items

POLICY

A displaced business, farm, or nonprofit operation is entitled to reimbursement for actual expenses incurred to reprint or replace stationery, business cards, invoices, key chains, pens, pencils, etc. that are made obsolete due to the move.

Payment to reletter a sign is limited, when possible, to changes in that portion of the sign made obsolete (for example, phone number and address). However, if necessary, the cost to reletter the entire sign may be paid.

PAYMENT AMOUNT

A payment for reprinting or replacement expenses is based on the number of obsolete items the displacee turns in and the cost to replace those items.

Example: Mr. Martin turned in the following number of obsolete items, a sample of each replaced item with the new address, and copies of the bills.

Item	Total Price	Number Replaced	Unit Price	Number Turned In	Eligible Amount
Stamp	$40.00	1	$40.00	1	$40.00
Business Cards	35.00	1,000	0.035	1,147	35.00
Letter Head	12.50	1,000	0.013	500	6.25
# 10 Envelopes	8.58	1,000	0.009	245	2.10
Invoices	19.18	250	0.77	137	10.51
Order Forms	13.20	250	0.53	132	6.97
Name Tags	83.42	125	0.67	97	64.73
				Amount to be Reimbursed	$165.57

DOCUMENTING PAYMENT

To support payment the displacee shall provide:

- All obsolete items being reprinted or replaced

DOCUMENTING PAYMENT (CONT.)

- Receipted bills and canceled checks for the reprinted or replaced items
- A sample of each reprinted or replaced item with the new address

ILLEGAL ALIEN ADJUSTMENT

All reprinting and replacement payments shall be reduced by a percentage based on the proportion of eligible owners to the total number of owners.

For example, if four out of five owners to be displaced are lawfully present, the proportion of lawful owners is 80 percent (4 lawful owners ÷ 5 total owners), and that percentage shall be applied against the reprinting and replacement payment that otherwise would have been received. (For additional guidance see **RA-404**, "Persons Not Lawfully Present in the United States.")

CLAIM PACKAGE

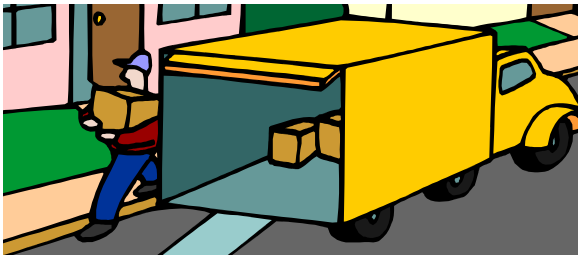
A claim to replace items made obsolete as a result of the move shall include the following documents in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-207 form, *Nonresidential Payment Request* (**Exhibit 9018**)
- A memo providing all pertinent details including the number of each obsolete item turned in and the number and cost of each reprinted or replaced item with the new address
- A sample of each obsolete item with the old address and each replaced item with the new address
- Receipted bills and cancelled checks supporting expenses incurred to replace or reprint items made obsolete by the move
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

Note: The agent shall count and document the number of each item turned in, include a copy of each with the claim package, and retain a copy of each in the district's parcel file. All additional items may be discarded.

PAYMENT DELIVERY

The relocation agent shall deliver a reprinting and replacement payment as soon as practical after receipt.



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Off-Premise Signs
(Billboards)

OVERVIEW

In Kentucky, billboard signs are considered to be personal property affixed to the real property. For right-of-way acquisition purposes, they are signs that advertise products or services off of subject property. These structures, or off-premise signs, are typically owned by individuals or businesses that lease the sign site from the fee landowner. Because they are treated as personal property, billboards are normally handled as relocation items and need not be included in appraisals.

Signs that advertise on-site products or services are typically included in the appraisal and are not relocation items.

Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for purposes of benefits outlined in **RA-616**, "Reestablishment Expenses."

ELIGIBILITY FOR REIMBURSEMENT

The owner of a legally erected and maintained off-premise sign may be eligible for search-for-site expenses and one of the following three moving expense reimbursements:

- Actual, reasonable moving costs
- Direct-loss payment
- Payment to purchase substitute personal property

The Cabinet shall not reimburse the owner of an off-premise sign for search expenses when the owner moves the sign to a different location on the remaining site, unless approved by the Relocation Branch Manager, or designee.

The relocation agent shall advise the sign owner in writing that, to establish eligibility, the owner must provide a copy of a permit when an off-premise sign is located in an area where a permit is required. The agent then needs to inform the sign owner of his or her relocation options.

ELIGIBILITY FOR REIMBURSEMENT (CONT.)

An off-premise sign owner **is not eligible** for move cost and other related payments if the owner moves the sign to a site in violation of federal, state, or local regulations.

DIRECT-LOSS PAYMENT

If the owner of a legally permitted sign chooses not to move the sign or if the sign cannot be reerected or replaced with a substitute sign because it will be in conflict with federal, state, or local regulations, the Cabinet may issue a direct-loss payment on the basis of the lesser of the:

- Depreciated reproduction cost of the sign as determined by a review appraiser or a sign company minus the proceeds of its sale
- Estimated cost to move the sign, with no allowance for storage

Note: When the estimated cost to move a sign does not exceed $10,000, the relocation agent, or consultant, may use a single estimate prepared by a qualified Cabinet employee. The agent shall obtain two bids when move costs exceed $10,000. A third bid may be necessary when there is a significant difference between the first two bids.

SUBSTITUTE PERSONAL PROPERTY PAYMENT

If the displacee elects to promptly purchase a conforming replacement sign, payment shall be the lesser of the:

- Cost of the substitute sign, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced sign
- Estimated cost to move and reinstall the replaced sign but with no allowance for storage

The Cabinet will base payment on the actual, reasonable costs to obtain a conforming replacement sign that provides a function similar to the existing sign in terms of visibility, lighting, etc. Such basis may require a change in the style of the sign (such as when a sign is mounted on the side of a building to replace a pole sign or when a smaller substitute sign may require lighting to provide similar visibility to a larger unlighted sign). However, the displacee should take care to ensure that the new sign is not an unnecessary enhancement over the existing sign.

When the replacement sign is an enhancement, the Cabinet limits payment to the cost of a sign that conforms to the existing ordinance and provides a function similar to the existing sign.

EXAMPLES

Example 1: An off-premise sign located in the proposed right of way can be reerected, but the sign owner elects not to do so. The estimated cost to move the existing sign up to 50 miles is $7,500, and its depreciated reproduction cost is $5,000. The existing sign has some value, and the right-of-way supervisor determines an attempt to sell is needed. The results are as follows: The sale cost $100, and the proceeds from the sale amounted to $500. Payment is calculated below:

Depreciated Reproduction Cost		$5,000	**Estimated Cost to Move**	$7,500
Proceeds from Sale	$500			
Less Cost of Sale	-$100			
Net from Sale	$400	- 400		
Depreciated Reproduction Cost Less Proceeds from Sale		$4,600		

The sign owner incurs a cost of $100 for the sale, keeps the $500 proceeds from the sale, and is eligible for a $4,600 direct-loss payment.

Example 2: An off-premise sign located in the proposed right of way cannot be relocated or replaced because of the current sign ordinance. The estimated cost to move the existing sign up to 50 miles is $8,500, and its depreciated reproduction cost is $6,000. The existing sign has some value, and the right-of-way supervisor determines an attempt to sell is needed. The results are as follows: The sale cost $150 but resulted in no offers. Payment is calculated below:

Depreciated Reproduction Cost		$6,000	**Estimated Cost to Move**	$8,500
Proceeds from Sale	$ 0			
Less Cost of Sale	150			
Net from Sale	- 150	+ $150		
Depreciated Reproduction Cost Less Proceeds from Sale		$6,150		

The sign owner incurs a cost of $150 for the sale, receives no offers on the sign, and is eligible for a $6,150 direct-loss payment.

EXAMPLES (CONT.)

Example 3: An off-premise sign located in the proposed right of way cannot be relocated because it is nonconforming to the current sign ordinance. The estimated cost to move the existing sign, if it could be reerected, is $3,500. The cost to purchase and install a new conforming sign that provides a similar function to the existing sign is $7,000. The existing sign has minimal value, and the right-of-way supervisor determines an attempt to sell is unnecessary. Payment is calculated below:

Cost to Install New Conforming Sign	$7,000	**Estimated Cost to Move**	$3,500

The owner was not required to attempt a sale, so the sign owner incurred no cost for or proceeds from a sale. The sign owner is eligible for a $3,500 payment for purchase of the substitute sign.

OFFER OF RELOCATION BENEFITS

Any leasehold interest the sign owner holds in the real property to be acquired must be addressed through the appraisal process before making an offer.

90-DAY & 30-DAY NOTICES TO VACATE

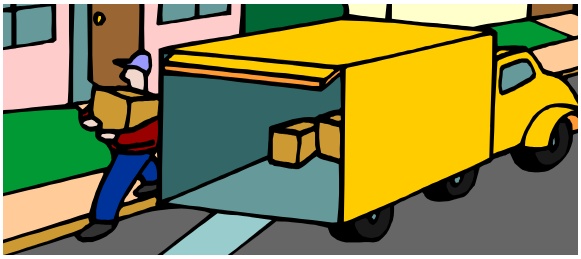
Promptly after the initiation of negotiations, the relocation agent will provide the owner of an off-premise sign a written 90-day notice in accordance with **RA-405**, "Required Notices." The agent shall personally deliver the notice or send it by certified mail, return receipt requested.

The notice will include an explanation of the direct-loss and purchase of substitute personal property options, and the displacee's appeal rights.

The relocation agent will also advise the sign owner of the claim process and will assist in preparing and filing a claim for reimbursement.

When the Cabinet obtains possession of the property and 60 days have passed from the date the sign owner received the 90-day notice, the relocation agent shall deliver to the sign owner a 30-day notice to vacate. This notice shall state the specific date by which the sign must be removed and provide a minimum of 30 days from the date of receipt of the notice to relocate the sign from the acquired right of way.

When necessary, the right-of-way supervisor will request in writing that the district attorney begin eviction proceedings.



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Notification & Inspection of Move

NOTIFYING THE DISPLACEE

As soon as practical after negotiations are initiated, the relocation agent, or consultant, will notify the displacee of the following:

- Any item considered to be realty in the appraisal is not eligible for move cost reimbursement.
- The displacee shall permit a Cabinet representative to inventory items to be moved.
- The displacee shall provide the relocation agent with at least seven-days' notice of the approximate date of the start of the move or disposition of the personal property.
- The displacee shall permit a Cabinet representative to make reasonable and timely inspections of personal property at the acquired and replacement sites and to monitor the move, if deemed necessary by the Cabinet.
- If using a commercial mover, the move agreement is between the displacee and the mover, but the Cabinet can pay the mover directly upon receipt of a bill after the move, with the following provisions:
  - The Cabinet will not accept a move cost bid from a mover who has not inspected the inventory and, when appropriate, been provided with move specifications.
  - The movers and a Cabinet representative will inspect the acquired and, when practical, the replacement site before the mover submits a move cost bid.
  - The displacee will not give a mover permission to proceed until the relocation agent, or consultant, authorizes that displacee to move.

NOTIFYING THE DISPLACEE (CONT.)

- If the displacee selects a mover other than the one with the lowest bid, reimbursement will be for the approved amount or for the selected mover's actual bill, whichever is less.

BEFORE THE MOVE

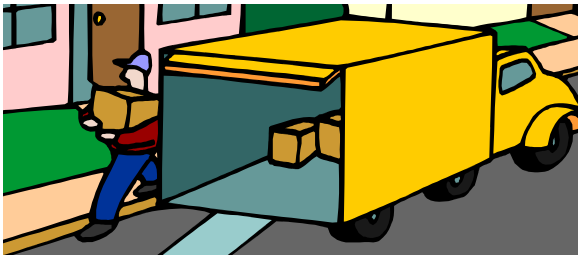
The relocation agent, or consultant, shall inventory items to be moved as outlined in **RA-611** and advise the displacee of the following:

- The displacee must not move until authorized to do so by the agent.
- All personal property must be moved from the acquired real property.
- Payment may be withheld if any personal property is abandoned.
- Except in unusual situations and only with prior approval of the Relocation Branch Manager, or designee, payment will be made only upon completion of the move.

INSPECTION AFTER MOVE

The relocation agent, or consultant, shall submit a claim for payment as outlined in this chapter.

Before delivering a move payment, the agent, or consultant, will verify by an on-site inspection that all personal property has been moved from the acquired real property.



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Inventory of Items to Be Moved

PREPARING FOR THE MOVE

The relocation agent, or consultant, shall inspect the displacement property to identify personal property that must be moved, including:

- All appliances, machinery, equipment, etc. in use at the displacement site
- All personal property that is connected to utilities and the type utility or provider servicing each item (such as, a welding machine that requires 3-phase electric service, a heated mixer connected to natural gas, etc.)
- The number of phones jacks in use

  Note: A phone jack is a stationary or fixed connector that connects wired telephones to wall outlets.
- The number of computers connected to a digital subscriber line (DSL)

  Note: A DSL provides digital data transmission over local telephone network wires. DSL service is delivered simultaneously with regular telephone on the same telephone line using a higher frequency band that is separated by filtering.
- The number of audio visual components connected to a cable or satellite system
- Any other personal property item that is connected to a utility or service provider at the displacement location

REALTY VERSUS PERSONALTY

The relocation agent, or consultant, is to make every effort to resolve realty and personalty issues prior to making a relocation offer. If the classification of an item is unclear in the appraisal, the agent shall request written clarification from the appraiser. Relocation payments cannot be made to move a real property item, even if the item has no contributing value.

MULTIPLE OCCUPANTS

The relocation agent, or consultant, shall establish who owns personal property so as to pay moving expenses to the appropriate party. Move payments are based on the personal property each displacee actually owns.

DOCUMENTING PERSONALTY TO BE MOVED

The relocation agent, or consultant, shall inspect and document personal property to be moved, on the TC 62-68 form, *Certified Inventory* (**Exhibit 9030**).

The inventory may be a typed list, pictures, or a combination of a list and pictures of items to be moved. When pictures are used in lieu of a typed list, they are to be inserted in the TC 62-68 form.

The displacee is to sign the TC 62-68 form to certify that he or she owns the personal property.

BEFORE AUTHORIZING THE MOVE

The agent shall check the appraisal to ensure that no item paid for in the appraisal is included in the inventory of property to be moved, and notify the displacee that he or she:

- Is not eligible for the cost to move any item considered to be realty in the appraisal
- Must permit a Cabinet representative to make reasonable and timely inspections of personal property at the acquired and replacement sites and to monitor the move, if deemed necessary by the Cabinet.
- If using a commercial mover, the move agreement is between the displacee and the mover, but the Cabinet can pay the mover directly upon receipt of a bill after the move.
  - The Cabinet will not accept a move cost bid from a mover who has not inspected the inventory and, when appropriate, been provided with move specifications.
  - The displacee will not give a mover permission to proceed until the agent authorizes that displacee to move.
  - If the displacee selects a mover other than the one with the lowest bid, reimbursement will be for the approved amount or for the selected mover's actual bill, whichever is less.

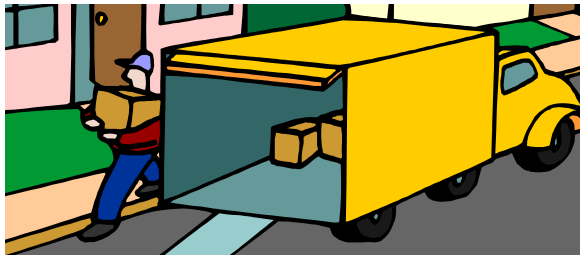
BEFORE AUTHORIZING THE MOVE (CONT.)

- Must not move until authorized to do so by the agent
- All personal property must be moved from the acquired real property
- Payment may be withheld if any personal property is abandoned
- Except in unusual situations, and only with prior approval of the Relocation Branch Manager, or designee, payment will be made only upon completion of the move.

VERIFYING COMPLETION OF MOVE

The relocation agent, or consultant, shall submit claims for payment as outlined in this chapter.

Before delivering a move payment, the agent, or consultant, will verify by an on-site inspection that all personal property associated with a claim has been moved from the acquired real property.



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Move Cost Bids

POLICY

When the estimated cost to move exceeds $10,000, the relocation agent, or consultant, shall obtain bids from two qualified movers. If there is a significant difference between the bids, the agent shall obtain a third bid to determine reasonable and valid move costs.

A move bid is a price guarantee a mover gives to accomplish a specific move within a specific time frame. A mover shall inspect the personal property to be moved, and when practical the replacement site, prior to submitting a bid. A Cabinet representative shall accompany movers during their inspections, and for large or complicated moves shall provide written move specifications.

Bids shall be obtained as close to the anticipated move date as is practical, and the replacement site should be known. Bids shall include costs for plumbing and electrical hook-ups. Phone and cable connection charges are typically paid directly to the local provider of such services.

The Cabinet will pay a reasonable fee to a mover for preparing a nonresidential move bid according to Cabinet specifications. Any fee paid to a mover for preparing a bid will be deducted from the mover's bill if the mover performs the move.

A nonresidential displacee can perform a self-move, hire a commercial mover, or use a combination of move methods. Regardless of the method used to move, a move payment in excess of $10,000 is limited to the lower of two reasonable and valid bids.

CATEGORIES OF MOVERS

The type of mover selected is critical to assuring that a move is completed with minimum complications and disruptions to the business. A mover, in the broadest term, falls into one of the following general categories:

- **Household Goods Carriers**—These carriers specialize in moving personal property from homes and offices.

CATEGORIES OF MOVERS (CONT.)

- **General Commodity Carriers**—These movers carry most everything that can be boxed and moved within the physical constraints of its equipment. Generally, the entire load is one type of item—for example, a truckload of boxed paper, boxes stacked on pallets, or boxes of canned peaches leaving the canning factory.
- **Specialized Equipment Carriers**—These movers carry heavy or oversized items. Moving procedures are customized for the client—for example, moving towers, silos, and machinery.
- **Bulk Carriers**—These carriers typically carry milk, lumber, or grain.
- **Hazardous-Material Carriers**—These carriers typically carry combustible or explosive materials, radioactive substances, or gases (flammable, nonflammable, and poisonous).

MOVE SPECIFICATIONS

Move specifications are detailed written instructions to the mover about how the move should be performed. Although written move specifications are not required for every move, it is prudent to use them for complicated or large moves.

Move specifications become a detailed agreement between the displaced person and the Cabinet regarding how to accomplish the move. Move specifications inform bidders what must be done to accomplish the move. The specifications should be developed and have the concurrence of all parties before bids or estimates are secured.

The specifications should be complete, specific, and precise to prevent differences in interpretations and disagreements about how the move should take place or be reimbursed.

At a minimum the following should be included in the move specifications:

- Order of the move
- Timing of the move
- Any special handling required
- Detach and reinstallation instructions
- References to the inventory
- Unique circumstances of the move

MOVE SPECIFICATIONS (CONT.)

Move specifications describe the methods and means to be used to execute the move. These specifications should be developed in consultation with the business owner and the bidders.

In specialized or complex moves, it may be necessary for the Cabinet to employ a consultant who has expertise in the type of business being moved to assist in developing the specifications. The business operator should not be relied on as the sole source of expertise in developing specifications in a complex or intricate move.

It is best to discuss and resolve any disagreements or reservations about the specifications before the move begins.

The relocation agent, or consultant, shall advise the business owner and mover that payment in excess of a valid acceptable bid will not be made unless such excess payment is justified in writing and approved by the Relocation Branch Manager, or designee.

APPROVAL OF MOVE COSTS

The right-of-way supervisor shall approve moving expense estimates up to $10,000.00. The Central Office Relocation Branch Manager, or designee, shall approve moving expense estimates that exceed $10,000.00.

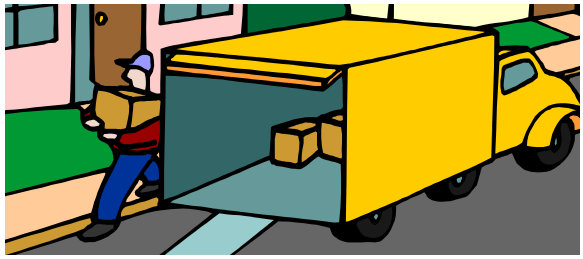
The relocation agent, or consultant, requests the supervisor's approval and Central Office's approval when necessary by submitting the following documents in the order listed:

- TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**)
- Bids from movers
- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

PAYMENT TO A MOVER FOR PREPARING A BID

A claim to pay a mover for preparing a move bid shall include the following documents in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- Signed copy of bid and bill
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Self Move

POLICY

A nonresidential displacee is entitled to payment of his or her actual moving expenses as outlined in this chapter. This includes moving personal property outside of an acquisition area when:

- The right-of-way supervisor determines that an acquisition necessitates such a move
- Prior approval is given by the Relocation Branch Manager, or designee, and the file is appropriately documented

A displacee performing a self-move takes responsibility for moving all personal property and is eligible for reimbursement after everything has been moved. Payment can be based on bids, an estimate, or actual costs as outlined below. A self-move based on the lower of two bids or an estimate does not require documentation of expenses incurred.

When a person elects to perform a self-move, reimbursement will not be made for:

- Any personal injuries sustained by the owner or the owner's employees
- Any personal property damaged during the move

If a person, business, farm, or nonprofit organization is not required to move but has personal property only to be moved from the acquired site, reimbursement will be based on procedures outlined in **RA-701**, "Miscellaneous Moves: General."

PAYMENT BASED ON BIDS OR ESTIMATE

The development of the move cost estimate depends upon the expected total expense of the move cost as follows:

PAYMENT BASED ON BIDS OR ESTIMATE (CONT.)

- **Move Costs Exceed $10,000**—When the estimated cost to move exceeds $10,000, the relocation agent, or consultant, shall obtain bids from two qualified movers as outlined in **RA-612**, "Move Cost Bids" and the Cabinet will reimburse the displacee based on the lower of two valid bids [49 CFR 24.301(d)(2)(i)].

- **Move Costs Do Not Exceed $10,000**—When the estimated cost to move does not exceed $10,000, a single move cost estimate can be prepared by a qualified relocation agent, consultant, or commercial mover. The estimator shall have experience in business moves, experience with the type of operation being displaced, or demonstrated experience in the preparation of move estimates.

Whether a move is based on the lower of two valid bids or a single bid or estimate, the right-of-way supervisor shall approve move costs up to $10,000 on a TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**). The Central Office Relocation Branch Manager, or designee, shall approve move costs that exceed $10,000.

The relocation agent, or consultant, requests the supervisor's approval and Central Office's approval when necessary by submitting the following documents in the order listed:

- TC 62-206 form, *Moving Expense Estimate/Bid*
- Bids from movers, when applicable
- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

PAYMENT BASED ON ACTUAL COST

A nonresidential displacee may choose to perform a self-move and be reimbursed for actual costs incurred to complete the move. This means that all costs incurred shall be supported by receipted bills and invoices for all labor and equipment used [49 CFR 24.301(d)(2)(ii)].

Hourly labor rates for the move shall not exceed the rates a commercial mover pays employees performing the same activity. This is the rate the mover is paying the employee–not the rate the mover is charging for that employee's services. For example, if a commercial mover is paying $18/hour for labor to pack and load personal property on a truck, a displaced business cannot charge more for its own employees to do the same kind of work nor charge a rate higher than it actually pays its employees.

PAYMENT BASED ON ACTUAL COST (CONT.)

Similarly, if the displacee rents equipment to perform the move, such as a truck or a dolly, the fees charged shall not exceed the cost paid by a commercial mover for the use of this equipment.

To establish labor and equipment payment limits, a business owner shall provide evidence of the hourly rate being paid to employees performing the move, and the relocation agent, or consultant, shall obtain a bid from a qualified mover as outlined in **RA-612**, "Move Cost Bids." The agent shall get bids from two qualified movers if the first bid exceeds $10,000. If there is a significant difference between the bids, the agent shall obtain a third bid to determine reasonable and valid move costs.

Payment is limited to the lesser of actual expenses incurred, as documented by receipted bills, or bids and estimate obtained by the agent.

COMBINED MOVES

Some nonresidential displacees may benefit by combining a commercial move and a self-move. For example, a business owner may be unable to move heavy equipment that has to be recalibrated at the replacement site, but wants to move everything else.

When a displacee intends to combine move methods, the relocation agent shall obtain bids as outlined in **RA-612**, "Move Cost Bids." Bids are required from two qualified movers when the cost of the entire move exceeds $10,000.

In addition to total move costs, a valid bid must break-out the cost of each part of the move (commercial portion, self-move portion, etc.). The move payment is based on the bid with the lowest total cost. The commercial mover and displacee would be eligible for their portion of the move payment upon completion of their part of the move.

APPROVAL OF MOVE COSTS

Whether move costs are based on the bids, an estimate, or actual costs, the right-of-way supervisor shall approve move costs up to $10,000.00 on a TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**). The Central Office Relocation Branch Manager, or designee, shall approve move costs that exceed $10,000.00.

The relocation agent, or consultant, requests the supervisor's approval by submitting the following documents in the order listed:

- TC 62-206 form, *Moving Expense Estimate/Bid*
- Bids from movers, when applicable
- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

INSPECTION PRIOR TO MOVE

Before the move, the relocation agent, or consultant, shall inspect the personalty to be moved and provide notice to the displacee as outlined in **RA-610**, "Notification & Inspection of Move."

DOCUMENTING PERSONALTY TO BE MOVED

The relocation agent, or consultant, shall document personal property to be moved on the TC 62-68 form, *Certified Inventory* (**Exhibit 9030**), which shall be signed by the displacee. See **RA-611**, "Inventory of Items to Be Moved" for additional guidance.

When there is a significant difference between items to be moved and those actually moved, the relocation agent, or consultant, shall adjust the move payment accordingly and appropriately document the file.

ON-SITE MONITORING

When on-site monitoring is necessary, the relocation agent, or consultant, will document the following:

- The date, time, and length of inspection and the name of the inspector
- Any equipment being used in the move
- The number of persons involved in the move, type of work being performed, hourly wage, and time periods of actual work
- Amount of inventory moved during the monitoring period

AGENT TO VERIFY COMPLETION OF MOVE

Before delivering a move payment, the relocation agent, or consultant, will verify by an on-site inspection that all personal property has been moved from the acquired real property.

PAYMENT DELIVERY

Payment will be made after the move is completed unless the displacee demonstrates the need for an advanced payment to avoid or reduce hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made provided the displacee states in writing that:

- The payment satisfies any further claim for reimbursement of items for which that claim is intended

PAYMENT DELIVERY (CONT.)

- The displacee will comply with the applicable provisions of this section in the move of their personalty from the acquired property

Payment shall be made no sooner than needed to accomplish the move.

AMOUNT OF PAYMENT

Payment is limited to the lesser of actual expenses incurred, as documented by receipted bills, or approved bids and estimate obtained as outlined in **RA-612**, "Move Cost Bids" less any required reduction specified in **RA-404**, "Persons Not Lawfully Present in the United States."

TO WHOM PAYMENT IS MADE

Commercial move payments will be made to the mover. All other move payments will be made to the displacee unless he or she requests otherwise in writing.

TIME TO FILE A CLAIM

A written claim for payment shall be submitted to the relocation agent within 18 months of the later of:

- The date the displacee moves from real property or moves their personal property from the real property

- The date of final payment for the acquisition of the real property, closing or final judgment date

The 18-month time frame shall be waived for good cause. The displacee shall justify in writing to the right-of-way supervisor the reasons why a waiver is needed. The supervisor shall forward the displacee's request and the supervisor's written recommendation for approval by the Relocation Branch Manager, or designee.

ADVANCED CLAIM

An advance claim is one submitted in advance of a qualifying event. For example, a move claim submitted prior to a move so that payment is available upon completion of the move.

While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined in **RA-408**, "Claims for Payment–General."

CLAIM PACKAGE

A claim for payment shall include the following documents in the order listed:

CLAIM PACKAGE (CONT.)

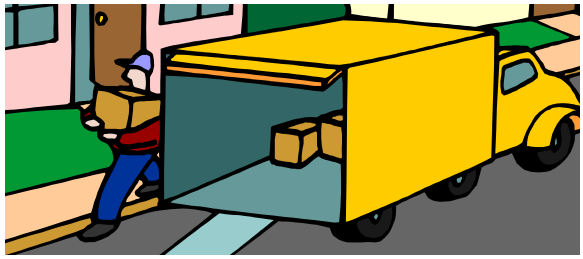
- **Self-Moves**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request*, page 1 (**Exhibit 9018**)
  - TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**)
  - Bids from movers, when applicable
  - TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

- **Commercial Moves**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request*, page 1 (**Exhibit 9018**)
  - TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**)
  - Bill from mover
  - TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

- **Actual Cost Moves**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request*, page 1 (**Exhibit 9018**)
  - Bills and receipts
  - TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

- **Storage Reimbursement**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request*, page 1 (**Exhibit 9018**)
  - Bills and receipts
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

- **Move Cost Bids**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - Signed copy of bid and bill from mover
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Commercial Move

POLICY

A nonresidential displacee is entitled to payment of actual and reasonable costs when moved by a licensed commercial mover. This includes moving personal property outside of an acquisition area when:

- The right-of-way supervisor determines that an acquisition necessitates such a move
- Prior approval is given by the Relocation Branch Manager, or designee and the file is appropriately documented

The Cabinet will pay a reasonable fee to a mover for preparing a nonresidential move bid according to Cabinet specifications. Any fee paid to a mover for preparing a bid will be deducted from the mover's bill if the mover performs the move.

The commercial mover takes responsibility for moving all personal property and is eligible for reimbursement after everything has been moved and all required connections have been made. Payment is based on valid bids obtained from qualified movers.

If a person, business, farm, or nonprofit organization is not required to move but has only personal property to be moved from the acquired site, reimbursement will be based on procedures outlined in **RA-701**, "Miscellaneous Moves: General."

MOVE COSTS EXCEED $10,000

When the estimated cost to move exceeds $10,000, the relocation agent, or consultant, shall obtain bids from two qualified movers as outlined in **RA-612**, "Move Cost Bids." The move payment is based on the bid with the lowest total cost.

The displacee is eligible for the move payment upon completion of the move [49 CFR 24.301(d)(2)(i)].

MOVE COSTS DO NOT EXCEED $10,000

When the estimated cost to move does not exceed $10,000, a single move cost bid can be obtained from a qualified commercial mover. The move payment is based on the bid.

The displacee is eligible for the move payment upon completion of the move.

APPROVAL OF MOVE COSTS

The right-of-way supervisor shall approve moving expense estimates up to $10,000. The Central Office Relocation Branch Manager, or designee, shall approve moving expense estimates that exceed $10,000.

The relocation agent, or consultant, requests the supervisor's approval and Central Office's approval when necessary by submitting the following documents in the order listed:

- TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**)
- Bids from movers
- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

INSPECTION PRIOR TO MOVE

Before the move, the relocation agent, or consultant, shall inspect the personalty to be moved and provide notice to the displacee as outlined in **RA-610**, "Notification & Inspection of Move."

DOCUMENTING PERSONALTY TO BE MOVED

The relocation agent, or consultant, shall document personal property to be moved on the TC 62-68 form, *Certified Inventory* (**Exhibit 9030**), which shall be signed by the displacee. A signed TC 62-68 authorizes the Cabinet to pay the mover directly. See **RA-611**, "Inventory of Items to Be Moved" for additional guidance.

When there is a significant difference between items to be moved and those actually moved, the relocation agent, or consultant, shall adjust the move payment accordingly and appropriately document the file.

ON-SITE MONITORING

When on-site monitoring is necessary, the relocation agent or consultant will document the following:

- The date, time, and length of inspection and the name of the inspector
- Any equipment being used in the move
- The number of persons involved in the move, type of work being performed, hourly wage, and time periods of actual work
- Amount of inventory moved during the monitoring period

AGENT TO VERIFY COMPLETION OF MOVE

Before delivering a move payment the relocation agent, or consultant, will verify by an on-site inspection that all personal property has been moved and all required reconnections have been made.

PAYMENT DELIVERY

Payment will be made after the move is completed. Advance payments are not made to a commercial mover.

AMOUNT OF PAYMENT

Payment is limited to the approved bids obtained as outlined in **RA-612**, "Move Cost Bids."

TO WHOM PAYMENT IS MADE

Payment will be made directly to the mover after the move is complete and a bill is received by the relocation agent.

TIME TO FILE A CLAIM

A written claim for payment shall be submitted to the relocation agent within 18 months of the later of:

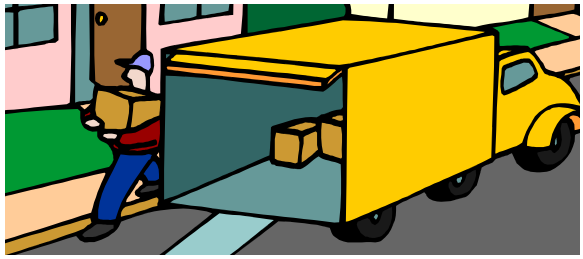
- The date the displacee moves from real property or moves their personal property from the real property
- The date of final payment for the acquisition of the real property, closing or final judgment date

The 18-month time frame shall be waived for good cause. The displacee shall justify in writing to the right-of-way supervisor the reasons why a waiver is needed. The supervisor shall forward the displacee's request and the supervisor's written recommendation for approval by the Relocation Branch Manager, or designee.

ADVANCED CLAIM An advance claim is one submitted in advance of a qualifying event. For example, a move claim submitted prior to a move so that payment is available upon completion of the move.

CLAIM PACKAGES A claim for payment shall include the following documents in the order listed:

- **Commercial Move**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request* page 1 (**Exhibit 9018**)
  - TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**)
  - Bill from mover
  - TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)
- **Storage Reimbursement**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request* page 1 (**Exhibit 9018**)
  - Bills and receipts
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)
- **Move Cost Bids**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - Signed copy of bid and bill from mover
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Combined Move

COMBINED MOVES

Some nonresidential displacees may benefit by combining a commercial move and a self-move. For example, a business owner may be unable to move heavy equipment that has to be recalibrated at the replacement site, but wants to move everything else.

When combining move methods, a displacee shall identify what portion of the move they will perform and what portion a commercial mover will perform. Procedures outlined in **RA-613**, "Self-Move" apply to items being moved by the displacee, and **RA-614**, "Commercial Move" applies to items being moved by a commercial mover.

MOVE COSTS EXCEED $10,000

When the estimated cost to move exceeds $10,000, the relocation agent, or consultant, shall obtain bids from two qualified movers as outlined in **RA-612**, "Move Cost Bids." Bids shall identify:

- The cost to move items being moved by the mover
- The cost to move items being moved by the displacee
- Total move costs

In the example cited above, bids would identify the cost to move and recalibrate the heavy equipment, the cost to move everything else, and total move costs. The move payment is based on the bid with the lowest total cost. The displacee and mover are eligible for their portion of the move payment upon completion of their part of the move.

MOVE COSTS DO NOT EXCEED $10,000

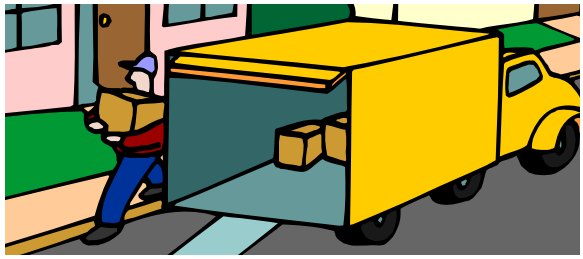
When the estimated cost to move does not exceed $10,000, a single move cost estimate can be prepared by a qualified relocation agent, consultant, or commercial mover. The estimator shall have experience in business moves, experience with the type of operation being displaced, or demonstrated experience in the preparation of move estimates.

APPROVAL OF MOVE COSTS

The right-of-way supervisor shall approve moving expense estimates up to $10,000. The Central Office Relocation Branch Manager, or designee, shall approve moving expense estimates that exceed $10,000.

The relocation agent, or consultant, requests the supervisor's approval and Central Office's approval when necessary by submitting the following documents in the order listed:

- TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**)
- Bids from movers
- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Reestablishment Expenses

POLICY

In addition to move and related expense payments outlined in this chapter, a displaced small business, farm, or nonprofit organization is entitled to receive a payment, not to exceed $25,000, for expenses actually incurred in relocating and reestablishing a small business, farm, or nonprofit organization at a replacement site (49 CFR 24.304).

Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a business for reestablishment benefits [49 CFR 24.2(24)].

To qualify for a reestablishment payment, a small business shall:

- Be operating lawfully at the displacement site
- Have no more than 500 employees working at the displacement site
- Be displaced from a site that is the location of economic activity

To qualify for reestablishment expenses, landlords shall allow the relocation agent, or consultant, the opportunity to review tax returns showing rental income and expenses for the property being acquired. Showing a profit is not required to qualify.

To be eligible for reimbursement, the business must actually incur expenses to relocate and reestablish the business, and the Cabinet must determine that the expenses are:

- Reasonable, which means they may not be excessive or extreme
- Necessary, which means they are permissible expenses and directly contribute to reestablishment of the business

DETERMINING THE NUMBER OF FARMS OR BUSINESSES

To determine whether two or more displaced legal entities constitute a single business or farm that is entitled to only one reestablishment payment, all pertinent factors shall be considered, including the extent to which:

- The same premises and equipment are shared
- Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled
- The entities are held out to the public, and to those customarily dealing with them, as one business
- The same person or closely related persons own, control, or manage the affairs of the entities

ELIGIBLE EXPENSES

The Cabinet considers the following the reestablishment expenses as eligible for payment:

- **Code Modifications:** Repairs or improvements to the replacement real property that are required by federal, state, or local law, code, or ordinance [49 CFR 24.304(a)(1)]

  Eligible costs include modifications required by health, safety, access, or other type of code. For examples, a fire code may mandate that exterior doors open outwards to facilitate a safe emergency exit, or the Americans with Disabilities Act (ADA) may mandate ramps or bathroom modifications.

  Relocation agents and displaced business owners can find useful information regarding ADA requirements at www.ada.gov/ which offers the *ADA Guide for Small Businesses* (a joint publication by the Small Business Administration and Department of Justice) for downloading.

- **Other Modifications**: Modifications to the replacement real property to accommodate the business operation or make replacement structures suitable for conducting the business [49 CFR 24.304(a)(2)]

  This allows a business to make improvements that are needed to operate at the replacement site. For example, the business may need to install partitions or construct restrooms.

ELIGIBLE EXPENSES (CONT.)

- **Exterior signage:** Construction and installation costs for exterior signing to advertise the business [49 CFR 24.304(a)(3)]

  This allows a business to install a sign to advertise its new location. Eligibility for this payment exists whether or not the business had a sign at the displacement location.

- **Redecoration:** Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting [49 CFR 24.304(a)(4)]

  This allows a business to make aesthetic modifications when the Relocation Branch Manager, or designee, determines they are warranted. For example, a dentist relocating to a replacement site wants to replace jungle print wallpaper and bright green carpet. With prior approval of the Relocation Branch Manager, or designee, these changes could be made. The file shall be appropriately documented.

- **Advertisement:** Advertisement of the replacement location [49 CFR 24.304(a)(5)]

  A business may notify its customers by any reasonable means of its new location. This might include direct mail, email, newspaper advertising, etc. The focus of the advertisement should be the new location rather than advertising products or services.

- **Estimated increased costs:** Estimated increased costs of operation during the first two years at the replacement site for such items as those listed below [49 CFR 24.304(a)(6)]:

  - Lease or rental charges
  - Personal or real property taxes
  - Insurance premiums
  - Utility charges, excluding impact fees

  This allows payment based on future estimated costs rather than reimbursement of actual costs.

ELIGIBLE EXPENSES (CONT.)

- **Other items:** Other items that the Cabinet considers essential to reestablish the business [49 CFR 24.304(a)(7)]

  This allows flexibility to reimburse other expenses the business may incur to reestablish at a new site. For example, a local government may agree to grant a variance for a displaced business to occupy a replacement location if it installs a landscape screen of trees and shrubs. With prior approval of the Relocation Branch Manager, or designee, the Cabinet may reimburse the cost of the landscape screen under the "other" category. The file shall be appropriately documented.

INELIGIBLE EXPENSES

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

- **Capital assets:** Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures [49 CFR 24.304(b)(1)]

- **Manufacturing material, supplies, or inventory:** Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation

  Note: Anything the business uses in the normal part of its operation is not reimbursable [49 CFR 24.304(b)(2)].

- **Interest:** Interest on money borrowed to make the move or purchase the replacement property [49 CFR 24.304(b)(3)]

  The Cabinet has funds available for the business to accomplish the move, so there is no reason for the owner to borrow the money. A business owner financing purchase of a replacement property is responsible for interest due on the mortgage.

- **Certain in-home businesses:** Payment to a part-time business in the home that does not contribute materially to household income [49 CFR 24.304(b)(3)]

  A home-business shall meet one of the following criteria to be eligible for reestablishment expenses. During the two taxable years prior to the year the displacement occurs, the business:

  - Had average annual gross receipts of at least $5,000

INELIGIBLE EXPENSES (CONT.)

- Had average annual net earnings of at least $1,000
- Contributed at least 33 1/3 percent of the owner's or operator's average annual gross income from all sources

INSPECTION BEFORE WORK

The relocation agent shall inspect the replacement site to identify what work is needed to reestablish the business and take pictures of items and areas to be corrected or repaired. The agent shall advise the displacee that the proposed work must be approved by the Relocation Branch Manager, or designee.

APPROVAL OF PROPOSED WORK

The Relocation Branch Manager, or designee, shall approve the proposed work before the agent, or consultant, authorizes the displacee to proceed. The agent requests the branch manager's approval by submitting the following documents in the order listed:

- A memorandum identifying and justifying the proposed work
- An adequate number of pictures to document the replacement site's condition before the proposed work
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

Upon approval the agent, or consultant, can authorize the displacee to proceed with approved work, explaining that payment will be made after:

- All work is complete
- Pictures are taken of the completed work
- The displacee provides paid receipts documenting actual costs

INSPECTION AFTER WORK

Before delivering a reestablishment payment the relocation agent, or consultant, shall inspect the replacement site to verify what work was done to reestablish the business and take pictures of items and areas that were corrected or repaired.

AMOUNT OF PAYMENT

Payment, limited to $25,000, is calculated based on actual expenses supported by paid receipts.

TO WHOM PAYMENT IS MADE

Payment is made to the displacee unless directed otherwise in writing.

TIME TO FILE A CLAIM

A written claim for payment shall be submitted to the relocation agent within 18 months of the later of:

- The date the displacee moves from real property or moves their personal property from the real property
- The date of final payment for the acquisition of the real property, closing or final judgment date

The 18-month time frame shall be waived for good cause. The displacee shall justify in writing to the right-of-way supervisor the reasons why a waiver is needed. The supervisor shall forward the displacee's request and the supervisor's written recommendation for approval by the Relocation Branch Manager, or designee.

PAYMENT DELIVERY

Payment will be made after all work is complete, pictures are taken of the completed work, and the displacee provides paid receipts documenting actual costs.

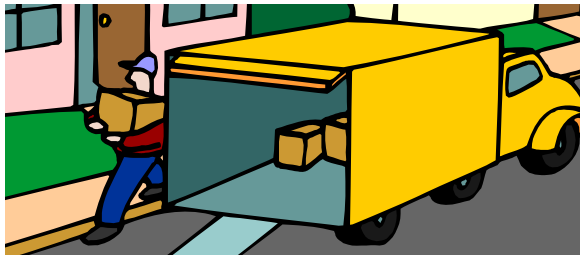
ADVANCED CLAIM

An advance claim can be submitted based on an estimate, but the displacee shall provide paid receipts documenting actual costs before payment is released to the displacee.

CLAIM PACKAGE

A claim for payment shall include the following documents in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-207 form, *Nonresidential Payment Request* pages 1 and 2 (**Exhibit 9018**)
- The approved memorandum identifying and justifying the work for which reimbursement is being claimed
- An adequate number of pictures to document the replacement site's condition before and after the proposed work
- Bills, receipts, and cancelled checks and, when appropriate, a spreadsheet reflecting each expense
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

NONRESIDENTIAL MOVES

Subject

Fixed Payments

OVERVIEW

A displaced business, farm, or nonprofit organization may be eligible to choose the fixed payment move option. This payment is in lieu of **all** move and related expense payments, including reestablishment expenses (49 CFR 24.305).

To be eligible for a fixed payment, the operation shall meet eligibility requirements outlined in "Business Eligibility," "Farm Eligibility," or "Nonprofit Eligibility" below. In addition, a business or farm operation shall have contributed materially to the income of the displaced person during the two taxable years prior to displacement. A nonprofit organization is not required to meet the "contribute materially" test.

A displacee electing the fixed payment move option takes responsibility for moving and reconnecting all personal property and is eligible for reimbursement after everything has been moved and reconnected.

If a business, farm, or nonprofit organization is not required to move but has personal property only to be moved from the acquired site, reimbursement will be based on procedures outlined in **RA-701**, "Miscellaneous Moves: General."

CONTRIBUTES MATERIALLY

A business or farm operation, during the two taxable years prior to the taxable year in which displacement occurs, shall have at least one of the following:

- Average annual gross receipts of at least $5,000
- Average annual net earnings of at least $1,000
- Contributed at least 33 ⅓ percent of the owner's or operator's average annual gross income from all sources

TAXABLE YEAR

A taxable year is any 12-month period used by the operation when filing federal income tax returns.

LESS THAN 2-YEAR OPERATION

If the business or farm was not in operation for two full taxable years prior to displacement and is otherwise eligible, payment shall be computed by dividing total net earnings by the number of months in operation and multiplying that amount by 12. Page 3 of the TC 62-207 form, *Nonresidential Payment Request* (**Exhibit 9018**) provides an area to calculate a fixed payment for less than two year operators.

USING A DIFFERENT 2-YEAR PERIOD

Net earnings from a different two-year period of time may be used when the Relocation Branch Manager, or designee, determines it to be more equitable and the file is appropriately documented. It would clearly be appropriate to use a different two year period if:

- Acquisition for the proposed project caused an outflow of residents, thereby resulting in a decline in net income for the business or farm
- Income declined significantly through no fault of the operator (for examples, prolonged major illness or hospitalization of the operator or the operator's spouse or dependents or acts of God that disrupted the operation)

The two-year period should not be changed if a decrease in net income results from improper management or other avoidable influences.

To support using net earnings from a different period of time:

- The displaced business or farm operator shall provide appropriate documentation to show that the two-year period immediately prior to displacement is not representative of the operation's net earnings.
- The relocation agent shall submit the documentation, a memorandum of recommendation, and the TC 62-77 form, *Record of* Contacts (**Exhibit 9013**) to the branch manager, or designee, for approval.

AMOUNT OF PAYMENT

Payment shall not be less than $1,000 or more than $40,000 and shall equal:

- **For business and farm operations**—The average annual net earnings of the business or farm operation as computed in "Average Annual Net Earnings" below.
- **For nonprofit organizations**—The average of two years annual gross revenues less administrative expenses as computed in "Average Annual Net Revenue" below.

BUSINESS ELIGIBILITY

In addition to contributing materially to the displaced person's income, to be eligible for a fixed payment, a displaced business shall:

- Own or rent personal property that must be moved in connection with such displacement and for which an expense would be incurred in such move and must vacate or relocate from its displacement site
- Not be part of a commercial enterprise having more than three other entities that are not being acquired by the Cabinet and that are under the same ownership and engaged in the same or similar business activities
- Not be operated at a displacement dwelling or site solely for the purpose of renting the dwelling or site to others
- Not be relocated without a substantial loss of its existing patronage, clientele, or net earnings

  Note: A business is assumed to meet this test unless the right-of-way supervisor determines that it will not suffer a substantial loss of its existing patronage. The supervisor will make this determination using the following guidelines, as applicable, and document the file with the reasons for the determination:

  - The nature and type of the business
  - The nature of the clientele, such as walk-ins, referrals, or telephone contacts
  - Whether business transactions occur on the displacement site or elsewhere
  - Any other point considered relevant by the supervisor

FARM ELIGIBILITY

When the displaced farm operation contributes materially to the owner's income, the displacee may choose a fixed payment in lieu of all payments for moving and related expenses, including reestablishment expenses. The fixed payment shall equal the average annual net earnings of the farm operation as computed in "Average Annual Net Earnings" below.

When only part of a farm is acquired, the fixed payment shall be made only if the Relocation Branch Manager, or designee, determines that either of the following applies:

- Acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land
- The partial acquisition caused a substantial change in the nature of the farm operation

DETERMINING THE NUMBER OF FARMS OR BUSINESSES

To determine whether two or more displaced legal entities constitute a single business or farm that is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:

- The same premises and equipment are shared
- Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled
- The entities are held out to the public, and to those customarily dealing with them, as one business
- The same person or closely related persons own, control, or manage the affairs of the entities

AVERAGE ANNUAL NET EARNINGS

Average annual net earnings of a business or farm operation means one-half of the net earnings of the operation at the acquired site, before federal, state, and local income taxes, during the two taxable years immediately prior to the taxable year in which displacement occurs.

- **Net Earnings**—Net earnings include any compensation obtained from the operation by its owner, the owner's spouse, or the owner's dependents during the two-year period. In the case of a corporate owner, earnings include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation, as well as compensation paid to the owners regardless of percentage of ownership in the corporation. For the purpose of determining majority ownership, stock held by a person and his or her spouse and dependent children shall be treated as one unit.
- **Loss of Net Income**—If a loss of net income occurs in one year and a gain in the other year, the income of the year in which the loss was incurred shall be computed as zero when determining the average net income for the two-year period. If a loss of net income occurs in both years, the displacee is still eligible for the minimum $1,000 fixed payment.

AVERAGE ANNUAL NET EARNINGS (CONT.)

- **Proof of Net Earnings**—The displacee shall furnish the Cabinet with proof of net earnings by providing complete federal and state income tax returns and, when requested, a financial statement that has been certified as conforming to generally accepted accounting principles (GAAP) by a certified public accountant.

AVERAGE ANNUAL NET EARNINGS (CONT.)

Tax returns shall be accompanied by a written certification or affidavit from the displacee attesting that the returns are true and correct copies of the ones submitted to the Internal Revenue Service. The statement shall also express the displacee's concurrence for the Cabinet to request copies of the returns from the Internal Revenue Service in cases where the Cabinet thinks copies are necessary.

SELF-EMPLOYED PERSONS

A person is self-employed if he or she is at least one of the following:

- A sole proprietor of a trade or business
- An independent contractor
- A member of a partnership
- In business for himself or herself in any other way

Self-employment can include work in addition to regular full-time business activities. It also includes part-time work that one does at home or in addition to a regular job. A self-employed person must file Form 1040 and Schedule SE if net earnings from self-employment (excluding church-employee income) are $400 or more.

FINANCIAL STATEMENTS

Types of financial statements include:

- **Sole Proprietorship**—A sole proprietorship files its business's income tax returns as part of the proprietor's personal income tax returns. Schedule C shows the business's income data, including gross receipts and net profit or loss.

  The net is carried over to the proprietor's finances as an addition to or deduction from personal income. No compensation is assigned to the proprietor before arriving at the business's net. However, wages are deducted for others, which might include compensation paid to the proprietor's spouse or dependent children. Compensation paid to the proprietor and the proprietor's spouse and dependent children shall be included in calculating the payment when tax returns of the proprietor's spouse and children document compensation paid to them.

- **Rental Realty**—Owners of rental realty file Schedule E as part of their personal tax returns. This schedule delineates the finances of all rental properties owned. Each property is listed separately, with its gross and net incomes. A business that operates at the displacement site or dwelling solely for the purpose of renting such site or dwelling to others is not eligible for a fixed in-lieu-of payment.

FINANCIAL STATEMENTS (CONT.)

- **Partnership**—A partnership files the Form 1065. The front page of the form shows:

  - Gross receipts
  - Salaries and wages paid to all other than to the partners
  - Guaranteed payments to the partners
  - Final ordinary income or loss of the partnership

  Compensation paid to the majority partner and the majority partner's spouse and dependent children shall be included in calculating the payment when tax returns of the majority partner's spouse and children document compensation paid to them.

- **Corporation**—A corporation files the Form 1120. The front page of the form shows:

  - Gross receipts
  - Compensation to officers (which is broken down by name and amount on the accompanying Schedule E)
  - Salaries and wages paid to others
  - Resulting corporation's taxable income

  Compensation paid to the majority owner and the majority owner's spouse and dependent children shall be included in calculating the payment when tax returns of the majority owner's spouse and children document compensation paid to them.

- **Profit-and-Loss Statements**—Profit-and-loss statements are prepared by many businesses, and they generally contain similar line items. However, tax returns are required to document payment.

NONPROFIT ELIGIBILITY

A displaced nonprofit organization may be eligible to choose the fixed payment move option. This payment is in lieu of **all** move and related expense payments, including reestablishment expenses [49 CFR 24.305(d)].

Most nonprofit organizations are corporations duly registered with the Kentucky Secretary of State as a Corporation Not for Profit. Although churches are not required to register, they are nonprofit organizations. A nonprofit should have a combination of legal documents that define the nature, character, and mission of the organization.

NONPROFIT ELIGIBILITY (CONT.)

To be eligible for a fixed payment, a displaced nonprofit organization shall:

- Own or rent personal property that must be moved in connection with such displacement and for which an expense would be incurred in such move and must vacate or relocate from its displacement site
- Not be relocated without a substantial loss of its existing patronage, clientele, or net earnings. A nonprofit organization is assumed to meet this test unless the right-of-way supervisor determines that it will not suffer a substantial loss of its existing patronage.

  The supervisor will make this determination using the following guidelines, as applicable, and document the file with the reasons for the determination:

  - The nature and type of the organization
  - The nature of clientele, such as walk-ins, referrals, or telephone contacts
  - Whether organization activities occur on the displacement site or elsewhere
  - Any other point considered relevant by the supervisor

CONTRIBUTES MATERIALLY

A nonprofit does not have to meet the "contributes materially" test.

AVERAGE ANNUAL NET REVENUE

Average annual net revenue of a nonprofit organization means one-half of annual gross revenues less administrative expenses for the two-year period immediately prior to the acquisition, not to exceed $40,000.

Any payment in excess of $1,000 shall be supported with financial statements for the nonprofit covering the two 12-month periods prior to the acquisition, rather than displacement.

- **Gross Revenues**—Gross revenues include any revenue obtained by the nonprofit organization, and may include but is not limited to:

  - Membership fees
  - Class fees
  - Cash donations
  - Tithes
  - Receipts from sales
  - Other forms of fund collection that enable the nonprofit organization to operate

AVERAGE ANNUAL NET REVENUE (CONT.)

- **Administrative Expenses**—Administrative expenses are those for administrative support, and may include but are not limited to:

  - Rent
  - Utilities
  - Salaries
  - Advertising
  - Other like items
  - Fund-raising expenses

  Operating expenses are not administrative expenses. An operating expense is one that carries out the purpose of the nonprofit; so for a church, expenses that further the church's purpose or mission would be operating expenses. A church's operating expenses would include Sunday school expenses, various ministries (children, youth), contributions to missions, bibles and church literature, and revival expenses.

- **Loss of Net Revenue**—If a loss of net revenue occurs in one year and a gain in the other year, the revenue of the year in which the loss was incurred shall be computed as zero when determining the average net revenue for the two-year period. If a loss of net revenue occurs in both years, the displacee is still eligible for the minimum $1,000 fixed payment.

- **Proof of Net Revenues**—The displacee shall furnish the Cabinet with proof of net revenues by providing certified financial statements or financial documents required by public agencies.

FINANCIAL STATEMENTS

Every organization exempt from federal income tax under Internal Revenue Code section 501(a) must file Form 990, *Return of Organization Exempt from Income Tax* **except**:

- A church, an interchurch organization of local units of a church, a convention or association of churches

- An integrated auxiliary of a church

- A church-affiliated organization that is exclusively engaged in managing funds or maintaining retirement programs

- A school below college level affiliated with a church or operated by a religious order

FINANCIAL STATEMENTS (CONT.)

- Church-affiliated mission societies if more than half of their activities are conducted in, or are directed at persons in, foreign countries
- An exclusively religious activity of any religious order
- A state institution, the income of which is excluded from gross income under section 115
- A corporation described in section 501(c)(1) that is organized under an Act of Congress, an instrumentality of the United States, and is exempt from federal income taxes
- A stock bonus, pension, or profit-sharing trust that qualifies under section 401 (required to file Form 5500, *Annual Return/Report of Employee Benefit Plan*)
- A religious or apostolic organization described in section 501(d) (required to file Form 1065, *U.S. Return of Partnership Income*)
- A governmental unit or an affiliate of a governmental unit that meets the requirements of Revenue Procedure 95-48, 1995-2 C.B. 418
- A private foundation described in section 501(c)(3) and exempt under section 501(a) (required to file Form 990-PF, *Return of Private Foundation*)
- A political organization that is a state or local committee of a political party, a political committee of a state or local candidate, or a caucus or association of state or local officials is required to report under the Federal Election Campaign Act of 1971 as a political committee
- An exempt organization (other than a private foundation) having gross receipts in each tax year that normally are not more than $25,000

  Note: These organizations are required to file an annual electronic notice - *e-Postcard* (Form 990-N), for tax periods.

- A foreign organization, or an organization located in a U.S. possession, that normally does not have more than $25,000 in annual gross receipts from sources within the United States

  Note: These organizations are required to file an annual electronic notice - *e-Postcard* (Form 990-N), for tax periods.

FINANCIAL STATEMENTS (CONT.)

Information returns shall be accompanied by a written certification or affidavit from the displacee attesting that they are true and correct copies of the ones submitted to the Internal Revenue Service. The statement shall also express the displacee's concurrence for the Cabinet to request copies of their returns from the Internal Revenue Service in cases where the Cabinet thinks copies are necessary.

Churches are not required to file tax returns with the Internal Revenue Service. To determine the payment amount of a church, the Cabinet needs:

- Certified copies of annual financial statements filed with the church's governing board or board of trustees
- A copy of the annual financial report to the church's denomination, along with instructions for preparing the report
- Bank records, which may also help document gross revenue less administrative expenses

APPROVAL OF PAYMENT CALCULATION

The Relocation Branch Manager, or designee, shall approve a fixed payment calculation before the agent or consultant authorizes the displacee to move. The agent requests the branch manager's approval by submitting the following documents in the order listed:

- A memorandum justifying the recommended payment amount
- TC 62-68 form, *Certified Inven*tory (**Exhibit 9030**)
- Certified tax returns and financial statements documenting net earnings or net revenues
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

Upon approval the agent or consultant can authorize the displacee to move, explaining that payment will be made after all personal property is moved and reconnected when applicable.

TO WHOM PAYMENT IS MADE

Payment is made to the displacee unless directed otherwise in writing.

TIME TO FILE A CLAIM

A written claim for payment must be submitted to the relocation agent within 18 months of the later of:

- The date the displacee moves from real property or moves their personal property from the real property
- The date of final payment for the acquisition of the real property, closing or final judgment date

The 18-month time frame shall be waived for good cause. The displacee shall justify in writing to the right-of-way supervisor the reasons why a waiver is needed. The supervisor shall forward the displacee's request and the supervisor's written recommendation for approval by the Relocation Branch Manager, or designee.

PAYMENT DELIVERY

Payment will be made after the displacee provides proper documentation to calculate a fixed payment and all personal property has been moved and reconnected when applicable.

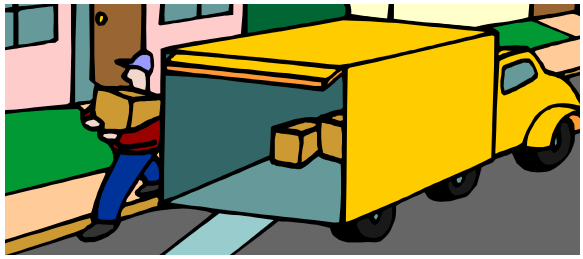
ADVANCED CLAIM

An advance claim can be submitted so that payment is available upon completion of the move.

CLAIM PACKAGE

A claim for payment shall include the following documents in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-207 form, *Nonresidential Payment Request,* pages 1 and 3 (**Exhibit 9018**)
- A memorandum justifying the recommended payment amount
- TC 62-68 form, *Certified Inve*ntory (**Exhibit 9030**)
- Certified tax returns and financial statements documenting net earnings or net revenues
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

MISCELLANEOUS MOVES

Subject

General

OVERVIEW

When project acquisition requires a person to move personal property from real property but does not require the person to move from a dwelling (including mobile homes, businesses, farms or nonprofit organizations), the move is eligible for reimbursement of the actual and reasonable costs to move the personal property. Types of moves that fit into this category include but are not limited to the following:

- Part of a residential tract is being acquired, and only a shed or garage containing personal property is on the tract being acquired.
- A tenant-occupied residence is acquired, and the landlord has some personal property on site.
- An individual does not occupy a residence being acquired but has personal property stored on the real property being acquired.
- A business is not being displaced but has personal property within the area being acquired.
- A displacee elects to use a commercial mover, but items are present that the commercial mover will not move, such as gas cans, propane tanks, or various housing cleaning items.
- In addition to a residence, the acquisition affects an outbuilding, within which the occupant has a workshop with large (bulky or heavy), nonresidential used equipment.

  Note: This example would require the agent, or consultant, to request approval by memorandum from the right-of-way supervisor in lieu of including the personal property to be moved in a commercial move estimate or fixed-rate schedule. The approved memorandum shall be submitted with the payment request.

MOVE METHODS

Each eligible displacee may choose one or a combination of the following move methods:

- **Commercial Move**—This move type is performed by a licensed commercial mover, whose certificate is issued by the Kentucky Department of Vehicle Regulation. Procedures for a commercial move are outlined in **RA-614**, "Commercial Move."

- **Self-Move**—This move type is performed by the displaced person, payment for which is based on bids, an estimate, or actual costs. A self-move based on the lower of two bids or an estimate does not require documentation of expenses incurred. Procedures for self-moves are outlined in **RA-613**, "Self Move."

PAYMENT BASED ON BIDS OR ESTIMATE

The development of the move cost estimate depends upon the expected total expense of the move cost as follows:

- **Move Costs Exceed $10,000**—When the estimated cost to move exceeds $10,000, the relocation agent, or consultant, shall obtain bids from two qualified movers as outlined in **RA-612**, "Move Cost Bids," and the Cabinet will reimburse the displacee based on the lower of two valid bids [49 CFR 24.301(d)(2)(i)].

- **Move Costs Do Not Exceed $10,000**—When the estimated cost to move does not exceed $10,000, a single move cost estimate can be prepared by a qualified relocation agent, consultant, or commercial mover. The estimator shall have demonstrated experience in the preparation of move estimates.

Whether a move is based on the lower of two valid bids or a single bid or estimate, the right-of-way supervisor shall approve move costs up to $10,000 on a TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**). The Central Office Relocation Branch Manager, or designee, shall approve move costs that exceed $10,000.

The relocation agent, or consultant, requests the supervisor's approval and Central Office's approval when necessary by submitting the following documents in the order listed:

- TC 62-206 form, *Moving Expense Estimate/Bid*

- Bids from movers, when applicable

- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)

- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

PAYMENT BASED ON ACTUAL COST

A nonresidential displacee may choose to perform a self-move and be reimbursed for actual costs incurred to complete the move. This means that all costs incurred shall be supported by receipted bills and invoices for all labor and equipment used [49 CFR 24.301(d)(2)(ii)].

Hourly labor rates for the move shall not exceed the rates a commercial mover pays employees performing the same activity. This is the rate the mover is paying the employee–not the rate the mover is charging for that employee's services. For example, if a commercial mover is paying $18/hour for labor to pack and load personal property on a truck, a displaced business cannot charge more for its own employees to do the same kind of work nor charge a rate higher than it actually pays its employees.

Similarly, if the displacee rents equipment to perform the move, such as a truck or a dolly, the fees charged shall not exceed the cost paid by a commercial mover for the use of this equipment.

To establish labor and equipment payment limits, a business owner shall provide evidence of the hourly rate being paid to employees performing the move, and the relocation agent, or consultant, shall obtain a bid from a qualified mover as outlined in **RA-612**, "Move Cost Bids." The agent shall get bids from two qualified movers if the first bid exceeds $10,000. If there is a significant difference between the bids, the agent shall obtain a third bid to determine reasonable and valid move costs.

Payment is limited to the lesser of actual expenses incurred, as documented by receipted bills, or bids and estimate obtained by the agent.

COMBINED MOVES

Some nonresidential displacees may benefit by combining a commercial move and a self-move. For example, a business owner may be unable to move heavy equipment that has to be recalibrated at the replacement site, but wants to move everything else.

When a displacee intends to combine move methods, the relocation agent shall obtain bids as outlined in **RA-612**, "Move Cost Bids." Bids are required from two qualified movers when the cost of the entire move exceeds $10,000.

In addition to total move costs, a valid bid must break-out the cost of each part of the move (commercial portion, self-move portion, etc.). The move payment is based on the bid with the lowest total cost. The commercial mover and displacee would be eligible for their portion of the move payment upon completion of their part of the move.

APPROVAL OF MOVE COSTS

Whether move costs are based on the bids, an estimate, or actual costs, the right-of-way supervisor shall approve move costs up to $10,000 on a TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**). The Central Office Relocation Branch Manager, or designee, shall approve move costs that exceed $10,000.

The relocation agent, or consultant, requests the supervisor's approval by submitting the following documents in the order listed:

- TC 62-206 form, *Moving Expense Estimate/Bid*
- Bids from movers, when applicable
- TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

INSPECTION PRIOR TO MOVE

Before the move the relocation agent, or consultant, shall inspect the personalty to be moved and provide notice to the displacee as outlined in **RA-610**, "Notification & Inspection of Move."

DOCUMENTING PERSONALTY TO BE MOVED

The relocation agent, or consultant, shall visually inspect and document personal property to be moved on the TC 62-68 form, *Certified Inventory* (**Exhibit 9030**), which is to be signed by the displacee. See **RA-611**, "Inventory of Items to Be Moved" for additional guidance.

When there is a significant difference between items to be moved and those actually moved, the relocation agent, or consultant, shall adjust the move payment accordingly and appropriately document the file.

ON-SITE MONITORING

When on-site monitoring is necessary, the relocation agent, or consultant, will document the following:

- The date, time, and length of inspection and the name of the inspector
- Any equipment being used in the move
- The number of persons involved in the move, type of work being performed, hourly wage, and time periods of actual work
- Amount of inventory moved during the monitoring period

AGENT TO VERIFY COMPLETION OF MOVE

Before delivering a move payment, the relocation agent, or consultant, will verify by an on-site inspection that all personal property has been moved from the acquired real property.

PAYMENT DELIVERY

Payment will be made after the move is completed unless the displacee demonstrates the need for an advanced payment to avoid or reduce hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made provided the displacee states in writing that:

- The payment satisfies any further claim for reimbursement of items for which that claim is intended
- The displacee will comply with the applicable provisions of this section in the move of their personalty from the acquired property

Payment shall be made no sooner than needed to accomplish the move.

AMOUNT OF PAYMENT

Payment is limited to the lesser of:

- Actual expenses incurred, as documented by receipted bills
- Approved bids/estimate obtained (as outlined in **RA-612**, "Move Cost Bids") less any required reduction specified in **RA-404**, "Persons Not Lawfully Present in the United States"

TO WHOM PAYMENT IS MADE

Commercial move payments will be made to the mover. All other move payments will be made to the displacee, unless he or she requests otherwise in writing.

TIME TO FILE A CLAIM

A written claim for payment shall be submitted to the relocation agent within 18 months of the later of:

- The date the displacee moves from real property or moves his or her personal property from the real property
- The date of final payment for the acquisition of the real property, closing or final judgment date

The 18-month time frame shall be waived for good cause. The displacee shall justify in writing to the right-of-way supervisor the reason why a waiver is needed. The supervisor shall forward the displacee's request and the supervisor's written recommendation for approval by the Relocation Branch Manager, or designee.

ADVANCED CLAIM

An advance claim is one submitted in advance of a qualifying event. For example, a move claim submitted prior to a move so that payment is available upon completion of the move. While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment, unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined in **RA-408**, "Claims for Payment–General."

CLAIM PACKAGE

A claim for payment shall include the following documents in the order listed:

- **Self-Moves**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request*, page 1 (**Exhibit 9018**) or TC 62-99 form, *Move Claim – Residential* (**Exhibit 9016**), whichever is applicable
  - TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**)
  - Bids from movers, when applicable
  - TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

- **Commercial Moves**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request*, page 1 (**Exhibit 9018**) or TC 62-99 form, *Move Claim – Residential* (**Exhibit 9016**), whichever is applicable
  - TC 62-206 form, *Moving Expense Estimate/Bid* (**Exhibit 9017**)
  - Bill from mover
  - TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

- **Actual Cost Moves**
  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request*, page 1 (**Exhibit 9018**)
  - Bills and receipts
  - TC 62-68 form, *Certified Inventory* (**Exhibit 9030**)
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

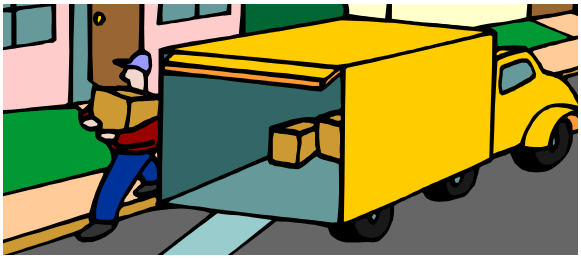
CLAIM PACKAGE (CONT.)

- **Storage Reimbursement**

  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - TC 62-207 form, *Nonresidential Payment Request*, page 1 (**Exhibit 9018**) or TC 62-99 form, *Move Claim – Residential* (**Exhibit 9016**), whichever is applicable
  - Bills and receipts
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

- **Move Cost Bids**

  - TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
  - Signed copy of bid and bill from mover
  - TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Eligible & Ineligible Criteria

ELIGIBILITY CRITERIA

An owner or tenant who is displaced from a dwelling as a result of Cabinet acquisition or displacement actions is eligible for a replacement housing payment.

The dwelling from which a person is displaced must be his or her domicile. A domicile is a person's true, fixed, permanent home and principal establishment to which the displacee, when absent, has full intention of returning.

The dwelling from which a person is displaced may include a single-family house; a single-family unit in a two-family, multifamily, or multipurpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or other residential unit.

The displacee's ownership status and length of occupancy of the acquired property determine the type of replacement housing payment for which he or she may qualify.

To qualify for payment, the displacee shall comply with the requirements prescribed in these procedures.

PERSONS NOT ELIGIBLE

The following do not qualify as displaced persons:

- One who moves before the initiation of negotiations unless the department determines that person was displaced as a direct result of the project

  Note: The department's determination of eligibility shall be documented in the file.

- One who initially occupies the property after the date of its acquisition

PERSONS NOT ELIGIBLE (CONT.)

- One who does not need to relocate permanently as a direct result of a project

- One who the Cabinet determines is not displaced as a direct result of a partial acquisition

- One who, after being issued a notice of relocation eligibility, is notified in writing that the displacement will not occur, provided the person has not yet moved

  Note: The Cabinet shall reimburse any expenses incurred by a written contract to relocate that was entered into after the date of the notice of relocation eligibility and before receipt of the notice that the relocation will not occur.

- An owner or occupant who voluntarily conveys his or her property after being informed in writing that the Cabinet will not acquire the property unless a mutually satisfactory agreement of sale is reached

  Note: In such cases, any resulting displacement of a tenant is subject to the regulations in this procedure.

- One who retains the lifetime right to use the real property after acquisition by the Cabinet

- One who has occupied the property for the purpose of obtaining assistance under The Uniform Act

- One who the right-of-way supervisor determines was in unlawful occupancy prior to the initiation of negotiations or one who is lawfully evicted

  Note: A person is considered to be in unlawful occupancy if he or she:

  - Received from a court of competent jurisdiction an eviction notice prior to the initiation of negotiations or was evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease

    Note: In either case the eviction is not to have been undertaken to prevent entitlement to The Uniform Act benefits.

PERSONS NOT ELIGIBLE (CONT.)

- Is determined by the supervisor to be a squatter who is occupying the real property without the permission of the owner and otherwise has no legal right to occupy the property under state law

  Note: A squatter who is a long-standing occupant or who would suffer undue or unusual hardship because of the displacement may be considered to be in lawful occupancy with prior approval of the supervisor.

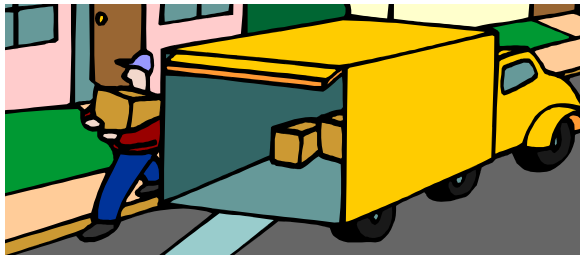
➢ One who is determined to be unlawfully present in the United States

Note: A person is unlawfully present if:

- The person fails to certify to the Cabinet that he or she is a citizen or national of the United States or is an alien who is lawfully present in the United States

- The person's certification is found to be invalid after the review specified in **RA-404**, "Persons Not Lawfully Present in the United States"

Note: Aliens lawfully present in the United States shall provide the Cabinet with sufficient documentation of their residency status.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Advisory Services

RECORD OF CONTACTS

The TC 62-77 form, *Record of Contacts* (**Exhibit 9013**) shall be maintained on a current basis and document relocation activities for each displaced person. (See **RA-401**, "Record of Contacts.")

GENERAL

The Cabinet's relocation assistance advisory program shall satisfy requirements of:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq*.)
- Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601d *et seq*.)
- Executive Order 11063 (27 FR 11527, November 24, 1962)
- Other services described in this section

Note: The Cabinet may offer advisory services to a person occupying property adjacent to proposed right of way when the right-of-way supervisor determines that the acquisition of right of way for a project causes substantial economic injury to such person.

SERVICES TO BE PROVIDED

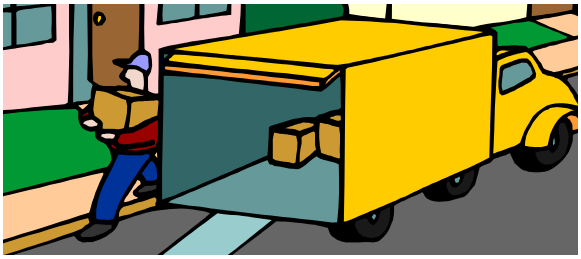
The Cabinet's advisory program shall include such measures as may be needed to provide residential displacees the services described in **RA-402**, "Advisory Services."

COORDINATION OF RELOCATION ACTIVITIES

The district right-of-way supervisor shall ensure that relocation activities are coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized. (See 49 CFR 24.6.)

OCCUPANCY OF PROPERTY ACQUIRED BY THE CABINET

Any person who initially occupies a property after it is acquired by the Cabinet shall execute a short-term rental agreement subject to termination when the Cabinet needs the property. Such an occupant is eligible for advisory services as determined by the right-of-way supervisor. The *Right of Way Guidance Manual* details procedures for rent-acquired improvements.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Owner of a Dwelling

POLICY

A person is considered to have met the requirement to own a dwelling when he or she purchases or holds any of the following interests in real property:

- Fee title, a life estate, a land contract, a 99-year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition
- An interest in a cooperative housing project that includes the right to occupy a dwelling
- A contract to purchase any of the interests or estates described above
- Any other interest, including a partial interest, that the Cabinet determines is sufficient to warrant consideration as ownership

  Note: Relocation benefits based on a displacee's partial ownership interest of a replacement dwelling must have prior approval of the Relocation Branch Manager, or designee.

PARTIAL OWNERSHIP

When a dwelling is owned by several persons but not occupied by all of the owners, the purchase supplement payment for the displaced owner occupants is the lesser of the difference between the total acquisition price of the acquired dwelling and:

- The amount needed to purchase the comparable replacement dwelling offered to the displacees
- The actual cost of the owner occupants' replacement dwelling

Nonoccupant owners should be encouraged to reinvest their share of the acquisition price in a replacement dwelling to ensure the owner occupants can purchase a replacement dwelling comparable to the one from which they are being displaced.

PARTIAL OWNERSHIP (CONT.)

To receive the entire purchase supplement payment, the owner occupant shall purchase and occupy a replacement dwelling for an amount equal to his or her share of the acquisition payment for the acquired dwelling plus the amount of the purchase supplement payment as calculated above.

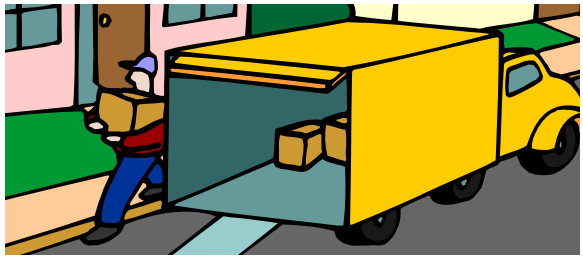
The displaced owner occupants may choose a rent supplement payment instead of a purchase supplement. The rent supplement will be based on the fair market/economic rent of the acquired dwelling as outlined in **RA-907**, **RA-1003**, or **RA-1103**, "Rental Assistance Payment."

OWNER OF REPLACEMENT DWELLING

No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in these procedures for a reason beyond his or her control, including:

- A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the federal agency funding the project, or the Cabinet

- A delay in the construction of the replacement dwelling, military reserve duty, or prolonged hospital stay, as recommended by the right-of-way supervisor and approved by the Relocation Branch Manager, or designee



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Occupancy Requirements for Dwellings

OWNER OCCUPANT OF 90 DAYS

A displaced person is eligible to receive replacement housing payments outlined in **RA-900** as a 90-day owner occupant if the person:

- Has owned and occupied the displacement dwelling or domicile for not less than 90 days immediately prior to the initiation of negotiations

- Purchases or rents and occupies a decent, safe, and sanitary replacement dwelling within one year after the later of:

  - The date the owner receives final payment for the displacement dwelling (in condemnation cases, the date the full estimate of just compensation is deposited with the court)
  - The date a comparable replacement dwelling is made available to the displaced person

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager.

TENANT OCCUPANT OF 90 DAYS

A tenant who occupies a dwelling at least 90 days before the initiation of negotiations is entitled to receive replacement housing payments outlined in **RA-1000** if the person:

- Has lawfully and actually occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations

- Rents or purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after:

  - The date the tenant moves from the displacement dwelling

TENANT OCCUPANT OF 90 DAYS (CONT.)

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager.

OCCUPANT OF LESS THAN 90 DAYS

An owner or tenant who occupies a dwelling less than 90 days before the initiation of negotiations and occupies the property when it is acquired is entitled to moving expenses and advisory services. Any replacement housing paid to these occupants will come under "Last Resort Housing" as outlined in **RA-1300**.

To qualify for a replacement housing payment, the displacee shall rent or purchase and occupy a decent, safe, and sanitary replacement dwelling within one year after:

- For a tenant, the date the tenant moves from the displacement dwelling

- For an owner occupant, the later of:

  - The date the displacee receives final payment for the displacement dwelling (in the case of condemnation, the date the full estimate of just compensation is deposited with the court)
  - The date the displacee moves from the displacement dwelling

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager.

OCCUPANCY STATUS CHANGE

A displacee is not required to relocate to the same occupancy status (owner or tenant) he or she had prior to displacement and may choose an alternate occupancy status so long as the displacee is eligible as outlined in this manual.

The replacement housing supplement is computed first on the original type occupancy, then on the alternate occupancy status. The replacement housing payment may not exceed the maximum amount that would have been paid had the displacee remained in the original occupancy status.

OCCUPANCY STATUS CHANGE (CONT.)

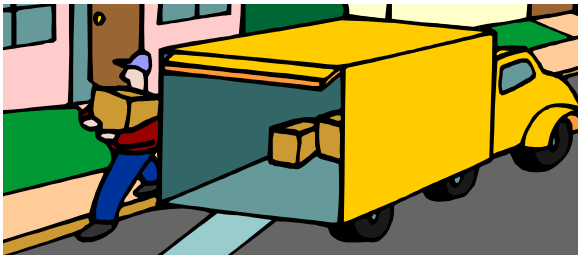
Since this is a reimbursement program, the replacement housing supplement is based on the lesser of:

- The amount actually spent for replacement housing
- The maximum computed supplement

OCCUPANCY OF REPLACEMENT DWELLING

No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in these procedures for a reason beyond his or her control, including:

- A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the federal agency funding the project, or the Cabinet
- A delay in the construction of the replacement dwelling, military reserve duty, or prolonged hospital stay, as recommended by the right-of-way supervisor and approved by the Relocation Branch Manager, or designee



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Multiple Occupancy

POLICY

When two or more people occupy a displacement dwelling, the replacement housing evaluator shall determine whether a single household or separate households are being maintained using criteria outlined below.

Two or more eligible occupants who live together by mutual consent are considered to be one household, unless the replacement housing evaluator determines that separate households are maintained because:

- Individuals or families have separate kitchen areas, bedrooms, baths, etc.
- A person rents a sleeping room within a dwelling, when the renter has a lease or can verify consistent payment of rent

SINGLE HOUSEHOLD

When the evaluator determines that a single household is maintained in the displacement dwelling, the family is eligible for a replacement housing payment as outlined in this manual based on:

- Their occupancy status (owner or tenant)
- Their length of occupancy
- A comparable dwelling functionally similar to the displacement dwelling

If the displacees elect to relocate separately, each displacee is entitled to a prorated share of the singular relocation payments allowable had they moved together to a single dwelling.

For owner occupants, the acquisition price to be used as the basis for replacement housing payments is that amount each owner receives as payment for the acquired dwelling and homesite.

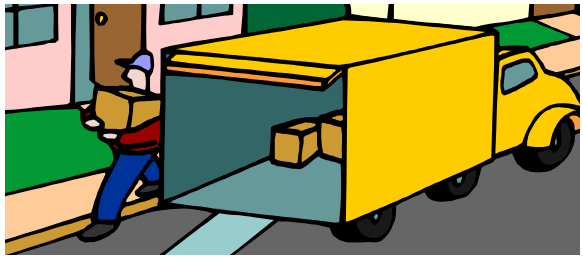
MULTIPLE HOUSEHOLDS

When the evaluator determines that multiple households are maintained in the displacement dwelling, each eligible family is entitled to a replacement housing payment as outlined in this manual based on each family's:

- Occupancy status (owner or tenant)
- Length of occupancy
- A comparable dwelling functionally similar to the area the family is actually maintaining

If members of a household elect to relocate separately, each displacee is entitled to a prorated share of the singular relocation payments allowable had the family moved together to a single dwelling.

For owner occupants, the acquisition price to be used as the basis for replacement housing payments is that amount each owner receives as payment for the acquired dwelling and homesite.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Decent, Safe, & Sanitary Housing

MINIMUM STANDARDS

A decent, safe, and sanitary dwelling is one that meets local housing and occupancy codes.

At a minimum, the dwelling shall conform to the following standards:

- Be structurally sound, weather tight, and in good repair
- Contain a safe electrical wiring system adequate for lighting and other electrical devices
- Have a heating system capable of sustaining a temperature of approximately 70 degrees Fahrenheit
- Be adequate in size with respect to the number of rooms and living space needed to accommodate the displacee

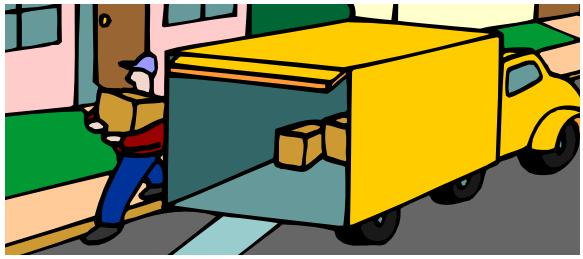
  Note: The number of bedrooms in the replacement dwelling shall be the same as that in the acquired dwelling, unless more are needed to meet the following requirements:

  - Children of the opposite sex under age six may occupy the same bedroom.
  - One child under age two and the parents may occupy the same bedroom.
  - Except for the cases above, husbands and wives, and couples living together by mutual consent, persons of the opposite sex shall not be required to occupy the same bedroom.
- Have a separate, well-lighted, and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system

MINIMUM STANDARDS (CONT.)

- In the case of a housekeeping dwelling, have a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator

- Have unobstructed egress to safe, open space at ground level or, for a person with a disability, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by a displacee



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Comparable Replacement Housing

DEFINITION OF DWELLING

Dwelling means "the place of permanent or customary and usual residence of a person in any residential unit."

COMPARABLE REPLACEMENT DWELLING

A comparable replacement dwelling is one that is:

- Decent, safe, and sanitary as defined in **RA-02**, "Glossary"

- Functionally equivalent to the displacement dwelling

  Note: The term *functionally equivalent* means "capable of performing a similar function, providing similar utility, and contributing to a comparable style of living." While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the replacement housing evaluator may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the displacement dwelling. [See 49 CFR, Appendix A to Part 24, Section 24.2(a)(6).]

- Adequate in size to accommodate the occupants

  Note: The number of bedrooms in the replacement dwelling shall be the same as that in the acquired dwelling, unless more are needed to meet the following requirements:

  - Children of the opposite sex under age six may occupy the same bedroom.

COMPARABLE REPLACEMENT DWELLING (CONT.)

- ♦ One child under age two and the parents may occupy the same bedroom.
- ♦ Except for the cases above, husbands and wives, and couples living together by mutual consent, persons of the opposite sex shall not be required to occupy the same bedroom.

- ➢ In an area that is not subject to adverse environmental conditions

- ➢ Not in a location generally less desirable with regard to public utilities and commercial and public facilities than that of the displacee's current dwelling

- ➢ Reasonably accessible to the displacee's place of employment

- ➢ On a site typical in size for residential development in the project vicinity with normal site improvements

  Note: The site need not include special improvements such as outbuildings, swimming pools, or greenhouses. [See 49 CFR 24.403(a)(2).]

- ➢ Currently available to the displacee

- ➢ Within the financial means of the displacee as follows:

  - ♦ **90-Day Homeowners**—For owners who occupy the displacement dwelling for at least 90 days prior to initiation of negotiations, a replacement dwelling is within the owner's financial means if he or she will receive the full price differential outlined in **RA-904**, all increased mortgage interest costs outlined in **RA-905**, all incidental expenses outlined in **RA-906**, plus any amount required to be paid under **RA-1300**, "Last-Resort Housing."

  - ♦ **Tenant Occupants of 90 days or more**—For tenants who occupy the displacement dwelling at least 90 days prior to initiation of negotiations, a replacement dwelling is within the person's financial means if, after receiving rental assistance, the new monthly rent and estimated average monthly utility costs do not exceed the person's base monthly rental described in **RA-907** or **RA-1003**, "Rental Assistance Payment."

COMPARABLE REPLACEMENT DWELLING (CONT.)

- **Occupants of less than 90 days**—Owners and tenants who occupy the displacement dwelling for less than 90 days prior to initiation of negotiations, and subsequent occupants, are not eligible to receive a replacement housing payment because of failure to meet length of occupancy requirements. For such occupants, comparable replacement rental housing is considered to be within the person's financial means if the Cabinet pays that portion of the monthly housing costs of a replacement dwelling that exceeds the person's base monthly rent for the displacement dwelling as described in **RA-1103** and 49 CFR 24.402(b)(2). Such rental assistance shall be paid under **RA-1300**, "Last Resort Housing."

PUBLIC HOUSING AS COMPARABLES

For persons not currently receiving assistance under a government housing program, regulations require that comparable replacement housing be available on the market without a government housing subsidy.

A public housing unit may qualify as a comparable replacement dwelling only for persons displaced from a public housing unit. Likewise, a comparable dwelling with a subsidy tied to the dwelling can be used only if the displacee is being moved from the same situation.

When a displacee holds a Section 8 certificate or other housing subsidy, the replacement housing evaluator shall consult with the subsidizing agency to determine whether the subsidy is tied to the individual or to the building being acquired. If the subsidizing agency verifies that the subsidy moves with the displacee:

- The evaluator will deduct the subsidized amount from the replacement dwelling rent when computing rental assistance benefits

- The replacement house shall meet housing requirements of the subsidizing agency

OFFERING PUBLIC HOUSING

Even if a person did not receive public housing assistance prior to displacement and the replacement comparables do not contain any government subsidy ties, this does not prohibit another agency from offering assistance under a government-subsidized housing program.

OFFERING PUBLIC HOUSING (CONT.)

In some cases it will be in the person's best interest to attempt to obtain subsidized housing. For example, because of low income a person qualifies for a maximum rental subsidy of $7,200. He or she qualifies for the payment, but when the 42-month subsidy expires the person can no longer afford the replacement dwelling.

Instead of the rental assistance the person may be able to obtain government-subsidized housing which will normally be available until it is no longer required. However, there cannot be any duplication of benefits from two or more government agencies.

Two significant housing programs are the Section 8 certificate program and the Housing Vouchers program. These programs can make affordable housing available for eligible persons and offer long-term rental subsidies in excess of The Uniform Act's 42-month limitation. Each of these programs typically entails a payment to the landlord directly from the local housing authority, coupled with a payment to the landlord made by the tenant.

The relocation agent shall inform the person of all options and provide advisory services explaining the pros and cons of these options.

AVAILABILITY OF COMPARABLE REPLACEMENT HOUSING

A person being displaced from a dwelling cannot be required to move until the Cabinet makes available at least one comparable replacement dwelling.

At least three comparable replacement dwellings shall be made available unless the local housing market does not have three. The replacement housing evaluator shall document the file when a housing shortage exists and fewer than three comparables are used. Using fewer than three comparables requires the approval of the Relocation Branch Manager or designee.

The evaluator shall inspect each comparable used to compute a replacement housing payment and certify it is decent, safe, and sanitary.

WAIVER OF COMPARABLE REPLACEMENT HOUSING AVAILABILITY

When the right-of-way supervisor demonstrates a need, the 90-day notice and requirement to offer at least one comparable before requiring a displacee to move may be waived by:

- The Federal Highway Administration (FHWA) on federally funded projects
- The Director of the Division of Right of Way and Utilities on nonfederal-aid projects

There would clearly be a need to waive the requirement when a person must move due to:

- A major disaster as defined in Section 102(c) of the Disaster Relief Act of 1974 (42 USC 5121)
- A presidentially declared national emergency
- Any emergency (highway slide, flood, etc.) that requires immediate vacation of the real property because continued occupancy would constitute a substantial danger to the health or safety of the occupants or the general public

TEMPORARY EMERGENCY MOVES

When a person is required to relocate for a temporary period due to circumstances described above, the right-of-way supervisor shall:

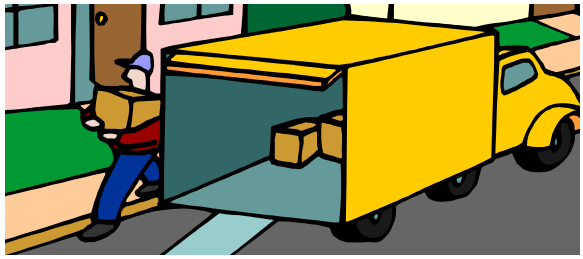
- Take steps necessary to assure that the person is temporarily relocated to a decent, safe, and sanitary dwelling
- Pay the actual, reasonable out-of-pocket moving expenses and any reasonable increase in rent and utility costs incurred because of the temporary move
- Make available to the displacee as soon as feasible at least one comparable replacement dwelling

For purposes of filing claims and meeting eligibility requirements for relocation benefits, the date the displacee moves from the temporary dwelling is the date of displacement.

OFFER OF COMPARABLE REPLACEMENT HOUSING

A comparable replacement dwelling is considered to have been made available to a person if:

- The person is informed of its location
- The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property
- Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Cost of Comparable Replacement Dwelling

POLICY

The replacement housing payment will be based on the cost of a comparable replacement dwelling that has been approved by the Relocation Branch Manager, or designee.

PERSONS NOT LEGALLY PRESENT IN THE U.S.

When computing a replacement housing payment, unlawful occupants **are not counted** as part of the family, and the family size is reduced accordingly. Thus, a family of five, one of whom is not lawfully present in the U.S., would be counted as a family of four. The comparable for the family would reflect the makeup of the remaining four persons, and the replacement housing payment would be computed accordingly, with appropriate explanation in the computation.

The income of a person unlawfully present in the United States is counted in the household's gross monthly income, unless the replacement housing evaluator is certain the ineligible person will not continue to reside with the family. To exclude the ineligible person's income would result in a windfall by providing a higher relocation payment because the family member was not lawfully present in the United States. The computation shall include appropriate explanation.

COMPARABLES TO BE ANALYZED

Selection of comparables and computation of payment shall be made by a qualified replacement housing evaluator. The parcel's appraiser or review appraiser shall not compute the occupant's replacement housing or rent supplement payment or make the offers.

The evaluator will inspect and analyze at least three comparable replacement dwellings for each replacement housing payment computed, unless the local housing market does not have three. The evaluator will use the dwelling most equal to or better than the displacement dwelling to compute the payment.

COMPARABLES TO BE ANALYZED (CONT.)

When fewer than three comparable dwellings are analyzed, the computation shall contain an explanation as to why fewer than three dwellings are being used.

Comparable replacement dwellings should be selected from the neighborhood in which the displacement dwelling is located. If that is not possible, nearby or similar neighborhoods where housing costs are generally the same or higher will be used.

The following conditions apply:

- When a dwelling is overpriced in relation to other comparables, it should not be relied upon to compute the payment.
- If the comparable replacement dwelling relied upon is similar to but lacks major exterior attributes of the displacement dwelling (such as a significantly larger lot, a detached garage, pool, outbuilding, or tennis court), the value of such attribute will not be included in the subject's acquisition price for purposes of computing a purchase supplement payment.

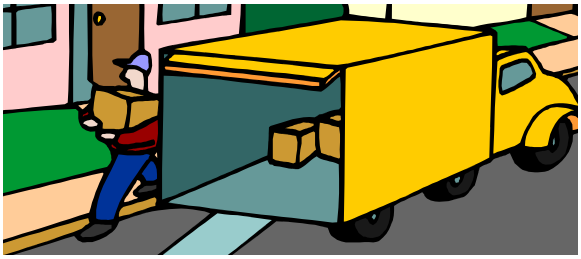
Note: Relocation agents are encouraged to use the TC 62-63 form, *Comparative Data Sheet* (**Exhibit 9009**), as a resource when determining comparable housing.

OFFER OF COMPARABLE DWELLING

The comparable relied upon to compute the payment must be available on the open market at the time the offer is made. The relocation agent shall confirm the availability of the comparable being offered before presenting the offer.

A comparable replacement dwelling will be considered to have been made available to a person if all of the following conditions are met:

- The person is informed of its location.
- The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property.
- Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

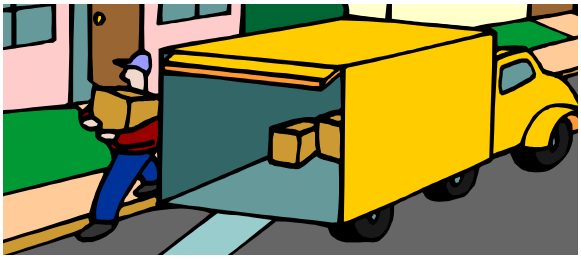
Subject

Applicability of Last Resort Housing

POLICY

The Cabinet will provide additional or alternative assistance pursuant to **RA-1300**, "Last Resort Housing" provisions, when:

- A comparable replacement dwelling cannot otherwise be made available to the displacee within statutory limits
- A displacee does not qualify for a replacement housing payment because they did not occupy the displacement dwelling for at least 90 days prior to the initiation of negotiations
- The replacement property must be modified to remove barriers to a person with disabilities



RELOCATION ASSISTANCE

Chapter

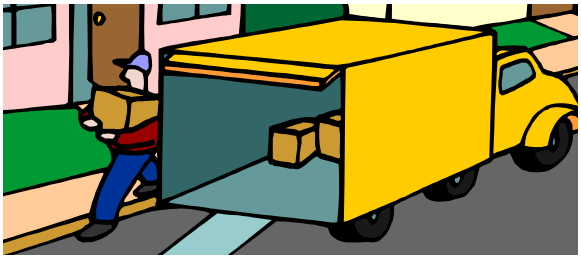
REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Delay in Making Offer to Displacee

POLICY

If the offer to a displaced residential occupant cannot be made in a reasonable time after a replacement housing or rent supplement payment is computed, the relocation agent shall ensure that the comparable replacement dwelling relied upon is still available on the market. If a check of the market reveals the comparable relied upon is no longer available, a new comparable shall be selected, and the replacement housing or rent supplement computation shall be recomputed.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Recomputing / Revising a Replacement Housing Payment

RECOMPUTING A REPLACEMENT HOUSING PAYMENT

When the displacee did not have a reasonable time to negotiate the purchase or lease of the original comparable, or a different comparable must be selected following an appeal, the replacement housing payment shall be recomputed.

The replacement housing payment will be recomputed based on comparables currently available on the market at the time the replacement housing payment is recomputed.

A 90-day notice cannot be issued to a residential displacee until comparable replacement housing has been made available.

A comparable replacement dwelling will be considered to have been made available to a person if all of the following conditions are met:

- The person is informed of its location.
- The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property.
- Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

REVISING A REPLACEMENT HOUSING OFFER

A replacement housing payment offer will be revised based on a new acquisition price if:

- The appraisal is revised and the acquisition offer changes

REVISING A REPLACEMENT HOUSING OFFER (CONT.)

- An administrative settlement increases the initial acquisition offer
- A legal settlement or final condemnation award is made for an amount greater than the initial acquisition offer

If the original value of the acquired homesite is less than 100 percent of the original fair market value offer, the ratio of the homesite area acquired to the total area acquired will be used to revise the purchase supplement.

Any adjustment made as a result of a court award or stipulated settlement must be made in accordance with this ratio.

EXAMPLE

The original carve out (typical homesite) value of the acquired property was $62,450, and the Cabinet's total fair market value offer was $88,000. To determine the ratio of the carved-out homesite to the total offer, divide the value of the carve out by the amount of the Cabinet's offer for the parcel ($62,450 / $88,000 = .7097 ratio).

Comparable used for original computation..... $76,500
Original valuation of the carved-out homesite..... 62,450
Original purchase supplement..... $14,050

A $92,000 jury award (or legal settlement) is made to the displacee.

.7097 (original carve-out ratio) x $92,000 award = $65,292 (revised acquisition price of the carved-out homesite).

Comparable used for original computation..... $76,500
Revised acquisition price of the carved-out homesite 65,292
Revised purchase supplement based on settlement..... $11,208
Round to..... $**11,210**

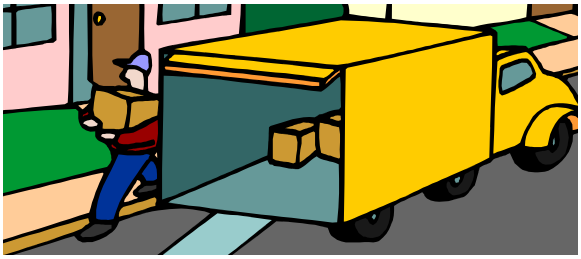
PROCESSING A REVISED REPLACEMENT HOUSING OFFER

The relocation agent shall coordinate with the right-of-way supervisor and district attorney to obtain settlement information and assist the supervisor and attorney in informing the displaced person how a proposed settlement will affect his or her replacement housing payment computation.

PROCESSING A REVISED REPLACEMENT HOUSING OFFER (CONT.)

The evaluator will promptly submit replacement housing payment revisions to the Relocation Branch Manager. Revisions shall be in the form of a memorandum, which shall be accompanied by:

- A copy of the administrative settlement memorandum, agreed order, court award, revised appraisal, etc.
- The most recently approved TC 62-212 form, *Replacement Housing Payment Computation - Owner* (**Exhibit 9023**)
- The TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Public Housing as Replacement

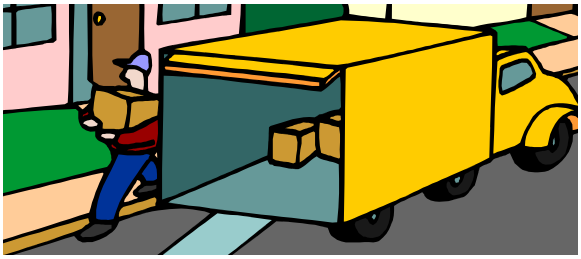
POLICY

If a person accepts assistance under a government-housing program when moving into the replacement dwelling, the rental assistance payment shall be computed on the basis of the person's actual out-of-pocket cost for the replacement dwelling.

EXAMPLE

A person moves from a substandard dwelling where he or she was paying (by himself or herself) $200 per month in rent and utilities. The person relocates to a government-subsidized unit wherein he or she will pay $75 per month, and the remaining $375 in rent and utilities will be government-subsidized.

In this case the rental supplement would be $0 because the relocatee's out-of-pocket expenses are less than they were in the acquired dwelling, even though the monthly rent is much higher.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Fair Housing Required

AFFIRMATIVE ACTION

The district relocation staff shall take affirmative action to ensure that replacement housing resources used for purchase or rent are available on the open market to all persons without regard to race, color, religion, sex, or national origin.

OFFERING FAIR HOUSING

The replacement housing evaluator certifies that each comparable used to compute a replacement housing payment is fair and open housing when signing form:

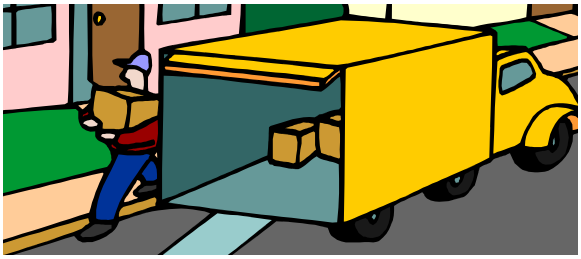
- TC 62-212 form, *Replacement Housing Payment Computation – Owner* (**Exhibit 9023**)
- TC 62-213 form, *Replacement Housing Payment Computation – Tenant* (**Exhibit 9024**)

The relocation agent shall confirm that each comparable offered as a housing resource or referral is fair and open housing.

UNFAIR HOUSING COMPLAINTS

When a displacee registers a complaint about unfair housing practices encountered in efforts to obtain replacement housing, the relocation agent shall:

- Advise the displacee of his or her rights and options and explain that fair-housing rights are protected in accordance with Title VI of the Civil Rights Act of 1968 and the Housing and Urban Development (HUD) Amendment Act of 1974
- Provide the displacee with a copy of the "Fair Housing U.S.A. Brochure" and HUD Complaint Form 903, both of which can be obtained from the local Public Housing Authority
- Assist the displacee in obtaining suitable replacement housing



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

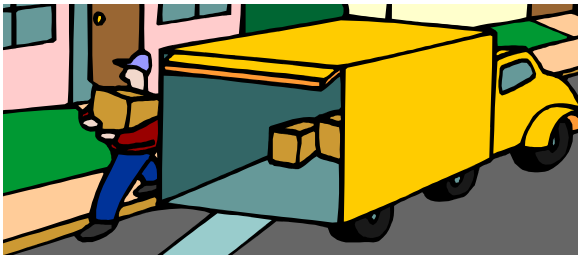
Subject

Inspection of Replacement Dwelling

POLICY

Before making a replacement housing payment or releasing a payment from escrow, a relocation agent shall inspect the proposed replacement dwelling and determine that it is decent, safe, and sanitary (DS&S). The following conditions apply:

- DS&S standards will be applied to eligible family members as outlined in **RA-404**, "Persons Not Lawfully Present in the United States."
- If the dwelling is not DS&S, the claim will be denied until the dwelling is brought up to DS&S standards or the displacee occupies a DS&S replacement dwelling either of which must occur within the one-year time frame.
- Certification of DS&S replacement housing will be in writing on the TC 62-67 form, *DS&S Inspection Report* (**Exhibit 9010**).
- If a displacee moves out of state or out of the district, a written request will be made to the Relocation Branch Manager to obtain the DS&S inspection from the receiving state DOT. The agent's request will include a TC 62-67 form, which will show:
  - The displaced person's full name
  - The address of the dwelling to be inspected
  - Project identification
  - Demographics of the family being displaced



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

Subject

Written Statement of Eligibility

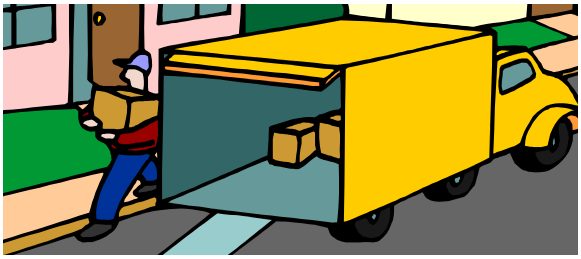
STATEMENT OF ELIGIBILITY

When a displacee qualifies for a replacement housing payment but has not yet purchased or occupied a replacement dwelling, the displacee may request the relocation agent to provide a written statement to any interested party (financial institution or lending agency) indicating the amount of payment the displacee will be eligible to receive upon purchase and occupancy of the dwelling.

This statement may be provided only when the proposed dwelling has been inspected by a relocation agent and has been determined to be decent, safe, and sanitary.

The statement shall include the address of the inspected property and the amount of money the displacee must spend in order to receive the full replacement housing payment, provided he or she occupies the replacement dwelling within the one-year time period outlined in **RA-804**, "Occupancy Requirements for Dwellings."

If the inspected dwelling is not decent, safe, and sanitary, the statement shall specify the deficiencies that require correction prior to any replacement housing payment being made.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

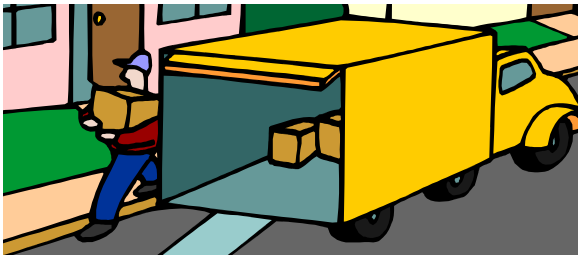
Subject

Payment after Death

POLICY

A replacement housing payment is personal to the displacee, and upon his or her death, the undisbursed portion of any such payment will not be paid to the heirs or assigns, with the following exceptions:

- The amount a tenant owes based on his or her actual occupancy of the replacement housing will be paid.
- Any remaining payment will be disbursed when a member of a displaced family dies and other family members continue to occupy the replacement dwelling in accordance with relocation procedures.
- Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of the deceased shall be disbursed to the estate.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS—GENERAL

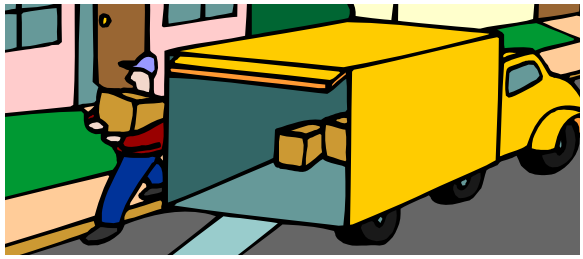
Subject

Insurance Payment for Acquired Dwelling

POLICY

No person shall receive any payment under the Relocation Assistance Program if that person receives a payment under federal, state, or local law or insurance proceeds that are determined by the Cabinet to have the same purpose and effect as a payment under this program.

To avoid duplicate compensation, the amount of any insurance proceeds received by a displacee for damage to or loss of the displacement dwelling due to a catastrophic occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (See 49 CFR 24.3.)



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY OWNER OCCUPANTS

Subject

Occupancy Requirements

POLICY

A displaced owner occupant of 90 days is eligible to receive replacement housing payments outlined in this chapter, if the person:

- Has owned and occupied the displacement dwelling or domicile for not less than 90 days immediately prior to the initiation of negotiations
- Purchases or rents and occupies a decent, safe, and sanitary replacement dwelling within one year after the later of:
  - The date the owner receives final payment for the displacement dwelling (in condemnation cases, the date the full estimate of just compensation is deposited with the court)
  - The date a comparable replacement dwelling is made available to the displaced person

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager.

OCCUPANCY STATUS CHANGE

A displacee is not required to relocate to the same occupancy status (owner or tenant) he or she had prior to displacement, and may choose an alternate occupancy status, if the displacee is eligible as outlined in this manual.

The replacement housing supplement is computed first on the original type occupancy, then on the alternate occupancy status. The replacement housing payment may not exceed the maximum amount that would have been paid had the displacee remained in the original occupancy status.

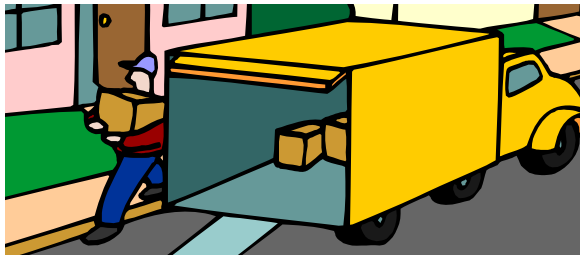
Since this is a reimbursement program, the replacement housing supplement is based on the amount actually spent for replacement housing or the maximum computed supplement, whichever is lesser.

OCCUPANCY OF REPLACEMENT DWELLING

No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in these procedures for a reason beyond his or her control, including:

- A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the federal agency funding the project, or the Cabinet

- A delay in the construction of the replacement dwelling, military reserve duty, or prolonged hospital stay, as recommended by the right-of-way supervisor and approved by the Relocation Branch Manager, or designee



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY OWNER OCCUPANTS

Subject

Amount of Payment

POLICY

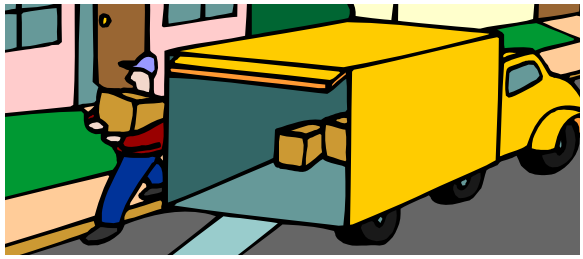
The total replacement housing payment for an eligible 90-day owner occupant may not exceed $31,000 and will be the sum of:

- Amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling, as determined in accordance with **RA-904**, "Purchase Supplement Payment"

- Increased mortgage interest costs and other debt service costs incurred in connection with the mortgages on the replacement dwelling, as determined in accordance with **RA-905**, "Increased Mortgage Interest Costs"

- Reasonable expenses incidental to the purchase of the replacement dwelling, as determined in accordance **RA-906**, "Incidental Expenses"

Note: The total replacement housing payment for an eligible 90-day owner occupant shall not exceed $31,000 unless the use of last resort housing funds is authorized. (See **RA-1300**, "Last Resort Housing.")



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY OWNER OCCUPANTS

Subject

Situations Affecting Replacement Housing Payment Computations

POLICY

The maximum replacement housing payment will be based on the cost of a comparable replacement dwelling that has been approved by the Relocation Branch Manager, or designee, in accordance with **RA-808**, "Cost of Comparable Replacement Dwelling" and the information below.

To properly compute a replacement housing payment the replacement housing evaluator shall compare "typical" displacement and replacement homesites. Because of the nature of highway acquisitions, the Cabinet frequently acquires residences as part of a larger or multiuse tract, and residences in similar situations do not exist. These procedures describe how the evaluator shall analyze sometimes dissimilar properties to calculate a fair replacement housing payment.

The evaluator will base the replacement housing computation on the probable selling price of a comparable replacement dwelling on a typical homesite for its area, less the acquisition price calculated as shown below. The purchase supplement payment shall be rounded up to the nearest $5.

TYPICAL HOMESITE

If the acquired dwelling is located on a tract typical in size for residential use in the area, the acquisition price to be used when computing the purchase supplement (PS) payment is the amount paid for the subject property.

(Cost of comparable) – (Amount paid for subject property) = PS

If only part of the homesite is acquired, the evaluator shall compute the partial acquisition replacement housing payment in accordance with "Uneconomic Remnant" or "Buildable Lot Remainder" below, as applicable.

CARVE OUT OF HOMESITE

A carve out is needed when a parcel to be acquired is larger than a typical size homesite, or a multifamily or multiuse property. The evaluator must first determine what size is typical in the subject's neighborhood.

CARVE OUT OF HOMESITE (CONT.)

Typical might be a small range of sizes. For example, zoning regulations may require a minimum residential lot size of 12,000 square feet, but lots in the neighborhood might actually range from 12,000 to 20,000 square feet. In this instance, a typical size would be a lot between 12,000 and 20,000 square feet.

In areas where a typical homesite cannot be determined due to large variances of tract sizes, the area the displacee actually uses for residential purposes will be used to compute the purchase supplement payment.

Consideration must be given to locations of driveways, fences, outbuildings, gardens, and pools, and to the area maintained, cleared, and mowed for residential usage.

If all or part of an area occupied by nonresidential improvements must be included in order to create a typical homesite for the area, the land upon which the nonresidential improvements are located will be included within the carve out. For example, the value of a tobacco barn situated on a typical carved-out homesite would not be included in the carve out, but the land upon which the barn is located would be included.

The evaluator determines the portion of the acquisition price to attribute to the typical homesite by reviewing the appraisal and using the price actually paid for the portion of the homesite being acquired.

If the appraisal does not give this information or the evaluator's determination of a typical homesite differs from the appraisal, the appraiser or review appraiser may be asked to furnish values based on the carve out identified by the evaluator. Carve out values may be furnished by memorandum.

To compute the purchase supplement payment (PS), the acquisition price to be used is the difference between the before and after value of the portion carved out as typical for residential use.

(Cost of comparable) – [(Before value of carve out) – (After value of carve out)] = PS

Example 1—Total Acquisition of a Carved-Out Homesite

The subject dwelling is situated on a 6-acre tract that also contains a barn and a storage building. This site is not considered to be typical.

CARVE OUT OF HOMESITE (CONT.)

The evaluator determined a 1-acre homesite to be typical since that is the area actually enclosed with fencing and being used for residential purposes.

Because the entire 1-acre homesite is being acquired, the evaluator needs to compute an RHP for a total acquisition of a carved-out homesite. The acquisition price to be used is the before value of the homesite.

Note: **Exhibit 9001** shows the carve-out sketch and completed TC 62-212 form, *Replacement Housing Payment Computation – Owner* for the example above.

Example 2—Partial Acquisition of a Carved-Out Homesite

The subject dwelling is situated on a 60+ acre farm that also contains another residence, several barns, two silos, and several storage buildings. This site is not considered to be typical. The evaluator determined a 1-acre homesite to be typical for the following reasons:

- That is the area actually being used for residential purposes
- The appraisal identified the homesite as 1 acre

Because the entire 1-acre homesite is not being acquired, the evaluator needs to compute an RHP for a partial acquisition of a carved-out homesite.

To determine the before value of the carve out, the acquisition price to be used is the before value of the homesite.

The acquisition price to be used is the difference between the before value of the homesite and the after value of the homesite.

Note: In this example only a partial acquisition of the carved-out homesite offer will be made since the remainder is not determined to be an uneconomic remnant.

Note: **Exhibit 9002** shows the carve-out sketch and completed TC 62-212 form, *Replacement Housing Payment Computation – Owner* for the example above.

BUILDABLE LOT REMAINDER

When a buildable lot remains after a partial acquisition from a typical or carved-out homesite, it is generally in the Cabinet's best interest to offer to purchase the remainder. Designating the remainder an uneconomic remnant removes the owner's risk of having insufficient funds to replace his or her residence. In addition, it limits the Cabinet's financial obligation under the Relocation Program. When the Cabinet does not offer to purchase a remainder, the owner retains the value of the land, and the replacement housing payment may be unnecessarily inflated by the value of the retained remnant.

When an offer is not being made to purchase a buildable remainder, the evaluator may discuss the situation with the review appraiser and inquire if the remainder could be identified as an uneconomic remnant. If after review the remainder is not identified as an uneconomic remnant, the evaluator, through the right-of-way supervisor, may request the Director of the Division of Right of Way and Utilities' written approval to offer to purchase the remainder.

If the Cabinet does not offer to purchase the buildable remainder, to compute the purchase supplement (PS), the subject's acquisition price is the before value of the subject homesite less the after value of the homesite.

(Cost of comparable) – [(Before value of homesite) – (After value of homesite)] = PS

When the Cabinet offers to purchase the buildable remainder, a single purchase supplement payment will be computed and offered to the owner. The acquisition price to be used to compute the purchase supplement (PS) is the subject's before value, regardless of whether the owner retains or sells the remainder.

(Cost of comparable) – (Before value of homesite) = PS

Example 3—Buildable Lot Remainder

The acquisition consists of 1 acre from a 2-acre lot which is typical for the area. The acquisition will include 1 acre, the residence, and storage shed. The remaining 1 acre meets local zoning codes for a single-family residence and is considered to be a buildable lot by the appraiser.

The residence, storage shed, and 1 acre on which it is located are valued at $100,000. The 1-acre remainder is valued at $15,000.

BUILDABLE LOT REMAINDER (CONT.)

If the FMV offer is $115,000 for the residence, shed, and entire 2 acres of land, then $115,000 will be used as the acquisition price in the RHP computations, whether the relocate accepts the full $115,000 for all the land or accepts $100,000 and retains the 1-acre buildable lot.

If the FMV offer is $100,000 for the residence, shed, and the 1 acre which it is situated and no offer will be made to buy the remaining 1 acre for an additional $15,000, then only $100,000 will be used in RHP computation.

HIGHER & BETTER USE TRACT

If the subject's value is established based on a use higher and better than residential and the tract is larger than typical, the evaluator shall first carve out the subject's typical-sized homesite as outlined in "Carve Out of Homesite" above. When computing the purchase supplement (PS) payment, the acquisition price to be used is the difference between the before and after values of the portion carved out, using the value indicated for the higher and better use.

(Cost of comparable) – [(Before value of homesite using value indicated for higher and better use) – (After value of homesite using value indicated for higher and better use)] = PS

JOINT RESIDENTIAL / BUSINESS USE

If the displacement dwelling was part of a property that contained another dwelling unit or space used for nonresidential purposes, only that portion of the acquisition payment actually attributed to the subject's residential site shall be considered its acquisition cost when computing the purchase supplement payment.

The evaluator determines what constitutes the typical homesite by using a tract typical in the area for residential use, even if a portion or all of that area is occupied by an improvement that is being used for other-than-residential purposes. For example, a craft shop might be located within a portion of the area designated as the subject's typical homesite. The value attributed to the craft shop building would be excluded from the carve out, but the value of the land on which it is located, as well as any residentially used improvements (such as, a septic system shared by the dwelling and shop) would be included.

To compute the purchase supplement (PS) payment, the acquisition price to be used is the difference between the before and after value of the portion carved out as typical for residential use.

(Cost of comparable) – [(Before value of carve out) – (After value of carve out)] = PS

LARGER THAN TYPICAL TRACT

If the acquired dwelling is located on a tract larger in size than is typical for residential use in the area, the evaluator shall first carve out a typical site for the subject's neighborhood as outlined in "Carve Out of Homesite" above.

To compute the purchase supplement (PS) payment, the acquisition price to use is the difference between the before and after values of the portion of subject tract that was carved out as typical for residential use.

(Cost of comparable) – [(Before value of carve out) – (After value of carve out)] = PS

MAJOR EXTERIOR ATTRIBUTE

When the comparable relied upon lacks a major exterior attribute (MEA) of the displacement site (for example, the site is significantly smaller or lacks a detached garage, swimming pool, or tennis court, etc.), the value of such attribute shall not be included in the subject's acquisition price. To compute the purchase supplement (PS) payment, subtract the value of the major exterior attribute from the subject's acquisition price.

(Cost of comparable) – [(Before value of homesite less value of MEA) – (After value of homesite less value of MEA)] = PS

Sheds are not considered to be major exterior attributes, as their value is generally not a significant contribution to the overall homesite value. However, the value of a shed shall be deducted from a typical homesite determination when it is used for nonresidential purposes (such as a chicken coop, corn crib, or smoke house).

UNECONOMIC REMNANT

If an uneconomic remnant remains after a partial acquisition from a typical or carved-out homesite and the remainder **is not** a buildable lot, two purchase supplement payments will be computed and offered to the owner as follows:

- For a total acquisition, the before value of the subject homesite is the acquisition price to be used to compute the purchase supplement (PS) payment.

  (Cost of comparable) – (Before value of homesite) = PS

- For a partial acquisition, the acquisition price to be used is the before value less the after value of the subject homesite.

  (Cost of comparable) – [(Before value of homesite) – (After value of homesite)] = PS

UNECONOMIC REMNANT (CONT.)

If an uneconomic remnant remains after a partial acquisition from a typical or carved-out homesite and the remainder **is** a buildable lot, only one purchase supplement payment will be computed and offered to the owner. The acquisition price to be used in this computation is the before value of the subject homesite, regardless of whether the owner retains or sells the remainder.

(Cost of comparable) – (Before value of homesite) = PS

Example 4—Total and Partial Acquisition from a Typical Homesite

Although the subject dwelling is situated on 2 lots, this site is considered to be typical for the following reasons:

- Lot 10 falls steeply away from the dwelling about 15 feet from the drive
- Most dwellings in the subject subdivision are on double lots
- This is a rural area where homesites are generally 1 acre in size
- Both lots combined do not exceed 1 acre

The evaluator needs to compute an RHP for both a total and partial acquisition because a very small part of the tract is not needed. Because the dwelling is acquired, the very small remainder should be declared an uneconomic remnant.

For total acquisition, the acquisition price to be used is the before value.

For partial acquisition, the acquisition price to be used is the difference between the before value and the after value.

Note: **Exhibit 9003** shows a sketch and completed TC 62-212 form, *Replacement Housing Payment Computation – Owner* for the example above.

Example 5—Total and Partial Acquisition from a Carved-Out Homesite

The subject dwelling is situated on a 2.893-acre multi-use tract that contains a residence, detached garage, playhouse, and metal barn. This site is not considered to be typical. The evaluator determined a 1.2-acre homesite to be typical since that is the area actually being used for residential purposes.

UNECONOMIC REMNANT (CONT.)

The acquisition consists of 1.548 acres of the 2.893-acre tract. Because the entire 1.2-acre homesite is not being acquired and the appraiser has stated the remaining 1.345 acres are an uneconomic remnant, the evaluator needs to compute an RHP for a total acquisition and a partial acquisition of a carved-out homesite.

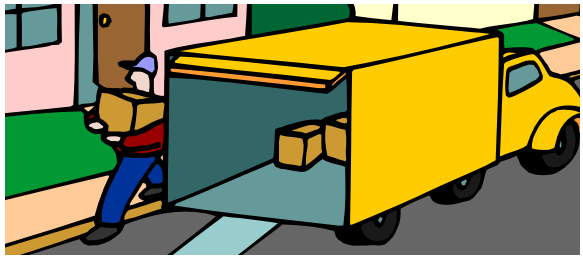
To determine before value of the carve out, the acquisition price to be used is the before value of the homesite.

To determine after value of the carve out, the value to be used is the value the appraiser has placed on the remainder as an uneconomic remnant.

For total acquisition of the carve out, the acquisition price to be used is the before value of the carve-out homesite.

For partial acquisition of the carve out, the acquisition price to be used is the difference between the before value of the carve out and the after value of the carve out.

Note: **Exhibit 9004** shows the carve-out sketch and completed TC 62-212 form, *Replacement Housing Payment Computation – Owner* for the example above.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90 -DAY OWNER OCCUPANTS

Subject

Purchase Supplement Payment

COMPUTING A PURCHASE SUPPLEMENT

A qualified replacement housing evaluator will compute a purchase supplement payment for a 90-day owner occupant as prescribed in **RA-808**, "Cost of Comparable Replacement Dwelling" and **RA-903**, "Situations Affecting Replacement Housing Payment Computations."

From the asking price of a comparable replacement dwelling on a typical homesite for its area, the evaluator will subtract the acquisition price of the subject homesite. The computed purchase supplement shall be rounded up to the nearest $5. Any payment in excess of the statutory $31,000 limit must be paid with last resort housing funds. (See **RA-1300**, "Last Resort Housing.")

The evaluator should compute replacement housing payments as early in the acquisition process as possible to allow adequate time for displacees to locate, acquire, and occupy decent, safe, and sanitary replacement housing.

The Relocation Branch Manager, or designee, approves replacement housing computations. Approval is requested by submitting the following items in the order listed:

- TC 62-212 form, *Replacement Housing Payment Computation – Owner* (**Exhibit 9023**) or TC 62-213 form, *Replacement Housing Payment Computation – Tenant* (**Exhibit 9024**), as applicable
- TC 62-214 form, *Replacement Housing Payment Worksheet* (**Exhibit 9025**)
- TC 62-211 form, *Replacement Housing Payment Computation Correlation* (**Exhibit 9022**)
- TC 62-58 form, *Rent Certification* (**Exhibit 9007**), when applicable

COMPUTING A PURCHASE SUPPLEMENT (CONT.)

- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

Note: The Director of the Division of Right of Way and Utilities, or designee, shall review for approval all replacement housing computations where last resort housing funds are being requested.

The approved computation reflects the maximum replacement housing payment.

When no comparable replacement dwelling is available or when it is most cost effective to do so, the Relocation Branch Manager, or designee, may approve a purchase supplement payment that is based on the cost to construct a functionally similar decent, safe, and sanitary replacement dwelling. In this case, procedures outlined in **RA-1300**, "Last Resort Housing" will also apply.

RECOMPUTING A PURCHASE SUPPLEMENT

If the displacee did not have a reasonable time to negotiate the purchase or lease of the original comparable, or a different comparable must be selected following an appeal, the purchase supplement payment must be recomputed as outlined in **RA-811**, "Recomputing / Revising a Replacement Housing Payment."

The recomputed computation reflects the maximum replacement housing payment.

REVISING A PURCHASE SUPPLEMENT

When the subject's acquisition price changes as a result of an appraisal revision, administrative settlement, court settlement or award, etc., the replacement housing evaluator shall revise the purchase supplement payment following the guidelines outlined in **RA-811**, "Recomputing / Revising a Replacement Housing Payment."

If the original value of the acquired homesite is less than 100 percent of the original fair market value offer, the ratio of the homesite area acquired to the total area acquired will be used to revise the purchase supplement.

The revised computation reflects the maximum replacement housing payment.

ACTUAL PURCHASE SUPPLEMENT PAYMENT

The replacement housing payment computation is based on the subject's acquisition price and sets the maximum purchase supplement payment. However, the amount actually paid under the Relocation Program is the lesser of:

- The cost of the comparable offered
- The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person

The purchase supplement to be paid can be affected by insurance proceeds for damage to or loss of the displacement dwelling, whether the owner retains and will occupy the displacement dwelling, etc. The relocation agent shall ascertain pertinent facts to ensure proper payment.

Each relocation claim for payment shall be accompanied by documentation required to support expenses incurred, such as settlement statements, deed to acquire the replacement home, bills, appraisals, or other evidence of expenses. The relocation agent, or consultant, shall provide a displaced person with reasonable assistance necessary to complete and file any relocation claim for payment.

INSURANCE PAYMENT FOR DISPLACEMENT DWELLING

To avoid duplication of payment, any insurance proceeds a displacee receives in connection with damage to or loss of the displacement dwelling due to a catastrophe (fire, flood, etc.) will be included in the acquisition cost of that dwelling when computing the price differential.

OWNER RETENTION OF DISPLACEMENT DWELLING

If an owner elects to retain the displaced dwelling and relocate it to a replacement site, the purchase supplement payment will be based on the salvage value of the retained dwelling plus costs to reestablish the dwelling at a new site and, if necessary, bring it up to decent, safe, and sanitary standards, less the acquisition price of the acquired homesite. The purchase supplement payment shall be rounded up to the nearest $5.

The purchase supplement payment shall not exceed the amount the displaced person would have received if a comparable replacement dwelling had been purchased.

OWNER RETENTION OF DISPLACEMENT DWELLING (CONT.)

Eligible costs to reestablish the dwelling include:

- The cost to move the retained dwelling
- The cost of repairs the Relocation Branch Manager, or designee, determines is necessary to make the dwelling decent, safe, and sanitary (DS&S)
- The cost of a homesite, including any necessary landscaping, driveways, wells, septic systems, etc.

  Note: If the dwelling is moved to the displacee's remainder land, the before value of the acquired homesite will be used to compute the purchase supplement payment. The relocation agent will request the appraiser or review appraiser to value the replacement lot when its value cannot otherwise be determined.

- The cost to restore the dwelling to a condition comparable to that before the move

  Note: Any costs to improve or redecorate the dwelling (other than costs to correct DS&S deficiencies) are not eligible for reimbursement.

CONDEMNATION CLAUSE

When a displacee, through condemnation proceedings, challenges the amount offered for his or her residential homesite, the Cabinet will make available the computed replacement housing payment (RHP) based on the original fair market value (FMV) offer. Since the replacement housing entitlement may change depending on the final outcome of the trial or settlement, prior to payment the displacee must agree in a written condemnation clause that:

- Upon final determination of the condemnation proceedings, the replacement housing payment will be recomputed using the acquisition price established by the court or by stipulated settlement and the lesser of:

  - The cost of the decent, safe, and sanitary replacement dwelling actually purchased
  - The cost of a comparable replacement dwelling

CONDEMNATION CLAUSE (CONT.)

- If the amount awarded for the acquired homesite plus the amount of the provisional replacement housing payment exceeds the approved purchase supplement payment calculated in accordance with this section, the displacee will refund the excess amount to the Cabinet from the condemnation award or stipulated settlement.

The displacee will refund no more than the amount of the provisional replacement housing payment.

If the value of the acquired homesite is less than 100 percent of the acquisition price, the condemnation clause shall specify the ratio of the acquired homesite area to the total area acquired. Any adjustment made as a result of a court award or stipulated settlement shall be made in accordance with this ratio and as outlined in **RA-811**, "Recomputing / Revising a Replacement Housing Payment."

If the displacee does not agree with the above provisions, the replacement housing payment will be deferred pending final adjudication or a stipulated settlement.

OCCUPANCY REQUIREMENTS

To qualify for a purchase supplement payment, the displacee shall purchase and occupy a decent, safe, and sanitary replacement dwelling within one year after the later of:

- The date the owner receives final payment for the displacement dwelling (in condemnation cases, the date the full estimate of just compensation is deposited with the court)
- The date a comparable replacement dwelling is made available to the displaced person

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager, or designee.

OWNER OF A DWELLING

A person is considered to have met the requirement to own a dwelling when he or she purchases or holds any of the following interests in real property:

- Fee title, a life estate, a land contract, a 99-year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition

OWNER OF A DWELLING (CONT.)

- An interest in a cooperative housing project which includes the right to occupy a dwelling

- A contract to purchase any of the interests or estates described above

- Any other interest, including a partial interest, that the Cabinet determines is sufficient to warrant consideration as ownership.

  Note: Relocation benefits based on a displacee's partial ownership interest of a replacement dwelling must have prior approval of the Relocation Branch Manager, or designee.

ADVANCED PAYMENTS

A relocation payment shall be made only after the displaced person performs as required to qualify for such payment, unless the displacee demonstrates the need for an advanced payment to avoid or reduce a hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made, subject to appropriate safeguards to ensure that the objective of the payment is accomplished.

ADVANCED CLAIMS

An advance claim is one submitted in advance of a qualifying event. For example, a purchase supplement claim submitted prior to closing so that payment is available for the closing. While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment, unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined above.

CLAIM FOR PAYMENT

The Relocation Branch Manager, or designee, approves purchase supplement claims. Approval is requested by submitting the following items in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)

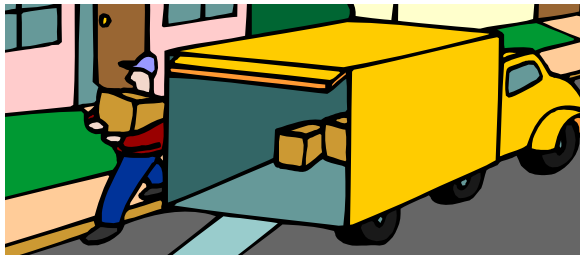
- TC 62-215 form, *Replacement Housing/Down Payment Assistance Residential Claim* (**Exhibit 9026**)

- The most-recently approved TC 62-212 form, *Replacement Housing Payment Computation - Owner* (**Exhibit 9023**)

- Signed purchase contract or HUD Closing Statement and deed to purchase the replacement property

CLAIM FOR PAYMENT (CONT.)

- TC 62-67 form, *DS&S Inspection Report* (**Exhibit 9010**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY OWNER OCCUPANTS

Subject

Increased Mortgage Interest Costs

POLICY

The amount payable as an increased interest cost payment is the sum of:

- An amount that when added to the down payment will reduce the replacement dwelling mortgage to an amount that can be amortized with the same monthly principal and interest payment over the same remaining term as the displacement mortgage

  Note: This payment is commonly known as the "buydown."

- Other debt services costs outlined below, if not paid as incidental expenses

To calculate the increased interest payment, the relocation agent must know:

- The remaining principal balance, the interest rate, and monthly principal and interest payment for each old mortgage

- The interest rate, points, and term for each new mortgage

The New Mortgage Toolbox or other financial software approved by the Relocation Branch Manager, or designee, will be used to calculate increased mortgage interest cost payments.

The Federal Highway Administration provides additional increased mortgage interest cost calculators on their website at:

http://www.fhwa.dot.gov/realestate/midpcalcs/index.cfm

OLD MORTGAGE REQUIREMENTS

A displacee is eligible for an increased interest payment for each existing mortgage that:

- Was a valid lien on the displacement dwelling for at least **180 days** prior to the initiation of negotiations

OLD MORTGAGE REQUIREMENTS (CONT.)

- Had an interest rate lower than the interest rate on the replacement dwelling

If the old interest rate is higher than the new interest rate, the buydown amount is zero. Purchaser's points and loan origination or assumption fees (but not seller's points) shall be paid as outlined below.

POINTS & LOAN ORIGINATION FEES

Debt services costs such as purchaser's points and loan origination or assumption fees may be included, provided:

- They are not paid as incidental expenses as outlined in **RA-906**, "Incidental Expenses"
- They do not exceed rates normal to similar real estate transactions in the area
- The Relocation Branch Manager, or designee, determines them to be necessary

The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of the mortgage balance.

To document these charges, the relocation agent shall obtain a copy of the lending agency's closing statement. The New Mortgage Toolbox or other financial software approved by the Relocation Branch Manager, or designee, will be used to calculate points when paid as part of an increased mortgage interest cost payment.

BALANCE TO BE USED

To determine the mortgage balance to be used in calculations, the relocation agent:

- Uses each unpaid mortgage balance on the acquired dwelling
- If the new mortgage amount is less than the computed buydown amount, appropriately prorates and reduces the buydown payment
- When encountering a home equity loan, uses the unpaid balance that existed **180 days** prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less

TERM TO BE USED

The relocation agent uses the remaining term of each old mortgage or the term of the new mortgage, whichever is shorter, as follows:

- If the new mortgage term is longer, the monthly principal and interest (P&I) payment is used for each old mortgage to calculate the remaining term required to pay off each existing mortgage.
- If the new mortgage term is shorter, the new mortgage term is used to compute the monthly P&I payment necessary to pay off the existing mortgage.

RATE TO BE USED

The actual interest rate paid on the replacement dwelling mortgage is to be used **except** when the combination of interest and points for the new mortgage exceeds the current prevailing fixed interest rate and points for conventional mortgages in the area in which the replacement dwelling is located. In such cases, the current prevailing fixed interest rate and points in the replacement dwelling area is used, unless there is justification for the excessive rate. Justification may be the unavailability of the current prevailing rate due to the amount of the new mortgage, credit difficulties, or other similar reasons.

The Relocation Branch Manager or designee must approve using an interest rate in excess of prevailing rates. To request approval to use a higher than prevailing interest rate, the relocation agent will provide the manager with:

- A memorandum of recommendation
- TC 62-50 form, *Mortgage Interest Rates* (**Exhibit 9006**) for the area in which the replacement home is located
- Documentation from the displacee justifying the need for a higher rate
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

The district relocation staff will routinely check and record prevailing interest rates in the project area on the TC 62-50 form.

TYPES OF MORTGAGES

If the acquired property is secured with:

- **An adjustable rate mortgage**, the relocation agent uses the interest rate, monthly P&I payment, and mortgage balance in effect on the date of acquisition

TYPES OF MORTGAGES (CONT.)

- **Multiple mortgages**, the relocation agent computes a buydown payment for each mortgage using the terms of each mortgage

- **A home equity loan**, the relocation agent uses:

  - The lesser of the balance on the date of acquisition or the balance **180 days** prior to the initiation of negotiations

  - The interest rate and monthly payment in effect on the date of acquisition

- **A balloon payment mortgage**, the relocation agent uses the interest rate, monthly payment, and mortgage balance in effect on the date of acquisition

  Note: The monthly payment is normally predicated on a term longer than the actual term of the mortgage, so the computed remaining term will be greater than the actual remaining term. Using the computed remaining term will provide the appropriate interest payment.

DOCUMENTATION

The relocation agent provides documentation of the term, mortgage balance, and interest rate on the TC 62-59 form, *Mortgage Information* (**Exhibit 9008**). Forms shall be completed for existing and new mortgages and signed by a representative of the lending agency.

When a loan is included in a land contract, a copy of the contract will be used for documentation.

SMALLER REPLACEMENT MORTGAGE

If the amount financed on the replacement dwelling is less than the sum of all valid mortgage balances existing on the acquired dwelling, the relocation agent shall adjust the mortgage reduction amount accordingly.

The New Mortgage Toolbox software will calculate the adjustment amount and provide the required new mortgage reduction amount.

PARTIAL ACQUISITIONS

For partial acquisitions, the relocation agent shall consider the following when evaluating mortgage interest costs:

- **Typical Tract**: When the acquired dwelling is located on a tract typical in size for residential use in the area, the interest payment will be reduced to the percentage ratio that the acquisition bears to the before value, except the interest payment shall not be reduced when the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary for the displacee to refinance.

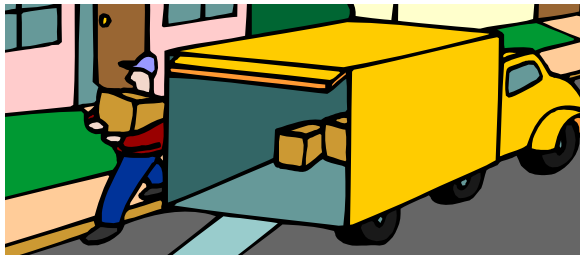
- **Larger-than-Typical Tract**: When the acquired dwelling is located on a tract larger than typical for residential use in the area, the total mortgage balance shall be reduced to the percentage ratio the typical-sized residential homesite bears to the total before value. The total mortgage balance shall be reduced whether or not the displacee is required to pay off the entire mortgage balance.

MULTIUSE PROPERTIES

The interest payment on multiuse properties shall be reduced to the percentage ratio the typical residential homesite bears to the total before value. For example, the building acquired is a two-story building with a grocery on the first floor and the second story used as a residence. Typically the value attributed to the residential portion can be abstracted from the approved appraisal. However, when the required information cannot be gleaned from the appraisal, the relocation agent shall ask the review appraiser to provide the value of the residential portion of the property. Ultimately the review appraiser or the appraiser provides the residential value, in memorandum form, to be used in determining the interest payment.

NOTICE TO DISPLACEE

The displaced person shall be advised of the approximate amount of this payment as soon as the facts relative to the current mortgage are known. Payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended. The displaced person may elect to have payment made directly to him or her or, upon written request, to the lender.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY OWNER OCCUPANTS

Subject

Incidental Expenses

POLICY

A relocation agent will compute incidental expense payments for a 90-day owner occupant as prescribed below.

Incidental expenses are those necessary and reasonable costs the displacee actually incurs to purchase a replacement dwelling, when such costs are customarily paid by the buyer at closing. Incidental expenses include:

- Legal, closing, and related costs, including those for title, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees

  Note: Fees to record a mortgage are eligible only when a mortgage existed on the acquired dwelling.

- Certification of structural soundness and home inspection fees, when reasonable or when such fees are normal to real estate transactions in the vicinity of the replacement dwelling

- Appraisal, flood certification, and termite inspection fees

- Owner's and mortgagee's evidence of title, such as title insurance, not to exceed the cost of title insurance for a comparable replacement dwelling

- Lender, FHA, or VA application fees; credit report; underwriting fee; overnight fee; and tax service fee, when a mortgage existed on the acquired dwelling

- Loan origination or assumption fees that do not represent prepaid interest, when a mortgage existed on the acquired dwelling

  Note: The relocation agent needs to establish with the lending institution whether the displacee is paying a loan origination fee or prepaid interest in “points.” Points on a loan are often prepaid interest and when included in an increased interest payment, shall not be paid as an incidental expense.

POLICY (CONT.)

- Escrow agent's fee
- State revenue or documentary stamps, sales, or transfer taxes, not to exceed the costs for a comparable replacement dwelling
- Other costs the Relocation Branch Manager, or designee, determines to be incidental to the purchase

Reimbursable expenses incurred to secure a new mortgage for the replacement dwelling will be based on the balance of the existing mortgage or the balance of the new mortgage, whichever is less. Eligible expenses are reimbursable regardless of the length of time a mortgage has been in effect on the acquired dwelling.

To be reimbursed for eligible incidental expenses, the displacee shall provide a valid, signed copy of the HUD closing statement. When practical, the relocation agent shall attend the replacement property closing and obtain a signed HUD closing statement at that time.

Paid receipts may be used to document expenses incurred outside of the closing. The TC 62-48 form, *Closing Statement* (**Exhibit 9005**), shall be used when a HUD closing statement is not issued at closing. The relocation agent shall use the TC 62-48 form to document how all fees were assessed.

Expenses associated with conveyance of the displacement dwelling and payoff of the old mortgage are not eligible for reimbursement, as they are incidental acquisition expenses and are not attributed to purchase of a replacement dwelling.

ADVANCED PAYMENTS

A relocation payment shall be made only after the displaced person performs as required to qualify for such payment, unless the displacee demonstrates the need for an advanced payment to avoid or reduce a hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made, subject to appropriate safeguards to ensure that the objective of the payment is accomplished.

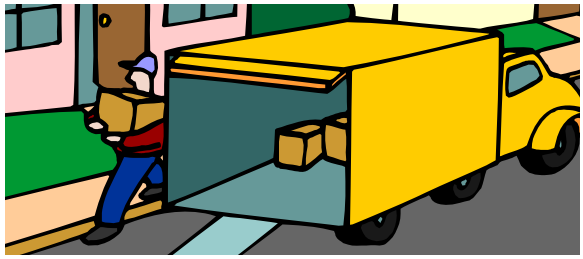
ADVANCED CLAIMS

An advance claim is one submitted in advance of a qualifying event. For example, an incidental expense claim based on a good-faith estimate so that payment is available for the closing. While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined above.

CLAIM FOR PAYMENT

The Relocation Branch Manager, or designee, approves incidental expense claims. Approval is requested by submitting the following items in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-215 form, *Replacement Housing/Down Payment Assistance Residential Claim*, (**Exhibit 9026**)
- TC 62-48 form, *Closing Statement* (**Exhibit 9005**)
- A signed copy of the lender's good-faith estimate of closing costs, when payment is needed at closing
- A signed HUD settlement statement and deed to purchase the replacement property, when a claim is being submitted after closing
- TC 62-67 form, *DS&S Inspection Report* (**Exhibit 9010**), if not previously submitted
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY OWNER OCCUPANTS

Subject

Rental Assistance Payment

POLICY

A 90-day owner occupant who is eligible for a replacement housing payment may choose to rent a replacement dwelling instead.

A 90-day owner occupant is not eligible to use a rent supplement payment for down payment assistance.

A rental assistance payment to a 90-day owner occupant cannot exceed the amount he or she could have received had they purchased a replacement dwelling.

PAYMENT DISBURSEMENT

Unless otherwise recommended by the replacement housing evaluator, rental assistance payments will be paid in a lump sum when the full amount is applied to the replacement dwelling or homesite.

The statutory $7,200 limit does not apply to rent supplement payments to a 90-day owner occupant. However, when a rent supplement payment exceeds $7,200 and the entire amount is not applied to the replacement dwelling or homesite, payment may be made in a lump sum payment, unless the relocation agent determines the payment be made in three annual installments.

Installments can also be made if requested by the displaced person and the file is documented as such.

Except as limited by **RA-816**, “Payment after Death,” the full amount vests immediately whether or not there is any later change in the person's income or rent or in the condition or location of the person's housing.

HOUSEHOLD INCOME

Household income is not a factor in computing a rent supplement payment for a 90-day owner occupant.

COMPUTING A RENTAL ASSISTANCE PAYMENT

A replacement housing evaluator will compute a rent supplement payment for 90-day owner occupants as prescribed in this section and **RA-808**, "Cost of Comparable Replacement Dwelling." However, since a rent supplement payment to a 90-day owner occupant cannot exceed what he or she would have received had they purchased, the evaluator shall first compute a replacement housing payment as outlined in **RA-808** and **RA-904**, "Purchase Supplement Payment."

The Cabinet's initial offer and 90-day notice are issued based on the approved purchase supplement computation, which sets the maximum payment available to a 90-day owner occupant.

After presenting the Cabinet's initial offer based on a comparable property that is for sale, a rent supplement payment can be computed. The evaluator subtracts the subject's fair market rent and average monthly utility costs from the monthly rent and estimated average utility cost of a comparable replacement dwelling. The result is multiplied by 42 and the rent supplement is rounded up to the nearest $5. The statutory $7,200 limit does not apply to a 90-day owner occupant computation.

The displacee may provide actual utility costs for the displacement dwelling. For the replacement dwelling, the landlord may provide the costs, or a utility company's estimate or past history for the replacement dwelling may be used, if available.

The evaluator should compute replacement housing payments as early in the acquisition process as possible to allow adequate time for displacees to locate, acquire, and occupy decent, safe, and sanitary replacement housing.

EXAMPLE

Jackie Purvis is employed and his household income exceeds the U.S. Department of Housing and Urban Development's Public Housing and Section 8 Program income limits. However, income is not a factor in computing a rent supplement payment for a 90-day owner occupant.

Since Jackie owns the subject property, he pays no rent. To establish fair market rent for the subject property, the evaluator locates similar properties (comps) that are currently rented.

The subject is a three-bedroom, one-bath brick dwelling. Based on the following comps, the evaluator establishes the subject's market rent at $450.

EXAMPLE (CONT.)

Comp	Description	Rent
1	3-bedroom, 1 ½- bath brick dwelling	$450
2	3-bedroom, 1-bath brick dwelling with 1-car garage	$500
3	4-bedroom, 1-bath vinyl-sided dwelling	$485

To the $450 market rent, the evaluator adds the displacee's actual average utility costs of $188 for a base monthly rent of $638. The comparable relied upon to compute the maximum rent supplement payment costs $763 per month for rent and utilities. Jackie's rent supplement payment is calculated as follows:

Cost of comparable rent and utilities	$763
Market rent and utilities of subject	-638
Difference in monthly rent and utilities	$125
Result multiplied by 42	$5,250
Maximum rental assistance payment* (Rounded)	$5,250

*Maximum rent supplement payment, provided the previously approved purchase supplement was $5,250 or more

COMPUTATION PACKAGE

The Relocation Branch Manager, or designee, approves rent supplement computations. Approval is requested by submitting the following items in the order listed:

- TC 62-212 form, *Replacement Housing Payment Computation – Owner*, (**Exhibit 9023**)
- TC 62-214 form, *Replacement Housing Payment Worksheet* (**Exhibit 9025**)
- TC 62-211 form, *Replacement Housing Payment Computation Correlation* (**Exhibit 9022**)
- TC 62-58 form, *Rent Certification* (**Exhibit 9007**), when applicable
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

The approved computation reflects the maximum rent supplement payment, which cannot exceed the previously approved purchase supplement computation.

RECOMPUTING A RENT SUPPLEMENT

If the displacee did not have a reasonable time to negotiate the lease of the original comparable or a different comparable must be selected following an appeal, the rent supplement payment shall be recomputed based on comparables available at the time the payment is recomputed.

The recomputed computation reflects the maximum rent supplement payment, which cannot exceed the previously approved purchase supplement computation.

A 90-day notice is issued to a 90-day owner occupant based on the approved purchase supplement computation, not a subsequently offered rent supplement payment.

A comparable replacement dwelling will be considered to have been made available to a person if all of the following conditions are met when the initial purchase supplement offer is made:

- The person is informed of the comparable property location.
- The person has sufficient time to negotiate and enter into a purchase agreement for the property.
- Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

AMOUNT OF PAYMENT

A rent supplement payment is computed by subtracting the subject's market rent and monthly average utility costs from a comparable replacement dwelling's monthly rent and estimated utility costs. The approved rent supplement computation sets the maximum available rental assistance under the Relocation Assistance Program, which cannot exceed the previously approved purchase supplement computation. However, the amount actually paid is based on the lesser of:

- The monthly rent and estimated average utility costs for the comparable offered
- The monthly rent and estimated average monthly utility costs for the decent, safe, and sanitary dwelling actually rented and occupied by the displaced person

AMOUNT OF PAYMENT (CONT.)

Each relocation claim for payment shall be accompanied by documentation required to support expenses incurred, such as a signed lease, a settlement statement, a contract to rent a replacement home, bills, or other evidence of expenses. The relocation agent, or consultant, shall provide a displaced person with reasonable assistance necessary to complete and file any relocation claim for payment.

INSURANCE PAYMENT FOR DISPLACEMENT DWELLING

To avoid duplication of payment, any insurance proceeds a displacee receives in connection with damage to or loss of the displacement dwelling due to a catastrophe (fire, flood, etc.) will be included in the acquisition cost of that dwelling when computing a price differential.

OCCUPANCY REQUIREMENTS

To qualify for rent supplement payment, the displacee must rent and occupy a decent, safe, and sanitary replacement dwelling within one year after the later of:

- The date the owner receives final payment for the displacement dwelling (in condemnation cases, the date the full estimate of just compensation is deposited with the court)
- The date a comparable replacement dwelling is made available to the displaced person

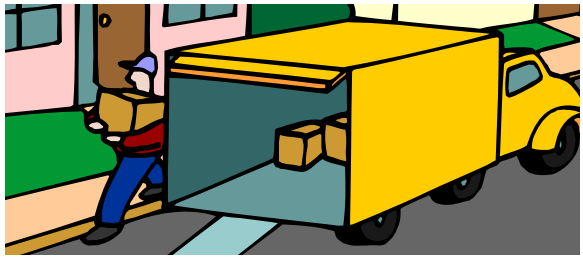
The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager, or designee.

ADVANCED PAYMENTS

A relocation payment shall be made only after the displaced person performs as required to qualify for such payment, unless the displacee demonstrates the need for an advanced payment to avoid or reduce a hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made subject to appropriate safeguards to ensure that the objective of the payment is accomplished.

ADVANCED CLAIMS

An advance claim is one submitted in advance of a qualifying event. For example, a rent supplement claim submitted prior to moving so that the rent payment is available when a displacee occupies the replacement property. While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment, unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined above.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY OWNER OCCUPANTS

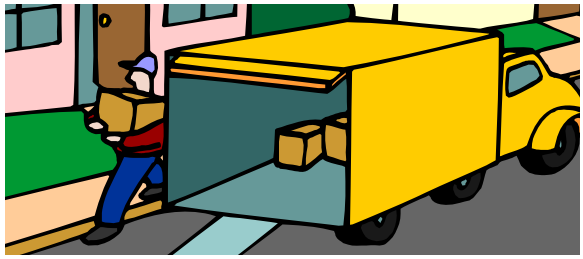
Subject

Down Payment Assistance Payment

POLICY

A 90-day owner occupant who is eligible for a replacement housing payment may choose to rent a replacement dwelling instead. However, a 90-day owner occupant is not eligible to use a rent supplement payment for down payment assistance.

To qualify for financial assistance to purchase a replacement dwelling, a 90-day owner occupant must meet eligibility criteria outlined in **RA-900**, "Replacement Housing Payments for 90-Day Owner Occupants."



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY TENANT OCCUPANTS

Subject

Occupancy Requirements

ELIGIBILITY

A tenant who occupies a dwelling at least 90 days before the initiation of negotiations is entitled to a payment not to exceed $7,200 for rental assistance as computed in accordance with **RA-1003** or down-payment assistance as computed in accordance with **RA-1004**, if such displaced person:

- Has lawfully and actually occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations

- Rents or purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after:
  - For a tenant, the date the tenant moves from the displacement dwelling

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager, or designee.

OCCUPANCY STATUS CHANGE

A displacee is not required to relocate to the same occupancy status (owner or tenant) he or she had prior to displacement and may choose an alternate occupancy status so long as the displacee is eligible as outlined in this manual.

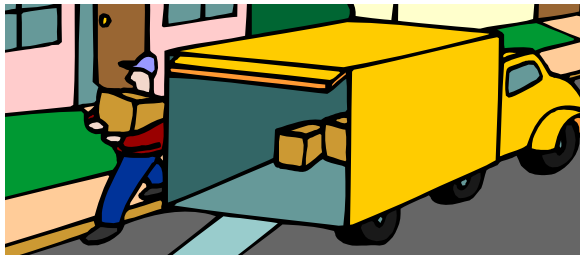
Since this is a reimbursement program, the replacement housing supplement is based on the amount actually spent for replacement housing or the maximum computed supplement, whichever is lesser.

OCCUPANCY OF REPLACEMENT DWELLING

No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in these procedures for a reason beyond his or her control, including:

- A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the federal agency funding the project, or the Cabinet

- A delay in the construction of the replacement dwelling, military reserve duty, or prolonged hospital stay, as recommended by the right-of-way supervisor and approved by the Relocation Branch Manager, or designee



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY TENANT OCCUPANTS

Subject

Amount of Payment

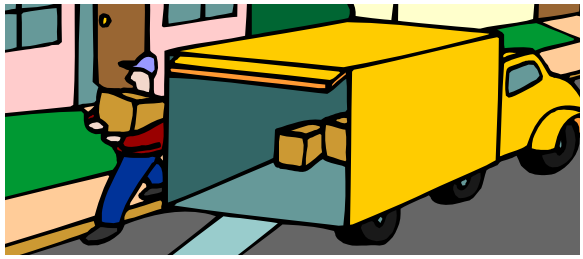
POLICY

The total replacement housing payment for an eligible 90-day tenant occupant may not exceed $7,200 and will be the lesser of:

- The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as computed in accordance with **RA-1003**, "Rental Assistance Payment"

- The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person

Note: A rental assistance payment to a 90-day owner occupant cannot exceed the amount he or she could have received had they purchased a replacement dwelling.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY TENANT OCCUPANTS

Subject

Rental Assistance Payment

POLICY

An eligible displaced person who rents a replacement dwelling is entitled to a rental assistance payment, or rent supplement, not to exceed $7,200. (See 49 CFR 24.404.)

AMOUNT OF PAYMENT

A rent supplement payment shall be 42 times the amount obtained by subtracting the subject's base monthly rent from the lesser of:

- The monthly rent and estimated average monthly utility costs for a comparable replacement dwelling
- The monthly rent and estimated average monthly utility costs for the decent, safe, and sanitary dwelling actually rented and occupied by the displaced person

Note: A rental assistance payment to a 90-day owner occupant cannot exceed the amount he or she could have received had they purchased a replacement dwelling.

PAYMENT DISBURSEMENT

Unless otherwise recommended by the replacement housing evaluator, rental assistance payments will be paid in a lump sum when the full amount is applied to the replacement dwelling or homesite.

When a rent supplement payment exceeds $7,200 and the entire amount is not applied to the replacement dwelling or homesite, payment may be made in a lump sum payment, unless the relocation agent determines the payment should be made in three annual installments.

Installments can also be made if requested by the displaced person and the file is documented as such.

Except as limited by **RA-816**, "Payment after Death," the full amount vests immediately whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

BASE MONTHLY RENT Base monthly rent for the displacement dwelling is the lesser of actual or fair market rent; income; or the amount designed for shelter and utilities (out-of-pocket expense) as outlined in A, B, and C below:

A. **Actual or Fair Market Rent**—The actual average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to the displacement, as determined by the replacement housing evaluator.

   Economic or fair market rent and average monthly utility costs are used for the displacement dwelling when:

   - The tenant provides a service in lieu of paying rent
   - The rent paid does not represent an arm's-length transaction between the tenant and landlord
   - The tenant pays little or no rent
   - An owner occupant elects to relocate as a tenant

B. **Income**—Thirty percent of the average, monthly gross household income when the amount is classified as "low income" by the Department of Housing and Urban Development's (HUD) Annual Survey of Income Limits for the Public Housing and Section 8 Programs.

   The HUD Public Housing and Section 8 Program Income Limits (HUD income limits) are updated annually and are available on the FHWA's web site.

   If the following occur, income is disregarded and the criteria outlined in "A" above are used to determine the base monthly rent:

   - The gross household income exceeds "low income" limits
   - A person refuses to provide appropriate evidence of income
   - A person is a dependent

     Note: A full-time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise.

   When a rent supplement computation is based on income, income shall be documented by pay stubs, signed income tax returns, a statement from the employer or a social service agency, or bank statements.

BASE MONTHLY RENT (CONT.)

C. **Amount designated for shelter and utilities**—If the displaced person is receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities, the total of the amounts designated for shelter and utilities is subtracted from the actual average monthly costs for rent and utilities to determine the base monthly rent at the displacement dwelling. The base monthly rent represents the displaced person's monthly out-of-pocket costs for rent and utilities. The computation package shall include a copy of the entitlement.

HOUSEHOLD INCOME

The gross annual income received by the family from all sources (earned and unearned) including but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received by dependent children and full-time students under 18 years of age.

HOUSEHOLD INCOME EXCLUSIONS

Household income does not include benefits that are not considered income by federal law, such as food stamps and the Women Infants and Children (WIC) program. For a more detailed list of income exclusions, see the FHWA Realty Office website at:

http://www.fhwa.dot.gov/realestate/

If there is a question on whether or not to include income from a specific program, contact the Relocation Branch Manager.

For example, Tom and Mary Smith and their three children are being displaced. The information obtained from the family and verified by the evaluator is as follows:

Tom Smith, employed, annual salary earned:	$21,000
Mary Smith, annual disability payments received:	6,000
Tom Smith Jr., 21, employed, annual salary earned:	10,000
Jane Smith, 17, student, annual income earned:	3,000*
Sammie Smith, 10, full-time student, no income:	0
Smith family gross annual household income:	$37,000

*Income is not included because Jane is a dependent child under 18.

If the family's gross annual household income is less than or equal to the HUD income limits, the displaced household is considered "low income" for purposes of these procedures.

COMPUTING A RENTAL ASSISTANCE PAYMENT

A replacement housing evaluator will compute a rental assistance payment (RHP) for 90-day tenant occupants as prescribed in this section and **RA-808**, "Cost of Comparable Replacement Dwelling."

To determine the RHP, the subject's base monthly rent is subtracted from the monthly rent and estimated average utility cost of a comparable replacement dwelling. The result is multiplied by 42 and the rent supplement is rounded up to the nearest $5. Any payment in excess of the statutory $7,200 limit shall be paid with last resort housing funds. (See **RA-1300**, "Last Resort Housing.")

The landlord or displacee may provide actual utility costs for the displacement dwelling. For the replacement dwelling, the landlord may provide the costs, or a utility company's estimate or past history for the replacement dwelling may be used, if available.

The evaluator should compute replacement housing payments as early in the acquisition process as possible to allow adequate time for displacees to locate, acquire, and occupy decent, safe, and sanitary replacement housing.

EXAMPLES

Payment based on actual rent—Josh Powell is employed and his household income exceeds the HUD income limits. The $506 Josh pays each month for rent and utilities is an arm's length transaction. The comparable rent and utilities is $622 per month. Josh's rent supplement payment is calculated as follows:

Cost of comparable rent and utilities	$622
Actual rent and utilities of subject	-506
Difference in monthly rent and utilities	$116
Result multiplied by 42 months	$4,872
Maximum Rental Assistance Payment	$4,875 (Rounded)

Payment based on market rent—Jackie Purvis is employed and her household income exceeds HUD income limits. The $300 Jackie pays each month for rent is not an arm's length transaction. Jackie's rent is reduced because she is the landlord's daughter. To establish fair market rent for the subject property, the evaluator locates similar properties that are currently rented.

EXAMPLES (CONT.) The subject is a three-bedroom, one-bath brick dwelling. Based on the following comparables (comps), the evaluator establishes the subject's market rent at $450.

Comp	Description	Rent
1	3-bedroom, 1 ½- bath brick dwelling	450
2	3- bedroom, 1-bath brick dwelling with 1-car garage	500
3	4-bedroom, 1-bath vinyl-sided dwelling	485

To the $450 market rent the evaluator adds the displacee's actual average utility costs of $188 for a base monthly rent of $638. The comparable relied upon to compute the maximum rent supplement payment costs $763 per month for rent and utilities. Jackie's rent supplement payment is calculated as follows:

Cost of comparable rent and utilities	$763
Market rent and utilities of subject	-638
Difference in monthly rent and utilities	$125
Result multiplied by 42	$5,250
Maximum Rental Assistance Payment	$5,250 (Rounded)

Payment based on income—Mary Jones is employed, but her $19,466 gross annual income is below HUD's $27,100 income limit for one person in Mason County, Kentucky. Mary provides verifiable documentation of income. The evaluator calculates Mary's monthly income, then multiples it by 30% to determine the most Mary can be expected to pay based on her income.

$19,466 annual income ÷ by 12 months = $1,622 monthly income
$1,622 monthly income x .30 = $487

The $492 Mary pays each month for rent and utilities is an arm's length transaction. The cost of rent and utilities for the comparable is $643 per month. Since Mary's actual rent and utilities exceed 30% of her income, Mary's rent supplement payment is calculated using 30% of her income as follows:

Cost of comparable rent and utilities	$643
30% of displacee's monthly income	-487
Difference in monthly rent and utilities	$156
Result multiplied by 42	$6,552
Maximum Rental Assistance Payment	$6,555 (Rounded)

EXAMPLES (CONT.)

Payment based on amount designated for shelter and utilities—Tammy Martin is employed, but her $13,760 gross annual income is below HUD's $27,100 income limit for one person in Mason County, Kentucky. Tammy receives assistance from a program that designates $320 for shelter and utilities. Tammy provides verifiable documentation of her income and the designated shelter and utilities entitlement. The evaluator confirms with the welfare assistance program that Tammy's $320 entitlement will be available for a qualified replacement dwelling.

Tammy's total monthly rent and utilities at the displacement site is $550. The comparable rent and utilities is $585 per month. Tammy's rent supplement payment is calculated using the $320 shelter and utility entitlement as follows:

Cost of displacement rent and utilities	$550
Amount designated for shelter and utilities	-320
Out-of-pocket costs at displacement site	$230
Cost of comparable rent and utilities	$585
Amount designated for shelter and utilities	-320
Difference in monthly rent and utilities	$265
Out-of-pocket increase ($265-$230)	$35
Result multiplied by 42	$1,470
Maximum Rental Assistance Payment	$1,470

COMPUTATION PACKAGE

The Relocation Branch Manager, or designee, approves replacement housing computations. Approval is requested by submitting the following items in the order listed:

- TC 62-212 form, *Replacement Housing Payment Computation – Owner* (**Exhibit 9023**) or TC 62-213 form, *Replacement Housing Payment Computation – Tenant* (**Exhibit 9024**), as applicable
- TC 62-214 form, *Replacement Housing Payment Worksheet* (**Exhibit 9025**)
- TC 62-211 form, *Replacement Housing Payment Computation Correlation* (**Exhibit 9022**)
- TC 62-58 form, *Rent Certification* (**Exhibit 9007**), when applicable
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

The approved computation reflects the maximum rent supplement payment.

RECOMPUTING A RENT SUPPLEMENT

When the displacee did not have a reasonable time to negotiate the lease of the original comparable, or a different comparable must be selected following an appeal, the rent supplement payment shall be recomputed based on comparables available at the time the payment is recomputed.

A 90-day notice cannot be issued to a residential displacee until comparable replacement housing has been made available.

A comparable replacement dwelling will be considered to have been made available to a person if all of the following conditions are met:

- The person is informed of its location.
- The person has sufficient time to negotiate and enter into a lease or purchase agreement for the property.
- Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

The recomputed computation reflects the maximum rent supplement payment.

ACTUAL RENT SUPPLEMENT PAYMENT

A rent supplement payment is computed by subtracting the subject's base monthly rent from a comparable replacement dwelling's monthly rent and estimated utility costs. The approved rent supplement computation sets the maximum available assistance under the Relocation Program. However, the amount actually paid is the lesser of:

- The monthly rent and estimated average utility costs for the comparable offered
- The monthly rent and estimated average monthly utility costs for the decent, safe, and sanitary dwelling actually rented and occupied by the displaced person

Each relocation claim for payment shall be accompanied by documentation required to support expenses incurred, such as a signed lease, settlement statement, contract to acquire a replacement home, bills, or other evidence of expenses. The relocation agent, or consultant, shall provide a displaced person with reasonable assistance necessary to complete and file any relocation claim for payment.

INSURANCE PAYMENT FOR DISPLACEMENT DWELLING

To avoid duplication of payment, any insurance proceeds a displacee receives in connection with damage to or loss of the displacement dwelling due to a catastrophe (fire, flood, etc.) will be included in the acquisition cost of that dwelling when computing a price differential.

OCCUPANCY REQUIREMENTS

To qualify for rental assistance the displacee must rent and occupy a decent, safe, and sanitary replacement dwelling within one year after the date he or she moves from the displacement dwelling.

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager, or designee.

ADVANCED PAYMENTS

A relocation payment shall be made only after the displaced person performs as required to qualify for such payment, unless the displacee demonstrates the need for an advanced payment to avoid or reduce a hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made, subject to appropriate safeguards to ensure that the objective of the payment is accomplished.

ADVANCED CLAIMS

An advance claim is one submitted in advance of a qualifying event. For example, a rent supplement claim submitted prior to moving so that the rent payment is available when a displacee occupies the replacement property. While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined above.

CLAIM FOR PAYMENT

The Relocation Branch Manager, or designee, approves rent supplement claims. Approval is requested by submitting the following items in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-71 form, *Rent Claim* (**Exhibit 9012**)
- The most-recently approved TC 62-213 form, *Replacement Housing Payment Computation - Tenant* (**Exhibit 9024**), as applicable
- TC 62-58 form, *Rent Certification* (**Exhibit 9007**) or signed agreement to rent the replacement property

CLAIM FOR PAYMENT (CONT.)

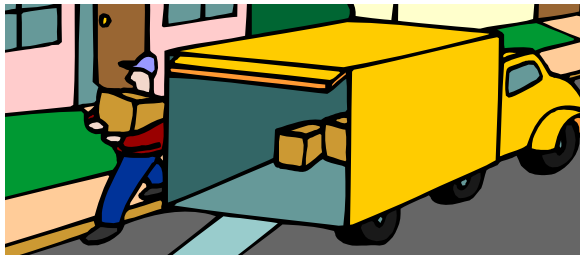
- TC 62-67 form, *DS&S Inspection Report* (**Exhibit 9010**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

CONVERSION OF PAYMENT

A displacee who initially rents a replacement dwelling and receives a rent supplement payment under these procedures may subsequently choose to purchase a dwelling.

To qualify for this payment conversion, the displacee must meet the one-year time frame to purchase and occupy a replacement dwelling.

Any portion of a rental assistance payment that has been disbursed will be deducted from the replacement housing or down-payment supplement payments, as applicable.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR 90-DAY TENANT OCCUPANTS

Subject

Down Payment Assistance Payment

POLICY

Other than a 90-day owner occupant, any displaced person eligible for a rent supplement payment may choose to use that payment as down payment assistance to purchase a replacement dwelling.

MAXIMUM PAYMENT

A down payment assistance payment shall equal the approved rent supplement payment computed in accordance with **RA-1003**, "Rental Assistance Payment."

If the approved rent supplement payment is less than $7,200 the Cabinet shall offer down-payment assistance up to the $7,200 statutory maximum. Any payment in excess of $7,200 must be paid with Last Resort Housing funds. (See **RA-1300**, "Last Resort Housing.")

PAYMENT DISBURSEMENT

The entire down payment assistance payment must be applied to the purchase price of a decent, safe, and sanitary replacement dwelling and related incidental expenses.

ACTUAL PAYMENT AMOUNT

The approved rent supplement computation sets the maximum down payment assistance available under the Relocation Program. However, payment is limited to the amount actually applied to the purchase price of a decent, safe, and sanitary replacement dwelling and related incidental expenses.

If the down payment assistance payment exceeds the purchase price of the replacement dwelling, payment is limited to the cost of the dwelling.

Each claim for payment shall be accompanied by documentation required to support expenses incurred, such as a settlement statement, contract to acquire a replacement home, bills, or other evidence of expenses.

The relocation agent, or consultant, shall provide a displaced person with reasonable assistance necessary to complete and file a claim.

INSURANCE PAYMENT FOR DISPLACEMENT DWELLING

To avoid duplication of payment, any insurance proceeds a displacee receives in connection with damage to or loss of the displacement dwelling due to a catastrophe (fire, flood, etc.) will be included in the acquisition cost of that dwelling when computing a price differential.

OCCUPANCY REQUIREMENTS

To qualify for down payment assistance the displacee must purchase and occupy a decent, safe, and sanitary replacement dwelling within one year after:

- For a tenant, the date he or she moves from the displacement dwelling

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager, or designee.

ADVANCED PAYMENTS

A relocation payment shall be made only after the displaced person performs as required to qualify for such payment, unless the displacee demonstrates the need for an advanced payment to avoid or reduce a hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made, subject to appropriate safeguards to ensure that the objective of the payment is accomplished.

ADVANCED CLAIMS

An advance claim is one submitted in advance of a qualifying event. For example, a down payment assistance claim submitted prior to closing so that payment is available for closing. While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined above.

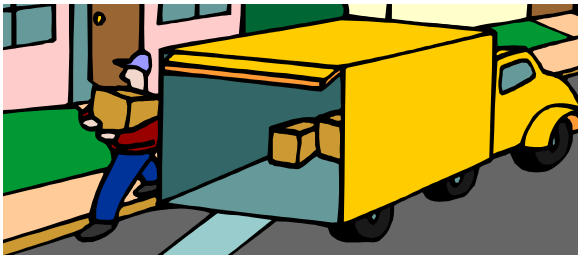
CLAIM FOR PAYMENT

The Relocation Branch Manager, or designee, approves down payment assistance claims. Approval is requested by submitting the following items in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-215 form, *Replacement Housing/Down Payment Assistance Residential Claim* (**Exhibit 9026**)

CLAIM FOR PAYMENT (CONT.)

- TC 62-213 form, *Replacement Housing Payment Computation - Tenant* (**Exhibit 9024**), as applicable
- Signed contract to purchase the replacement property
- TC 62-67 form, *DS&S Inspection Report* (**Exhibit 9010**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR LESS THAN 90-DAY OCCUPANTS

Subject

Occupancy Requirements

ELIGIBILITY

An owner or tenant who occupies a dwelling less than 90 days before the initiation of negotiations is entitled to moving expenses and advisory services. Any replacement housing paid to these occupants will come under "last resort housing" as outlined in **RA-1300**.

To qualify for a replacement housing payment, the displacee must rent or purchase and occupy a decent, safe, and sanitary replacement dwelling within one year after:

- For a tenant, the date the tenant moves from the displacement dwelling
- For an owner occupant, the later of:
  - The date the displacee receives final payment for the displacement dwelling (in the case of condemnation, the date the full estimate of just compensation is deposited with the court)
  - The date the displacee moves from the displacement dwelling

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager, or designee.

OCCUPANCY STATUS CHANGE

A displacee is not required to relocate to the same occupancy status (owner or tenant) he or she had prior to displacement and may choose an alternate occupancy status so long as the displacee is eligible as outlined in this manual.

The replacement housing supplement is computed first on the original-type occupancy, then on the alternate occupancy status. The replacement housing payment may not exceed the maximum amount that would have been paid had the displacee remained in the original occupancy status.

OCCUPANCY STATUS CHANGE (CONT.)

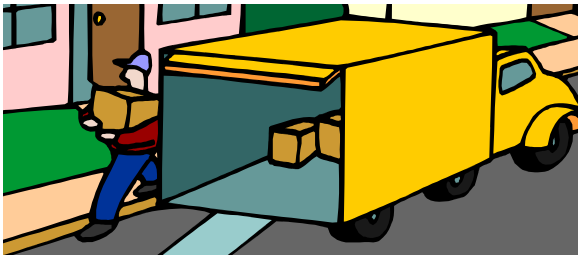
Since this is a reimbursement program, the replacement housing supplement is based on the amount actually spent for replacement housing or the maximum computed supplement, whichever is lesser.

OCCUPANCY OF REPLACEMENT DWELLING

No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in these procedures for a reason beyond his or her control, including:

- A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the President, the federal agency funding the project, or the Cabinet

- A delay in the construction of the replacement dwelling, military reserve duty, or prolonged hospital stay, as recommended by the right-of-way supervisor and approved by the Relocation Branch Manager, or designee



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR LESS THAN 90-DAY OCCUPANTS

Subject

Amount of Payment

POLICY

Owners and tenants who occupy the displacement dwelling for less than 90 days prior to initiation of negotiations, and subsequent occupants, are not eligible to receive a replacement housing payment because of failure to meet length of occupancy requirements.

However, the Cabinet will provide assistance to a less than 90-day occupant when comparable replacement rental housing is not available at rental rates within the displacee's financial means. Such assistance shall cover a period of 42 months and must be paid under **RA-1300**, "Last Resort Housing."

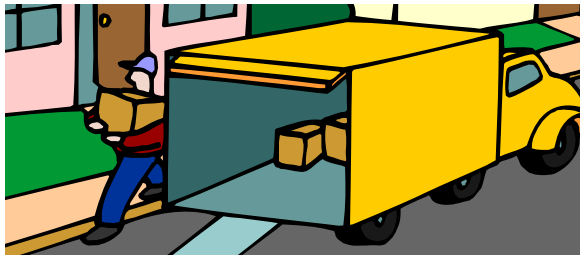
For less than 90-day occupants, comparable replacement rental housing is considered to be within the person's financial means if the Cabinet pays that portion of the monthly rent and average utility costs of a replacement dwelling that exceed 30% of the person's gross household income as outlined in **RA-1103**, "Rental Assistance Payment."

Because payment is based on income, occupants of less than 90 days must provide verification of income, such as pay stubs, signed copies of income tax returns, a statement from a social service agency, an employer's statement, or a bank statement.

ACTUAL PAYMENT AMOUNT

Any replacement housing payment to a less than 90-day occupant will be based on the lesser of:

- The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling as computed in accordance with **RA-1103**, "Rental Assistance Payment"
- The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR LESS THAN 90-DAY OCCUPANTS

Subject

Rental Assistance Payment

POLICY

Owners and tenants who occupy the displacement dwelling for less than 90 days prior to initiation of negotiations, and subsequent occupants, are eligible to receive a replacement housing payment when comparable replacement rental housing exceeds 30% of the displacee's gross household income. Such assistance shall cover a period of 42 months and be paid under **RA-1300**, "Last Resort Housing."

Because the rent supplement computation is based on income, the displacee shall provide verification of income, such as pay stubs, signed income tax returns, a statement from the employer or a social service agency, or bank statements.

PAYMENT DISBURSEMENT

Unless otherwise recommended by the replacement housing evaluator, rental assistance payments will be paid in a lump sum when the full amount is applied to the replacement dwelling or homesite.

When a rent supplement payment exceeds $7,200 and the entire amount is not applied to the replacement dwelling or homesite, payment may be made in a lump sum payment, unless the relocation agent determines the payment should be made in three annual installments.

Installments can also be made if requested by the displaced person and the file is documented as such.

Except as limited by **RA-816**, "Payment after Death," the full amount vests immediately whether or not there is any later change in the person's income or rent or in the condition or location of the person's housing.

HOUSEHOLD INCOME

The gross annual household income received by the family from all sources (earned and unearned) includes but not limited to wages, salary, child support, alimony, unemployment benefits, workers compensation, social security, or the net income from a business. It does not include income received by dependent children and full-time students under 18 years of age.

HOUSEHOLD INCOME (CONT.)

For example, Tom and Mary Smith and their three children are being displaced. The information obtained from the family and verified by the evaluator is:

Tom Smith, employed, annual salary earned:	$21,000
Mary Smith, annual disability payments received:	6,000
Tom Smith Jr., 21, employed, annual salary earned:	10,000
Jane Smith, 17, student, annual income earned:	3,000*
Sammie Smith, 10, full-time student, no income:	0
Smith family gross annual household income	$37,000

*Income is not included because Jane is a dependent child under 18.

HOUSEHOLD INCOME EXCLUSIONS

Household income does not include benefits that are not considered income by federal law, such as food stamps and the Women Infants and Children (WIC) program. The Federal Highway Administration Realty Office provides a detailed list of income exclusions on their website at:

http://www.fhwa.dot.gov/realestate/

If there is a question on whether or not to include income from a specific program, contact the Relocation Branch Manager.

COMPUTING A RENTAL ASSISTANCE PAYMENT

A replacement housing evaluator will compute a rental assistance payment for less than 90-day occupants as prescribed in this section and **RA-808**, "Cost of Comparable Replacement Dwelling."

The evaluator subtracts 30% of the gross monthly household income from the monthly rent and estimated average utility cost of a comparable replacement dwelling. The result is multiplied by 42, and the rent supplement is rounded up to the nearest $5. Any payment shall be paid with last resort housing funds. (See **RA-1300**, "Last Resort Housing.")

The landlord or displacee may provide actual utility costs for the displacement dwelling. For the replacement dwelling, the landlord may provide the costs, or a utility company's estimate or past history for the replacement dwelling may be used, if available.

The evaluator should compute replacement housing payments as early in the acquisition process as possible to allow adequate time for displacees to acquire and occupy decent, safe, and sanitary replacement housing.

EXAMPLE

Mark Jones is employed and has a gross annual income of $29,466. Mark's income is above the U.S. Department of Housing and Urban Development's (HUD) $27,100 income limit for one person in Mason County, Kentucky. However, the computation is based on 30% of the displacee's income, which does not have to be classified as "low" to qualify for payment.

Mark provides verifiable documentation of income. The evaluator calculates Mark's monthly income then multiples it by 30% to determine the most Mark can be expected to pay based on his income.

$29,466 annual income ÷ 12 months = $2,456 monthly income
$2,456 monthly income x .30 = $737

The cost of rent and utilities for the comparable is $649 per month. Mark's rent supplement payment is calculated using 30% of his income as follows:

Cost of comparable rent and utilities		$649
30% of displacee's monthly income	-	737
Difference in monthly rent and utilities		-88
Result multiplied by 42		0
Maximum Rental Assistance Payment		$0 (Rounded)

Since the displacee's monthly income is greater than the cost of comparable rent and utilities, the resulting difference is a negative number. If this calculation results in a negative number or zero the maximum rental assistance payment will be zero.

Note: Although the rent supplement payment is $0, the displacee is eligible for a $7,200 down payment assistance payment.

COMPUTATION PACKAGE

The Relocation Branch Manager, or designee, approves replacement housing computations. Approval is requested by submitting the following items in the order listed:

- Memorandum computing the rent supplement payment based on the monthly rent and utility cost of the comparable dwelling and 30% of the subject's gross monthly household income

- TC 62-214 form, *Replacement Housing Payment Worksheet* (**Exhibit 9025**)

COMPUTATION PACKAGE (CONT.)

- TC 62-211 form, *Replacement Housing Payment Computation Correlation* (**Exhibit 9022**)
- TC 62-58 form, *Rent Certification* (**Exhibit 9007**), when applicable
- Verification of income
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

Note: The Director of the Division of Right of Way and Utilities, or designee, shall approve all replacement housing computations where last resort housing funds are being requested.

The approved computation reflects the maximum rent supplement payment.

RECOMPUTING A RENT SUPPLEMENT

When the displacee did not have a reasonable time to negotiate the lease of the original comparable, or a different comparable must be selected following an appeal, the rent supplement payment shall be recomputed based on comparables available at the time the payment is recomputed.

A 90-day notice shall not be issued to a residential displacee until comparable replacement housing has been made available.

A comparable replacement dwelling will be considered to have been made available to a person if all of the following conditions are met:

- The person is informed of its location.
- The person has sufficient time to negotiate and enter into a lease or purchase agreement for the property.
- Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

The recomputed computation reflects the maximum rent supplement payment.

AMOUNT OF PAYMENT

A rent supplement payment is computed by subtracting the subject's base monthly rent from a comparable replacement dwelling's monthly rent and estimated utility costs. The approved rent supplement computation sets the maximum available assistance under the Relocation Program. However, the amount actually paid is based on the lesser of:

- The monthly rent and estimated average utility costs for the comparable offered
- The monthly rent and estimated average monthly utility costs for the decent, safe, and sanitary dwelling actually rented and occupied by the displaced person

Each relocation claim for payment shall be accompanied by documentation required to support expenses incurred, such as a signed lease, a settlement statement, a contract to acquire a replacement home, bills, or other evidence of expenses. The relocation agent, or consultant, shall provide a displaced person with reasonable assistance necessary to complete and file any relocation claim for payment.

INSURANCE PAYMENT FOR DISPLACEMENT DWELLING

To avoid duplication of payment, any insurance proceeds a displacee receives in connection with damage to or loss of the displacement dwelling due to a catastrophe (fire, flood, etc.) will be included in the acquisition cost of that dwelling when computing a price differential.

OCCUPANCY REQUIREMENTS

To qualify for a rent supplement payment, the displacee must rent and occupy a decent, safe, and sanitary replacement dwelling within one year after:

- For a tenant, the date he or she moves from the displacement dwelling
- For an owner occupant, the later of:
  - The date the owner receives final payment for the displacement dwelling (in condemnation cases, the date the full estimate of just compensation is deposited with the court)
  - The date a comparable replacement dwelling is made available to the displaced person

OCCUPANCY REQUIREMENTS (CONT.)

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager, or designee.

ADVANCED PAYMENTS

A relocation payment shall be made only after the displaced person performs as required to qualify for such payment, unless the displacee demonstrates the need for an advanced payment to avoid or reduce a hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made, subject to appropriate safeguards to ensure that the objective of the payment is accomplished.

ADVANCED CLAIMS

An advance claim is one submitted in advance of a qualifying event. For example, a rent supplement claim submitted prior to moving so that the rent payment is available when a displacee occupies the replacement property. While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined above.

CLAIM FOR PAYMENT

The Relocation Branch Manager, or designee, approves rent supplement claims. Approval is requested by submitting the following items in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-71 form, *Rent Claim* (**Exhibit 9012**)
- TC 62-58 form, *Rent Certification* (**Exhibit 9007**), or signed agreement to rent the replacement property
- TC 62-67 form, *DS&S Inspection Report* (**Exhibit 9010**)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

CONVERSION OF PAYMENT

A displacee who initially rents a replacement dwelling and receives a rent supplement payment under these procedures may subsequently choose to purchase a dwelling.

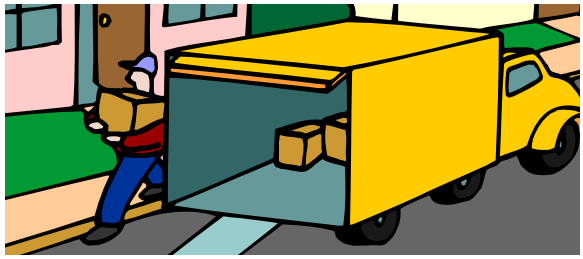
To qualify for this payment conversion, the displacee shall meet the one-year time frame to purchase and occupy a replacement dwelling.

CONVERSION OF PAYMENT (CONT.)

If the displacee satisfies 90-day owner occupant eligibility criteria described in **RA-901**, "Occupancy Requirements," the displacee is not eligible for down payment assistance but is eligible to receive a replacement housing payment, including:

- A purchase supplement, as provided in **RA-904**
- Mortgage interest differential payment, as provided in **RA-905**
- Incidental expenses, as provided in **RA-906**

Any portion of a rental assistance payment that has been disbursed will be deducted from the replacement housing or down payment supplement payments, as applicable.



RELOCATION ASSISTANCE

Chapter

REPLACEMENT HOUSING PAYMENTS FOR LESS THAN 90-DAY OCCUPANTS

Subject

Down Payment Assistance Payment

POLICY

Other than a 90-day owner occupant, any displaced person eligible for a rent supplement payment may choose to use that payment as down payment assistance to purchase a replacement dwelling.

MAXIMUM PAYMENT

A down payment assistance payment shall equal the approved rent supplement payment computed in accordance with **RA-1103**, "Rental Assistance Payment." However, payment to a displaced homeowner shall not exceed the amount he or she would have received had he or she met 90-day occupancy requirements and qualified for a purchase supplement outlined in **RA-904**, an increased mortgage interest payment outlined in **RA-905**, and incidental expenses outlined in **RA-906**.

If the approved rent supplement payment is less than $7,200 the Cabinet shall offer down payment assistance up to $7,200. Any payment to a less than 90-day occupant shall be paid with last resort housing funds. (See **RA-1300**, "Last Resort Housing.")

PAYMENT DISBURSEMENT

The entire down payment assistance payment shall be applied to the purchase price of a decent, safe, and sanitary replacement dwelling and related incidental expenses.

AMOUNT OF PAYMENT

The approved rent supplement computation sets the maximum down payment assistance available under the Relocation Program. However, payment is limited to the amount actually applied to the purchase price of a decent, safe, and sanitary replacement dwelling and related incidental expenses.

If the down payment assistance payment exceeds the purchase price of the replacement dwelling, payment is limited to the cost of the dwelling.

Each claim for payment shall be accompanied by documentation required to support expenses incurred, such as a settlement statement, contract to acquire a replacement home, bills, or other evidence of expenses. The relocation agent, or consultant, shall provide a displaced person with reasonable assistance necessary to complete and file a claim.

INSURANCE PAYMENT FOR DISPLACEMENT DWELLING

To avoid duplication of payment, any insurance proceeds a displacee receives in connection with damage to or loss of the displacement dwelling due to a catastrophe (fire, flood, etc.) will be included in the acquisition cost of that dwelling when computing a price differential.

OCCUPANCY REQUIREMENTS

To qualify for down payment assistance, the displacee must purchase and occupy a decent, safe, and sanitary replacement dwelling within one year after:

- For a tenant, the date he or she moves from the displacement dwelling

The Cabinet may extend the one-year time period for good cause. Such extension shall be in writing and approved by the Relocation Branch Manager, or designee.

ADVANCED PAYMENTS

A relocation payment shall be made only after the displaced person performs as required to qualify for such payment, unless the displacee demonstrates the need for an advanced payment to avoid or reduce a hardship. With prior approval of the Relocation Branch Manager, or designee, an advance payment may be made, subject to appropriate safeguards to ensure that the objective of the payment is accomplished.

ADVANCED CLAIMS

An advance claim is one submitted in advance of a qualifying event. For example, a down payment assistance claim submitted prior to closing so that payment is available for closing. While advance claims are routine, payment shall not be delivered until the displaced person performs as required to qualify for the payment unless the Relocation Branch Manager, or designee, has approved an advance payment as outlined above.

CLAIM FOR PAYMENT

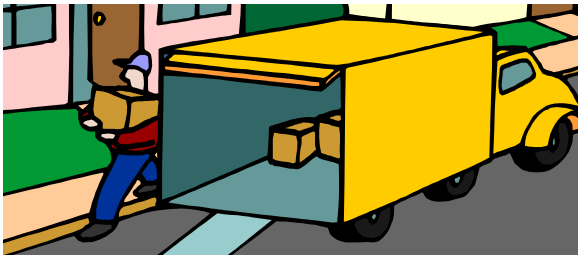
The Relocation Branch Manager, or designee, approves down payment assistance claims. Approval is requested by submitting the following items in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-215 form, *Replacement Housing/Down Payment Assistance Residential Claim* (**Exhibit 9026**)
- Approved memorandum computing the rent supplement payment based on 30% of the displacee's gross monthly household income
- Signed contract to purchase the replacement property or HUD settlement statement

CLAIM FOR PAYMENT (CONT.)

- TC 62-67 form, *DS&S Inspection Report* (**Exhibit 9010**), if not previously submitted with an advance claim

- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

MOBILE HOMES

Subject

General Provisions

POLICY

A person displaced from a mobile home or mobile home site is entitled to a moving expense payment in accordance **RA-500**, "Residential Moves" or **RA-600**, "Nonresidential Moves." When a displaced person occupies a mobile home as his or her primary residence, he or she is also entitled to a replacement housing payment to the same extent and subject to the same requirements as a person displaced from a conventional dwelling.

DEFINITIONS

For purposes of relocation assistance, the following definitions apply:

Acquired Mobile Home—A mobile home that is considered to be part of the real property and is valued in the Cabinet's approved appraisal

Mobile Home—A structure, transportable in one or more sections, that has a body width of eight feet or more, is built on an integral chassis, is designed to be used as a dwelling when connected to the required utilities, and includes plumbing, heating, air-conditioning, and electrical systems, as applicable, contained therein; and includes manufactured homes and recreational vehicles when local codes recognize them as decent, safe, and sanitary (DS&S) and when they are used as the primary residence

Mobile Home Owner—A person who owns a mobile home but does not occupy it as a dwelling

Mobile Home Owner Occupant—A person who owns a mobile home and occupies it as his or her primary dwelling

Mobile Home Tenant—A person who rents a mobile home and occupies it as his or her primary dwelling

Purchased Mobile Home—A mobile home that is considered personal property and is not included in the Cabinet's approved appraisal, but is subsequently purchased by the Cabinet because the cost to move the mobile home is more that its value

PROOF OF PURCHASE

A bill of sale and title shall evidence the Cabinet's purchase of a mobile home, whether it is acquired as real property or subsequently purchased because it cannot economically be moved. The right-of-way supervisor shall forward the application for title and license receipt to the property management specialist no later than ten working days from the date of execution by the mobile home owner.

PARTIAL ACQUISITION OF A MOBILE HOME PARK

The right-of-way supervisor shall determine whether acquisition of a portion of a mobile home park leaves a remainder that is not adequate to continue feasible operation of the park. If the supervisor determines that a mobile home located in the remaining part of the property must be moved as a direct result of the project, the occupant of the mobile home shall be considered to be a displaced person who is entitled to relocation payments and other assistance under this part.

COMPARABLE REPLACEMENT DWELLING

If a comparable replacement mobile home is not available, the replacement housing payment computation shall be based on the reasonable cost of a conventional comparable replacement dwelling.

The conventional comparable replacement dwelling shall be similar to the subject mobile home in size and utility, unless a larger dwelling is necessary to meet decent, safe, and sanitary housing standards.

MOVE OF MOBILE HOME

A mobile home that is considered personal property and is structurally able to be moved should be moved. When a mobile home is moved, the owner is eligible for reimbursement of the cost to move the mobile home. If the owner of the mobile home relocates it and is reimbursed for the move, he or she is not eligible for a replacement housing payment for the mobile home, but may be eligible for a replacement housing payment for the site.

MOBILE HOME CANNOT BE MOVED

The Cabinet will offer to purchase a mobile home that the replacement housing evaluator determines cannot be moved. Acceptable reasons a mobile home cannot be relocated are as follows:

- The structural condition of the mobile home is such that the home cannot be moved without substantial damage or unreasonable cost. For example, the cost to relocate the mobile home and reestablish it on a new site is more than its value.

MOBILE HOME CANNOT BE MOVED (CONT.)

- The residentially occupied mobile home is not and cannot economically be made decent, safe, and sanitary.

- The mobile home does not meet comparable mobile home park eligibility requirements in areas where relocation to a park is the only option available.

- There is no available comparable site.

- The Relocation Branch Manager, on a case-by-case basis, determines there are other conditions prohibiting the relocation of a mobile home.

An offer to purchase shall be based on the fair market value of the mobile home and shall be made regardless of the owner's or tenant's length of occupancy. The review appraiser or the appraiser shall establish the fair market value (FMV). This value is used as a basis for determining a replacement housing payment for a mobile home owner occupant.

If a mobile home is purchased because it cannot be moved and the displaced person owns and occupies the mobile home, the purchase supplement amount shall be calculated as described in **RA-808**, "Cost of Comparable Replacement Dwelling."

OWNER RETENTION OF NON-DS&S MOBILE HOME

An owner occupant may elect to retain and occupy a mobile home the replacement housing evaluator determines is not DS&S and cannot be moved. In this instance, the owner would be eligible for the cost to move the home and bring it up to decent, safe, and sanitary standards. The total amount claimed may not exceed the approved replacement housing payment computation.

Example:

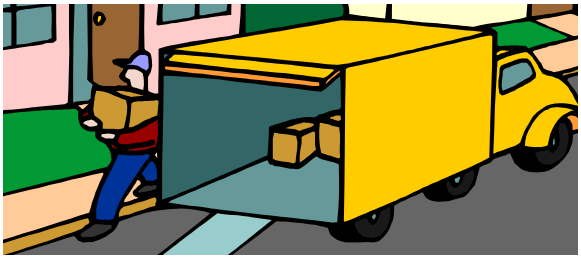
Cost of Comparable DS&S Mobile Home	$12,000
FMV Offer to Purchase Non-DS&S Mobile Home	-5,000
Maximum Purchase Supplement	$7,000

The displacee elects, instead, to keep the mobile home and relocate it to a replacement site.

OWNER RETENTION OF NON-DS&S MOBILE HOME (CONT.)

Actual Cost to Move Mobile Home	$2,200
Cost to Make Necessary DS&S Repairs	+1,500
Cost to Move and Make Mobile Home DS&S	$3,700

The displacee may be reimbursed $3,700 as a move cost since it does not exceed the approved purchase supplement. The mobile home owner occupant may also be eligible for a rental assistance payment or a down payment supplement for the replacement site.



RELOCATION ASSISTANCE

Chapter

MOBILE HOMES

Subject

Eligible Moving Expenses

OCCUPANT ONLY

A person who occupies but does not own a mobile home is entitled to reimbursement for the cost to move personal property from the mobile home as outlined in **RA-500**, "Residential Moves" or **RA-700**, "Miscellaneous Moves," as applicable.

A displaced residential occupant is also entitled to a replacement housing payment based on their length of occupancy as outlined in **RA-1000**, "Replacement Housing Payments for 90-Day Occupants" and **RA-1100**, "Replacement Housing Payments for Less Than 90-Day Occupants."

OWNER-NON-OCCUPANT

A person who owns but does not occupy a mobile home as his or her primary residence is eligible for reimbursement for the cost to move personal property from the mobile home as outlined in **RA-700**, "Miscellaneous Moves."

If the mobile home is not acquired or purchased by the Cabinet, it is treated as personal property, and the owner is eligible for reimbursement for the actual, reasonable cost to move the mobile home.

A mobile home owner is not eligible for a payment to move the mobile home if the owner obtains a replacement housing payment as outlined **RA-1204** or if the Cabinet purchases the unit.

OWNER-OCCUPANT

A person who owns and occupies a mobile home as his or her primary residence is eligible for reimbursement for the cost to move personal property from the mobile home as outlined in **RA-500**, "Residential Moves." If the mobile home is personal property and not acquired or purchased by the Cabinet, the owner is eligible for reimbursement of the following:

- The reasonable cost of disassembling, moving, and reassembling the mobile home and any attached appurtenances (such as porches, decks, skirting, and awnings) that were not acquired; anchoring the unit; and utility "hook-up" charges

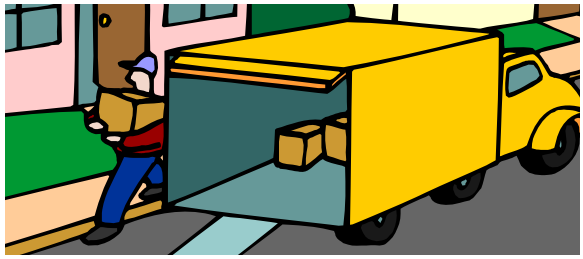
OWNER-OCCUPANT (CONT.)

- The reasonable costs to replace concrete pads, runners, and foundations when the displacement site was improved with such items

  Note: When the appraiser assigns a contributing value to an acquired pit, pad, or foundation, reimbursement is limited to the cost to replace the item less its contributing value.

- When the Cabinet determines that it is practical to do so, the reasonable cost of repairs or modifications so that a mobile home can be moved and made decent, safe, and sanitary

- The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, when the right-of-way supervisor determines that payment of the fee is necessary to effect relocation



RELOCATION ASSISTANCE

Chapter

MOBILE HOMES

Subject

Determining Occupancy Status

CRITERIA FOR OCCUPANCY STATUS

The following provisions apply to the determination of a mobile home displacee's occupancy status:

- The ownership or tenancy of a mobile home (not the land on which the mobile home sits) determines the occupant's status as an owner or a tenant for purposes of computing a replacement housing payment.

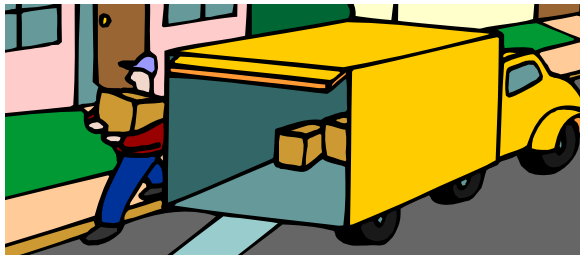
- The displacee's length of occupancy on the site determines his or her status as a 90-day owner occupant, 90-day tenant occupant, or less than 90-day occupant.

- When a mobile home and site are owned by the same person, they are purchased as real property, and the owner occupant is entitled to a replacement housing payment to the same extent and subject to the same requirements as a person displaced from a conventional dwelling.

- When a mobile home and site are not owned by the same person, the mobile home is treated as personal property and the home owner is eligible for:

  - The cost to move the mobile home as outlined in **RA-1202**, "Eligible Moving Expenses"

  - A replacement housing payment for the site based on their length of occupancy on the site



RELOCATION ASSISTANCE

Section

COMPUTING REPLACEMENT HOUSING PAYMENTS

Subject

General Provisions

COMPUTING REPLACEMENT HOUSING PAYMENTS

To compute a replacement housing payment (RHP), the evaluator must first determine the displacee's occupancy status as outlined in **RA-1203**. The ownership of the mobile home determines whether the displacee is classified as an owner or a tenant. The RHP shall be computed based on the displacee's length of occupancy on the site as outlined in:

- **RA-1204-2**, "90-Day Mobile Home Owner Occupants"
- **RA-1204-3**, "90-Day Mobile Home Tenant Occupants"
- **RA-1204-4**, "Less Than 90-Day Mobile Home Occupants"

If ownership of the mobile home and site differ (for example one is owned and the other is rented), the total RHP consists of a payment for a dwelling and a payment for a site. Both payments may be combined, as follows:

- If the mobile home owner is an occupant of 90 days, the RHP limit is $31,000 before it becomes last resort housing.
- If the rent supplement portion of a combined payment to a 90-day owner who is a tenant on the site exceeds $7,200, the payment is not last resort unless the combined total of the RHPs for the mobile home and site exceeds $31,000.

EXAMPLES

Example 1

A mobile home owner who has been a tenant on the site for more than 90 days is offered an RHP package.

Maximum Purchase Supplement for Replacement Mobile Home	$16,000
Rent Supplement Payment for a Replacement Site	+5,500
Total RHP	$21,500

EXAMPLES (CONT.)

Since the total package is less than $31,000, this is not a last resort situation.

Assume the displacee purchases a less expensive decent, safe, and sanitary (DS&S) mobile home and rents a more expensive site. Based on actual costs for the replacement mobile home and site, the displacee's payment entitlement is $20,500, as calculated below:

	Maximum Eligibility	Actual Cost	Payment Eligibility
Mobile Home	$16,000	$15,000	$15,000
Site	+5,500	+5,750	+5,500
Totals	$21,500	$20,750	$20,500

Example 2

A mobile home owner who has been a tenant on the site for more than 90 days is offered an RHP package.

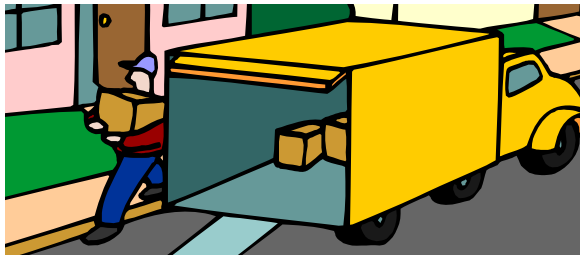
Maximum Purchase Supplement for
Replacement Mobile Home $22,000
Rent Supplement Payment for a Replacement Site ..... +10,500
Total RHP $32,500

Since the total package is more than $31,000, this is a last resort situation, although the purchase supplement portion of the payment does not exceeds $31,000.

Assume the displacee purchases a conventional DS&S dwelling. Based on actual costs for the replacement dwelling, the displacee's payment entitlement is $32,500, as calculated below:

	Maximum Eligibility	Actual Cost	Payment Eligibility
Mobile Home	$22,000	$58,000*	$22,000
Site	+10,500	+ 0	+10,500
Totals	$32,500	$58,000	$32,500

Note: Since the displacee is an owner and a tenant, he or she must place at least a $10,500 down payment toward the purchase of the dwelling as detailed in **RA-1004** and **RA-1104**.



RELOCATION ASSISTANCE

Section

COMPUTING REPLACEMENT HOUSING PAYMENTS

Subject

90-Day Mobile Home Owner Occupants

ELIGIBILITY CRITERIA

An owner occupant displaced from a mobile home or site is entitled to a replacement housing payment (RHP) not to exceed $31,000 as outlined in **RA-900**, "Replacement Housing Payments for 90-Day Owner Occupants," if:

- The person owns the mobile home or the site and has occupied the mobile home as his or her primary residence on the displacement site for at least 90 days immediately prior to either of the following:
  - The initiation of negotiations
  - The date the replacement housing evaluator provides written notice that the owner is being displaced because the mobile home cannot (for any of the following):
    - Economically be made decent, safe, and sanitary
    - Be relocated without substantial damage or unreasonable cost
    - Be relocated because there is no available comparable replacement site
    - Be relocated because it does not meet mobile home park entrance requirements
- The occupant meets the other basic eligibility requirements of **RA-800**, "Replacement Housing Payments—General"
- The Cabinet acquires the mobile home site or acquires or purchases the mobile home, or the mobile home cannot be moved for one or more of the reasons specified above

COMPUTING A REPLACEMENT HOUSING PAYMENT

The replacement housing payment for an eligible 90-day owner displaced from a mobile home is computed as described in **RA-900**, "Replacement Housing Payments for 90-Day Owner Occupants" incorporating the following, as applicable:

- If the Cabinet acquires the mobile home as real estate or acquires the owned site, the acquisition cost used to compute the price

COMPUTING A REPLACEMENT HOUSING PAYMENT (CONT.)

differential payment is the amount actually paid to the owner to acquire the mobile home or site.

- If the Cabinet does not acquire or purchase the mobile home but the evaluator determines that it is not practical to relocate it, the purchase supplement amount (as described in **RA-904**) shall be the lesser of:
  - The reasonable cost of the comparable replacement dwelling offered by the Cabinet less the Cabinet's estimate of the salvage or trade-in value of the displacement mobile home
  - The purchase price of the decent, safe, and sanitary replacement dwelling actually purchased and occupied by the displaced person less trade-in or sale proceeds of the displacement mobile home
- If a comparable replacement mobile home site is not available, the price differential payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

RENTAL ASSISTANCE PAYMENT

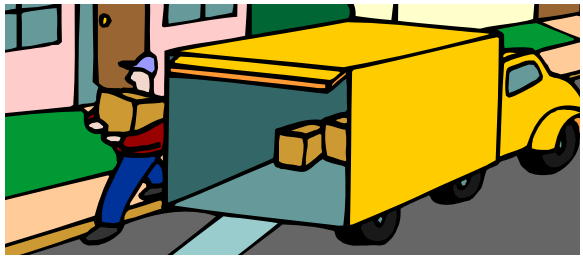
If the displacement mobile home site is leased or rented, a displaced 90-day owner occupant is entitled to a rental assistance payment computed as described in **RA-907**. This rental assistance payment may be used to lease a replacement site; may be applied to the purchase price of a replacement site; or may be applied, with any replacement housing payment attributable to the mobile home, to the purchase of a replacement mobile home or conventional decent, safe, and sanitary dwelling.

OWNER OCCUPANT NOT DISPLACED

If the replacement housing evaluator determines that a mobile home is personal property and may be relocated to a comparable replacement site but the owner occupant elects not to do so, the owner is not entitled to a replacement housing payment for the purchase of a replacement mobile home.

OWNER OCCUPANT NOT DISPLACED (CONT.)

However, the owner is eligible for moving costs described in **RA-1202**, "Eligible Moving Expenses" and any replacement housing payment for the purchase or rental of a comparable site as described in this section.



RELOCATION ASSISTANCE

Section

COMPUTING REPLACEMENT HOUSING PAYMENTS

Subject

90-Day Mobile Home Tenant Occupants

ELIGIBILITY CRITERIA

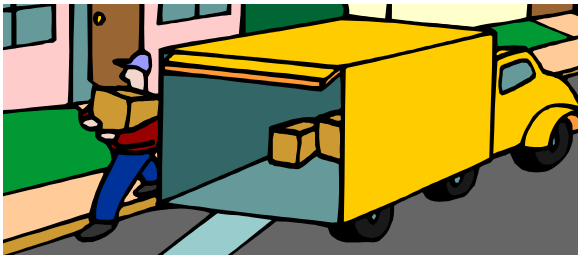
A displaced tenant of a mobile home or site is eligible for a replacement housing payment (RHP) not to exceed $7,200 according to **RA-1000**, "Replacement Housing Payments for 90-Day Tenant Occupants," if:

- The occupant actually occupied the displacement mobile home as his or her primary residence on the displacement site for at least 90 days immediately prior to the initiation of negotiations

- The occupant meets the other basic eligibility requirements of **RA-800**, "Replacement Housing Payments—General"

- Either of the following occurs:

  - The Cabinet acquires the mobile home site or acquires or purchases the mobile home
  - The Cabinet does not acquire the mobile home, but the tenant is displaced from the mobile home because of one or more of the following reasons (see also **RA-504**):
    - The mobile home cannot be moved without substantial damage or unreasonable cost.
    - The mobile home cannot economically be made decent, safe, and sanitary.
    - The mobile home does not meet mobile home park entrance requirements.
    - There are no available replacement sites.



RELOCATION ASSISTANCE

Section

COMPUTING REPLACEMENT HOUSING PAYMENTS

Subject

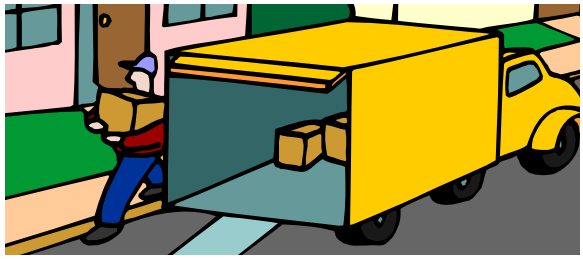
Less Than 90-Day Mobile Home Occupants

ELIGIBILITY CRITERIA

Less than 90-day occupants are eligible to receive advisory assistance and move cost reimbursement, which will be paid under last resort housing.

Owners and tenants who occupy the displacement site for less than 90 days prior to initiation of negotiations, and subsequent occupants, are eligible to receive a replacement housing payment when comparable replacement rental housing exceeds 30% of the displacee's gross household income. Payment shall be computed as outlined in **RA-1100**, "Replacement Housing Payments for Less Than 90-Day Occupants." Such assistance shall cover a period of 42 months and be paid under last resort housing.

Because the rent supplement computation is based on income, the displacee shall provide verification of income, such as pay stubs, signed income tax returns, a statement from the employer or a social service agency, or bank statements.



RELOCATION ASSISTANCE

Chapter

MOBILE HOMES

Subject

Last Resort Housing Provisions for Mobile Home Occupants

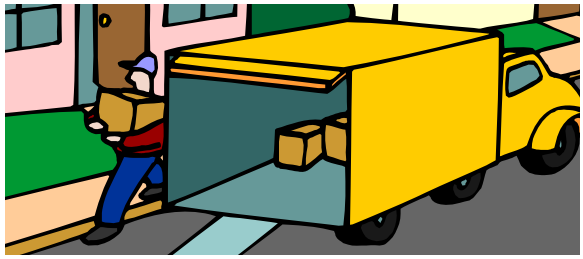
POLICY

Last resort housing provisions shall be used when a project cannot proceed on a timely basis because comparable replacement dwellings are not available within statutory limits of $31,000 for an owner and $7,200 for a tenant. The Cabinet shall provide additional or alternative assistance under the provisions of 49 CFR 24.404 and 600 KAR 3:010. Any decision to provide last resort housing assistance shall be adequately justified as outlined in **RA-1301**.

Last resort housing provisions shall be used when:

- Comparable replacement housing is available for the displaced person, but the computed offer exceeds the statutory limits of $31,000 for 90-day owner occupants and $7,200 for 90 day tenant occupants and owners and tenants of 90-days or less and subsequent occupants

- Comparable replacement housing is not available to the displaced person



RELOCATION ASSISTANCE

Chapter

LAST RESORT HOUSING

Subject

Determining Need

GUIDELINES

Last resort housing provisions shall be used when a project cannot proceed on a timely basis because comparable replacement dwellings are not available within statutory limits of $31,000 for an owner and $7,200 for a tenant. The Cabinet shall provide additional or alternative assistance under the provisions of 49 CFR 24.404 and 600 KAR 3:010. Any decision to provide last resort housing assistance shall be adequately justified either:

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

METHODS OF PROVIDING COMPARABLE REPLACEMENT HOUSING

The Cabinet has 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.

- The methods of providing replacement housing of last resort include, but are not limited to:
  - A replacement housing payment in excess of the statutory limits of $31,000 for an owner and $7,200 for a tenant

    Note: A replacement housing payment under this section may be provided in installments or in a lump sum at the Cabinet's discretion.

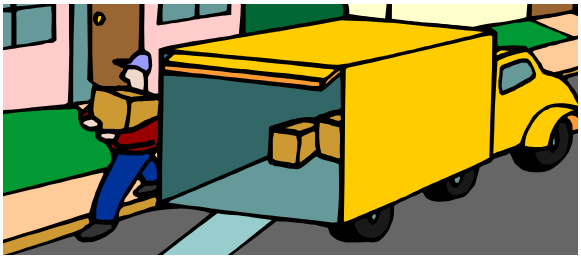
  - Rehabilitation of or additions to an existing replacement dwelling
  - The construction of a new replacement dwelling
  - The provision of a direct loan, which requires regular amortization or deferred repayment

    Note: The loan may be unsecured or secured by the real property and may bear interest or be interest-free.

  - The relocation and, if necessary, rehabilitation of a dwelling
  - The purchase of land or a replacement dwelling by the Cabinet and subsequent sale or lease to, or exchange with, a displaced person
  - The removal of barriers for persons with disabilities

- 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 49 CFR, Appendix A to Part 24, 24.404(c)]. This would include 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 the definition, "Comparable Replacement Dwelling" in **RA-02**.

- Under last resort housing provisions the Cabinet shall provide rental assistance to a displaced person who did not occupy a displacement dwelling at least 90 days prior to the initiation of negotiations when comparable replacement rental housing is not available at rental rates within the displaced person's financial means. [See 49 CFR 24.2(a)(6)(viii)(C).] Such assistance shall cover a period of 42 months.



RELOCATION ASSISTANCE

Chapter

LAST RESORT HOUSING

Subject

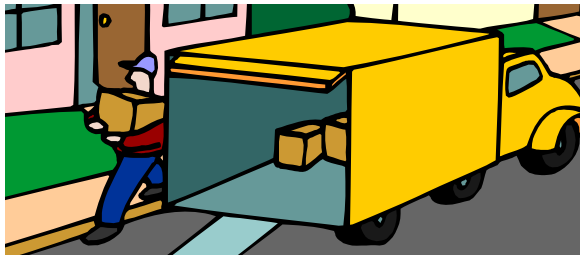
Basic Rights of Displacees

PUBLIC LAW 91-646

Under the provisions of Public Law 91-646 (The Uniform Act), as amended, all rights of a displaced person are preserved under the provisions of this procedure.

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 right the person may have under The Uniform Act or this part.

The Cabinet cannot require any displacee to accept a dwelling provided by the Cabinet under these procedures in lieu of an acquisition payment or any relocation payment for which the person may otherwise be eligible, unless the Cabinet and the displacee have entered into a contract to do so.



RELOCATION ASSISTANCE

Chapter

LAST RESORT HOUSING

Subject

Planning Stage

WHEN IS THE PLANNING STAGE?

A project is in the planning or conceptual stage until such time as its location and design concept are approved.

STUDIES & ESTIMATES

Upon request, district relocation staff, contractors, or subagents of the Cabinet provide input regarding social, economic, and environmental effects of proposed projects for preparation of:

- Environmental impact statements
- Environmental assessments
- Categorical exclusions
- Feasibility studies
- Alternative route locations
- Project scoping
- Other assignments

Before the district right-of-way supervisor assigns staff to work on a study or estimate, the Division of Environmental Analysis shall identify a project to which staff can make charges.

PURPOSE OF STUDIES

The purpose of a relocation study is to identify projected relocation impacts on proposed alternates. The depth of a relocation study shall be directly proportional to the scope of relocation impacts. A Conceptual Stage Relocation Report (CSRR) shall be prepared as outlined in **RA-302** and include a relocation plan for orderly and humane relocation of persons displaced by a project without creating adverse impacts or costly delays.

LAST RESORT HOUSING PLAN

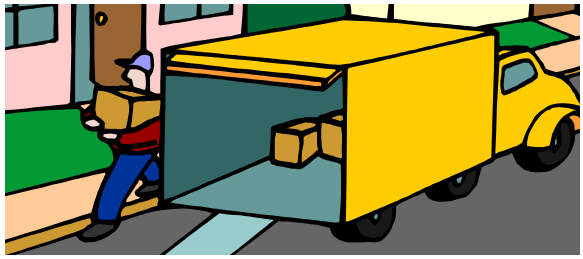
If a project has a large number of residential displacements, a complete last resort housing plan may be necessary. A last resort housing plan shall identify:

- The number of residential displacements, including the number of tenants, owners, and expected last resort relocations
- Community impacts that may pose an environmental justice issue

As a minimum, a last resort housing plan shall provide proposed remedies to address:

- When the local housing market does not have an adequate inventory to provide comparable replacement housing on a timely basis
- When replacement housing payments in excess of $31,000 for owners and $7,200 for tenants will be needed to provide comparable housing on a timely basis
- Inadequate lead time with a discussion of the most efficient and effective way to accomplish project goals, including how much lead time will be required

When the Cabinet identifies a need to develop additional housing to advance a project, or upon request of the Federal Highway Administration, project funds may be used for loans to cover planning and other preliminary expenses to develop such additional housing.



RELOCATION ASSISTANCE

Chapter

LAST RESORT HOUSING

Subject

Cost-Effective Replacement Housing

POLICY

The use of cost-effective means to provide comparable replacement housing is implied throughout this manual, not just for last resort housing provisions. Last resort provisions permit variations of the usual methods of obtaining comparable replacement dwellings; however, these variations shall not result in an involuntary lowering of housing standards or quality-of-living style for the displacee.

When comparable replacement housing as described in **RA-807** is not available to a displacee, such housing may be provided directly or through third parties by:

- Rehabilitation of or additions to an existing replacement dwelling
- Construction of a replacement dwelling with prior approval of the Relocation Branch Manager, or designee, and, on projects with federal aid, the additional prior approval of the Federal Highway Administration (FHWA)

When using last resort housing payments, the file shall be documented to show a thorough search was performed for replacement sites considered suitable for relocation.

Consideration shall be given to the commuting distance the displacee currently travels and proximity to place of employment, schools, medical facilities, and churches.

Other potential neighborhoods considered shall be listed, including any adversities or benefits these might bring the displacee.

METHODS

When comparable replacement housing is not available within statutory limits, the replacement housing evaluator shall:

- Contact local, state, federal, charitable, and financial institutions to ascertain what other assistance is available

METHODS (CONT.)

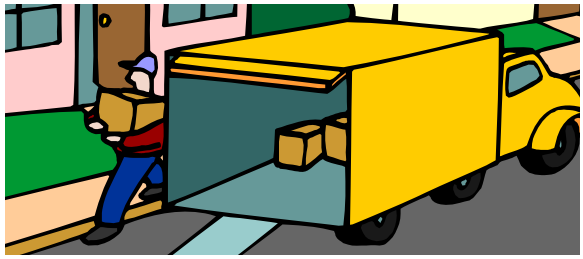
- Carefully document and identify costs associated with all potential solutions explored to resolve the relocation

- Prepare a computation in accordance with procedures outlined in this manual

  Note: When last resort housing funds are needed because a computed rental assistance payment exceeds 30% of the gross monthly household income, all income shall be verified and appropriately documented.

- When a replacement dwelling cannot be found, ask the right-of-way supervisor if any dwelling already acquired by the Cabinet can be moved and used as a comparable replacement dwelling

The recommended replacement housing payment shall be the most cost effective method meeting relocation requirements and standards.



RELOCATION ASSISTANCE

Chapter

LAST RESORT HOUSING

Subject

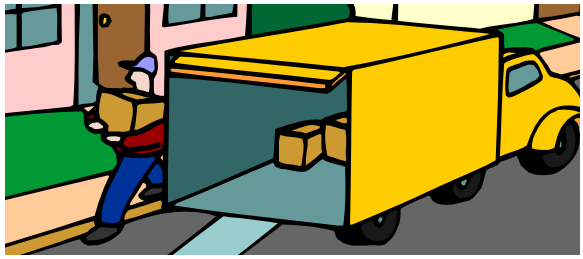
Last Resort Housing Payments for 90-Day Owner Occupants

POLICY

If a purchase supplement payment exceeds the $31,000 maximum, it is a last resort housing payment. When a replacement housing payment exceeds $31,000 after reimbursement of incidental expenses or a mortgage interest differential, it is a last resort housing payment.

A 90-day owner occupant who is eligible for a replacement housing payment may choose to rent a replacement dwelling instead. However, he or she is not eligible to use a rent supplement payment for down payment assistance. The statutory $7,200 limit does not apply to rent supplement payments to a 90-day owner occupant, but a rental assistance payment cannot exceed the amount he or she could have received for the purchase of a replacement dwelling.

Rental assistance payments to 90-day owner occupants are outlined in **RA-907**.



RELOCATION ASSISTANCE

Chapter

LAST RESORT HOUSING

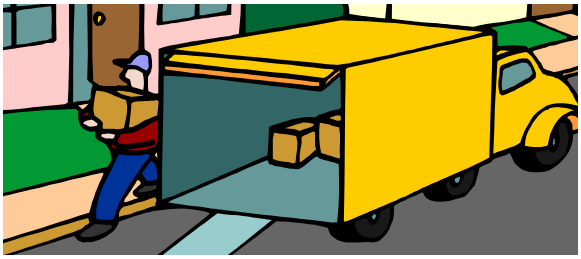
Subject

Last Resort Housing Payments for 90-Day Tenant Occupants

POLICY

If the rental assistance payment for a 90-day tenant occupant exceeds the $7,200 statutory maximum, it is a last resort housing payment.

When a rental assistance payment exceeds $7,200 and the entire amount is not applied to the replacement dwelling or homesite, payment may be made in a lump-sum payment, unless the relocation agent determines the payment should be made in three annual installments.



RELOCATION ASSISTANCE

Chapter

LAST RESORT HOUSING

Subject

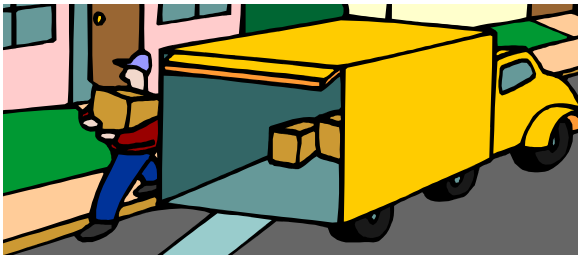
Last Resort Housing Payments for Less Than 90-Day Occupants

POLICY

All less than 90-day occupants are eligible to receive advisory assistance and move cost reimbursement, which will be paid under last resort housing.

Owners and tenants who occupy the displacement dwelling for less than 90 days prior to initiation of negotiations, and subsequent occupants, are eligible to receive a replacement housing payment when comparable replacement rental housing exceeds 30% of the displacee's gross household income. Payment shall be computed as outlined in **RA-1100**, "Replacement Housing Payments for Less Than 90-Day Occupants." Such assistance shall cover a period of 42 months and be paid under last resort housing.

Because the rent supplement computation is based on income, the displacee shall provide verification of income, such as pay stubs, signed income tax returns, a statement from the employer or a social service agency, or bank statements.



RELOCATION ASSISTANCE

Chapter

LAST RESORT HOUSING

Subject

Removal of Barriers to a Disabled Residential Displacee

POLICY

For a displaced person with a disability, a decent, safe, and sanitary (DS&S) dwelling shall be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such displaced person [49 CFR 24.2(a)(8)(vii) and **RA-02**, "Glossary"].

Although a DS&S dwelling shall be free of barriers, the replacement housing evaluator is not likely to find three comparable dwellings accessible to a disabled displacee. When an accessible, comparable dwelling is not available, the evaluator shall compute a replacement housing payment based on comparability standards alone. When making the relocation offer, the relocation agent shall advise the displacee that additional (last resort) funds are available to remove barriers in the dwelling the displacee actually occupies. The landlord must agree to the modifications when a displacee rents a replacement dwelling.

Last resort housing funds are used to modify a replacement dwelling to remove barriers to a person with a disability. This payment is in addition to move and replacement housing payments outlined in this manual.

To qualify for such payment, a displacee's handicap shall be verified visually by a treating physician or by medical records.

To be eligible for reimbursement, the displacee must actually incur expenses to remove handicap barriers and the Relocation Branch Manager, or designee, shall determine in advance that the expenses are:

- Reasonable (not excessive or extreme)
- Necessary (essential to the displacee's ability to occupy the replacement dwelling)

REASONABLE MODIFICATIONS

Reasonable modifications might include but are not limited to:

Entrance and Exit Points—When necessary, reasonable modifications to the replacement dwelling to provide two safe entrance and exit points, for example, including 36" doors and ramps to accommodate a person in a wheelchair

Interior Access—When necessary, 36" doors to one bedroom and one bathroom to accommodate a person in a wheelchair

Bathroom Modifications—Grab bars and, when necessary, a raised toilet or zero-clearance shower to accommodate a person in a wheelchair

Vehicle Access—When necessary, a paved loading and unloading pad so a person in a wheelchair can access transport vehicles

INSPECTION BEFORE WORK

The relocation agent shall inspect the replacement site to identify the work needed to accommodate the displacee and take pictures of items and areas requiring modification. The agent shall advise the displacee that the proposed work requires preapproval by the Relocation Branch Manager, or designee.

APPROVAL OF PROPOSED WORK

The Relocation Branch Manager, or designee, shall approve the proposed work before the agent, or consultant, authorizes the displacee to proceed. The agent requests the branch manager's approval by submitting the following documents in the order listed:

- A memorandum verifying the displacee's handicap and identifying and justifying the proposed work
- An adequate number of pictures to document the replacement site's condition before the proposed work
- An estimate for the proposed work (two estimates if the estimated cost exceeds $10,000)
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)

APPROVAL OF PROPOSED WORK (CONT.)

Upon approval the agent, or consultant, can authorize the displacee to proceed with approved work, explaining that payment will be made after:

- All work is complete
- Pictures are taken of the completed work
- The displacee provides paid receipts documenting actual costs

INSPECTION AFTER WORK

Before delivering payment, the relocation agent, or consultant, shall inspect the replacement site to verify that approved work was completed and take pictures of all modified items and areas.

AMOUNT OF PAYMENT

Payment is based on actual approved expenses supported by paid receipts.

Note: For new construction, handicapped modification costs shall be offset by the cost of standard construction items (such as, the cost of an accessible shower less the cost of a standard shower, the cost of a 36" wide door less the cost of a standard 32" door, etc.).

TO WHOM PAYMENT IS MADE

Payment is made to the displacee, unless directed otherwise in writing.

TIME TO FILE A CLAIM

A written claim for payment shall be submitted to the relocation agent within 18 months of the later of:

- The date the displacee moves from real property or moves their personal property from the real property
- The date of final payment for the acquisition of the real property, closing or final judgment date

The 18-month time frame shall be waived for good cause. The displacee shall justify in writing to the right-of-way supervisor the reasons why a waiver is needed. The supervisor shall forward the displacee's request and the supervisor's written recommendation for approval by the Relocation Branch Manager, or designee.

PAYMENT DELIVERY

Payment will be made after all work is complete, pictures are taken of the completed work, and the displacee provides paid receipts documenting actual costs.

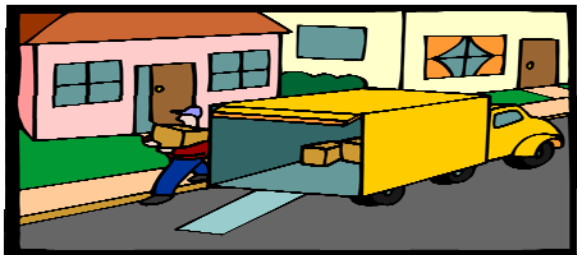
ADVANCED CLAIM

An advance claim can be submitted based on an estimate, but the displacee shall provide paid receipts documenting actual costs before payment is released.

CLAIM PACKAGE

A claim for payment shall include the following documents in the order listed:

- TC 62-221 form, *Relocation Payment Summary* (**Exhibit 9020**)
- TC 62-215 form, *Replacement Housing/Down Payment Assistance Residential Claim*, page 1 (**Exhibit 9026**)
- A memorandum verifying the displacee's handicap and identifying and justifying the work for which reimbursement is being claimed
- Bills, receipts, and cancelled checks, and, when appropriate, a spreadsheet reflecting each expense
- An adequate number of pictures to document the replacement site's condition before and after the proposed work
- TC 62-77 form, *Record of Contacts* (**Exhibit 9013**)



RELOCATION ASSISTANCE

Chapter

INDEXES

Subject

Table of Exhibits

EXHIBIT NUMBER	EXHIBIT TITLE & FORM NUMBER	MANUAL REFERENCE

RA-9028.....Authorization to Transport Non-State Employee Passengers in a Commonwealth-Owned Vehicle, FM-6 (sample) 402,407,502

RA-9030.....Certified Inventory, TC 62-68 (sample)..... 507,508,509,604,605,606,611, ... 612,613,614,615,617,701

RA-9005.....Closing Statement, TC 62-48 (sample)..... 906

RA-9009.....Comparative Data Sheet, TC 62-63 (sample)..... 808

RA-9010.....DS&S Inspection Report, TC 62-67 (sample)..... 814,904,906,907, ... 1003,1004,1103,1104

RA-9011.....Hazardous Substances Notice (sample)..... 603

RA-9008.....Mortgage Information, TC 62-59 (sample) 905

RA-9006.....Mortgage Interest Rates, TC 62-50 (sample)..... 303,905

RA-9016.....Move Claim – Residential, TC 62-99 (sample) 508,509,701

RA-9017.....Moving Expense Estimate/Bid, TC 62-206 (sample)..... 509,612,613,614,615,701

RA-9018.....Nonresidential Payment Request, TC 62-207 (sample)..... 604,605,606,607,608, ... 613,614,616,617,701

RA-9019.....Nonresidential Worksheet, TC 62-208 (sample)..... 303,406,407

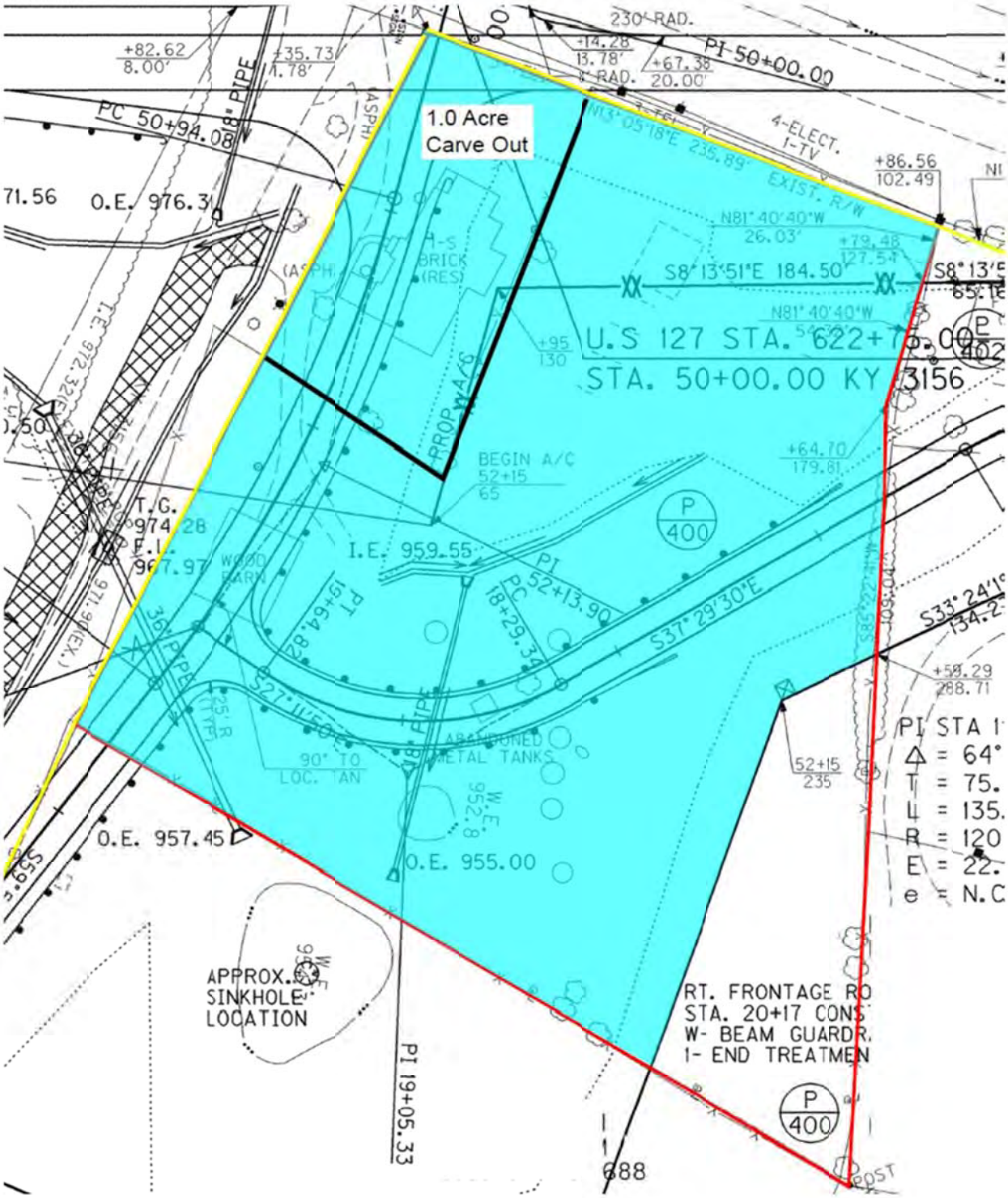
RA-9002.....Partial Acquisition from Carve Out Example 903

EXHIBIT NUMBER	EXHIBIT TITLE & FORM NUMBER	MANUAL REFERENCE
RA-9013	Record of Contacts, TC 62-77 (sample)	303,304,305,401,405,406,407,411,507, 508,509,604,605,606,607,608,612,613, 614,615,616,617,701,802,811,904,905, 906,907,1003,1004,1103,1104,1308
RA-9014	Relocation Assistance Opinion Survey, TC 62-91 (sample)	307,407,411,1103
RA-9021	Relocation Benefits Summary, TC 62-210 (sample)	411
RA-9029	Relocation Cost Estimate (sample)	301
RA-9020	Relocation Payment Summary, TC 62-221 (sample)	508,509,604,605,606,607 608,612,613,614,616,617, 701,904,906,907,1003, 1004,1103,1104,1308
RA-9015	Relocation Project Summary, TC 62-97 (sample)	303,306,307,407
RA-9007	Rent Certification, TC 62-58 (sample)	407,904,907,1003,1103,
RA-9012	Rent Claim, TC 62-71 (sample)	907,1003,1103
RA-9022	Replacement Housing Payment Computation Correlation, TC 62-211 (sample)	904,907,1003,1103
RA-9023	Replacement Housing Payment Computation – Owner, TC 62-212 (sample)	811,813,904,907,1003,1004,1103
RA-9024	Replacement Housing Payment Computation – Tenant, TC 62-213 (sample)	813,904,1003,1004,1103
RA-9026	Replacement Housing/Down Payment Assistance Residential Claim, TC 62-215 (sample)	904,906,1004,1104,1308
RA-9025	Replacement Housing Payment Worksheet, TC 62-214 (sample)	303,406,407, 904,907,1003,1103
RA-9027	Request for Relocation Review/Appeal, TC 62-216 (sample)	409,410
RA-9001	Total Acquisition from Carve Out Example	903

EXHIBIT NUMBER	EXHIBIT TITLE & FORM NUMBER	MANUAL REFERENCE

RA-9004.....Total & Partial Acquisition from Carve Out Example..... 903

RA-9003.....Total & Partial Acquisition from Typical Homesite Example 903


1.0 Acre
Carve Out
230' RAD.
PI 50+00.00
PC 50+94.08
4-ELECT.
1-TV
EXIST. R/W
N81°40'40"W
26.03'
S8°13'51"E 184.50'
U.S 127 STA. 622+75.00
STA. 50+00.00 KY 3156
BEGIN A/C
52+15
65
I.E. 959.55
PI 52+13.90
PC 18+29.34
S37°29'30"E
PT 19+64.82
ABANDONED METAL TANKS
O.E. 957.45
O.E. 955.00
APPROX. SINKHOLE LOCATION
PI 19+05.33
RT. FRONTAGE RO
STA. 20+17 CONS
W- BEAM GUARDR.
1- END TREATMEN
PI STA 1
Δ = 64°
T = 75.
L = 135.
R = 120
E = 22.
e = N.C

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING PAYMENT COMPUTATION - OWNER

TC 62-212 Pg. 1
Rev 11/05

COUNTY	ITEM NO.	PARCEL	NAME
Mason	09-00260.02	400	John L. Doe

NAT HWY SYSTEM?	REVISION NO.	*Explain reason for revision*
YES		

Length of occupancy verified by: Utility Bill

180 DAY OWNER - PURCHASES

ACQUISITION FROM TYPICAL SIZE HOMESITE TOTAL ACQUISITION	
Cost of Comparable	
Less Acquisition Price	
Purchase Supplement	

PARTIAL ACQUISITION	
Before Value	
Less After Value	
Acquisition Price	

ACQUISITION FROM CARVED OUT HOMESITE	
Area of Home Site	**1 acre**
Home Site Area Acquired	0.9 acre

TOTAL ACQUISITION	
Home Site	$20,000
Residence	75,200
SLI	4,500
Other Buildings	0
Acquisition Price	$92,700
Cost of Comparable	$106,000
Less Acquisition Price	92,700
Purchase Supplement	$13,300

PARTIAL ACQUISITION	
Before Value of Carve out	
Less After Value of Carve out	
Acquisition Price	
Cost of Comparable	
Less Acquisition Price	
Purchase Supplement	

180 DAY OWNER - RENTS		
Mo. rent & utilities of comparable	a	
Mo. market rent & utilities of subject	b	
Difference in mo. rent & utilities *(a-b)*	c	
Rent Supplement (c times 42)		

If displaced person will not give household income, use market rent. Explain basis for market rent in remarks column. Rent payment to 180 day owner can't exceed $ 5,250 unless purchase supplement exceeds $22,500. Rent payment to less than 180 day owner can't exceed amount of purchase supplement.

LESS THAN 180 DAY OWNER - RENTS				
Monthly rent & utilities of comparable			a	
Monthly market rent & utilities of subject			b	
Monthly household income		x 30%	c	
HUD Low Income Limit Amount *(to qualify for 30% must meet HUD established Low Income Limit)*			d	
Lesser of b or c			e	
Difference in monthly rent & utilities *(a - d)*			f	
Rent Supplement (f times 42)				

Remarks:
Subject is a 6 acre hobby farm from which 5.1acres is being acquired. Improvements acquired include one residence plus all buildings listed on sheet 2 of the appraisal, except building 14 (a barn) that is not within the carved out area. The subject of this computation is the 1.0 story brick residence with enclosed porch.

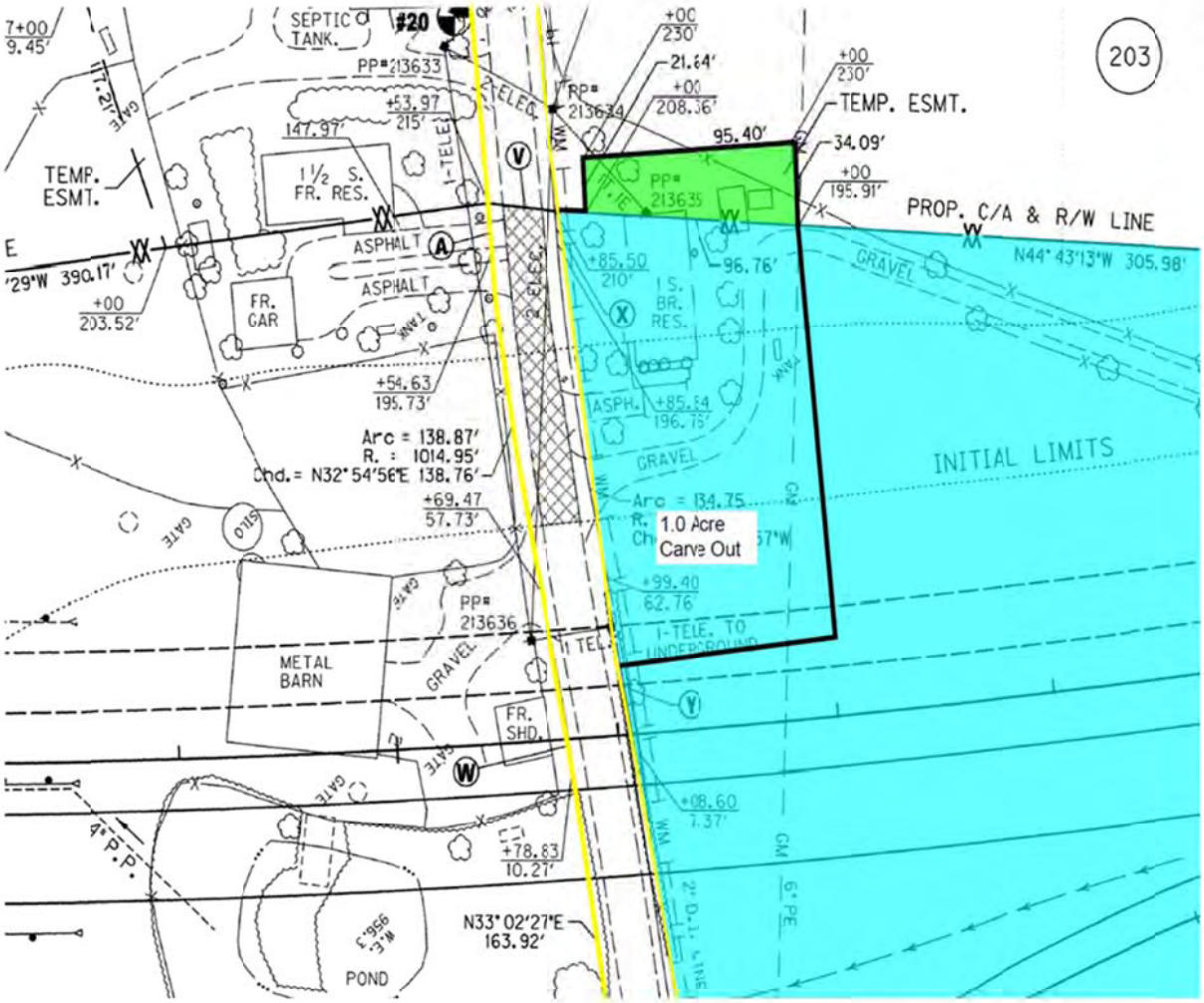
I the undersigned evaluator certify that this determination of replacement value is to be used with a federal aid or state highway project; that such value is based on the indicated comparables which are decent, safe and sanitary; are available on the private market; are adequate to accommodate the displaced owner and are reasonably accessible to public services and place of employment. I further certify I have no direct, indirect, present or contemplated future personal interest in this property, nor will I benefit in any way from acquisition of this property. The finding of replacement housing cost is as of the date signed below.

APPROVED *(Rounded)*	TOTAL ACQ	**$13,300.00**	PARTIAL ACQ		RENT	

PARTIAL ACQ. RATIO	
Carve Out (CO)	$92,700
FMV Offer	$108,000
CO ÷ FMV Offer	85.83%

TOTAL ACQ. RATIO	
Carve Out (CO)	
FMV Offer	
CO ÷ FMV Offer	

Replacement Housing Evaluator *Date*	*Relocation Specialist* *Date*
District Right of Way Supervisor *Date*	*Right of Way Director* *Date*



The acquisition consists of 0.9 acre of the 1 acre carved out homesite. The before value of the carved out homesite was calculated as follows:

1 acre homesite	$20,000
Residence	$75,200
SLI	$ 5,000 (all located in the carved out homesite)
Other Buildings	$ 1,000 (all located in the carved out homesite except building 4 which is located outside the carved out homesite)
Before Value	**$101,200**

The after value of the carved out homesite was calculated as follows:

0.10 acre	$ 2,000 (0.10 x $20,000/acre)
After Value	**$ 2,000**

Before Value	$101,200
After Value	$ 2,000
Acquisition Price	**$ 99,200**

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING PAYMENT COMPUTATION - OWNER

TC 62-212 Pg. 1
Rev 11/05

COUNTY	ITEM NO.	PARCEL	NAME
Mason	09-00260.02	203	Jane Doe

NAT HWY SYSTEM?	REVISION NO.	*Explain reason for revision*
YES		

Length of occupancy verified by: Utility Bill

180 DAY OWNER - PURCHASES

ACQUISITION FROM TYPICAL SIZE HOMESITE TOTAL ACQUISITION	
Cost of Comparable	
Less Acquisition Price	
Purchase Supplement	
PARTIAL ACQUISITION	
Before Value	
Less After Value	
Acquisition Price	

ACQUISITION FROM CARVED OUT HOMESITE			
Area of Home Site	**1 acre**		
Home Site Area Acquired	0.9 acre		
TOTAL ACQUISITION		**PARTIAL ACQUISITION**	
Home Site	$20,000	Before Value of Carve out	$101,200
Residence	75,200		
SLI	5,000	Less After Value of Carve out	$2,000
Other Buildings	1,000		
Acquisition Price	$101,200	***Acquisition Price***	$99,200
Cost of Comparable		Cost of Comparable	109,000
Less Acquisition Price		Less Acquisition Price	99,200
Purchase Supplement		***Purchase Supplement***	9,800

180 DAY OWNER - RENTS		
Mo. rent & utilities of comparable	a	
Mo. market rent & utilities of subject	b	
Difference in mo. rent & utilities *(a-b)*	c	
Rent Supplement (c times 42)		

If displaced person will not give household income, use market rent. Explain basis for market rent in remarks column. Rent payment to 180 day owner can't exceed $ 5,250 unless purchase supplement exceeds $22,500. Rent payment to less than 180 day owner can't exceed amount of purchase supplement.

LESS THAN 180 DAY OWNER - RENTS			
Monthly rent & utilities of comparable		a	
Monthly market rent & utilities of subject		b	
Monthly household income	x 30%	c	
HUD Low Income Limit Amount *(to qualify for 30% must meet HUD established Low Income Limit)*		d	
Lesser of b or c		e	
Difference in monthly rent & utilities *(a - d)*		f	
Rent Supplement (f times 42)			

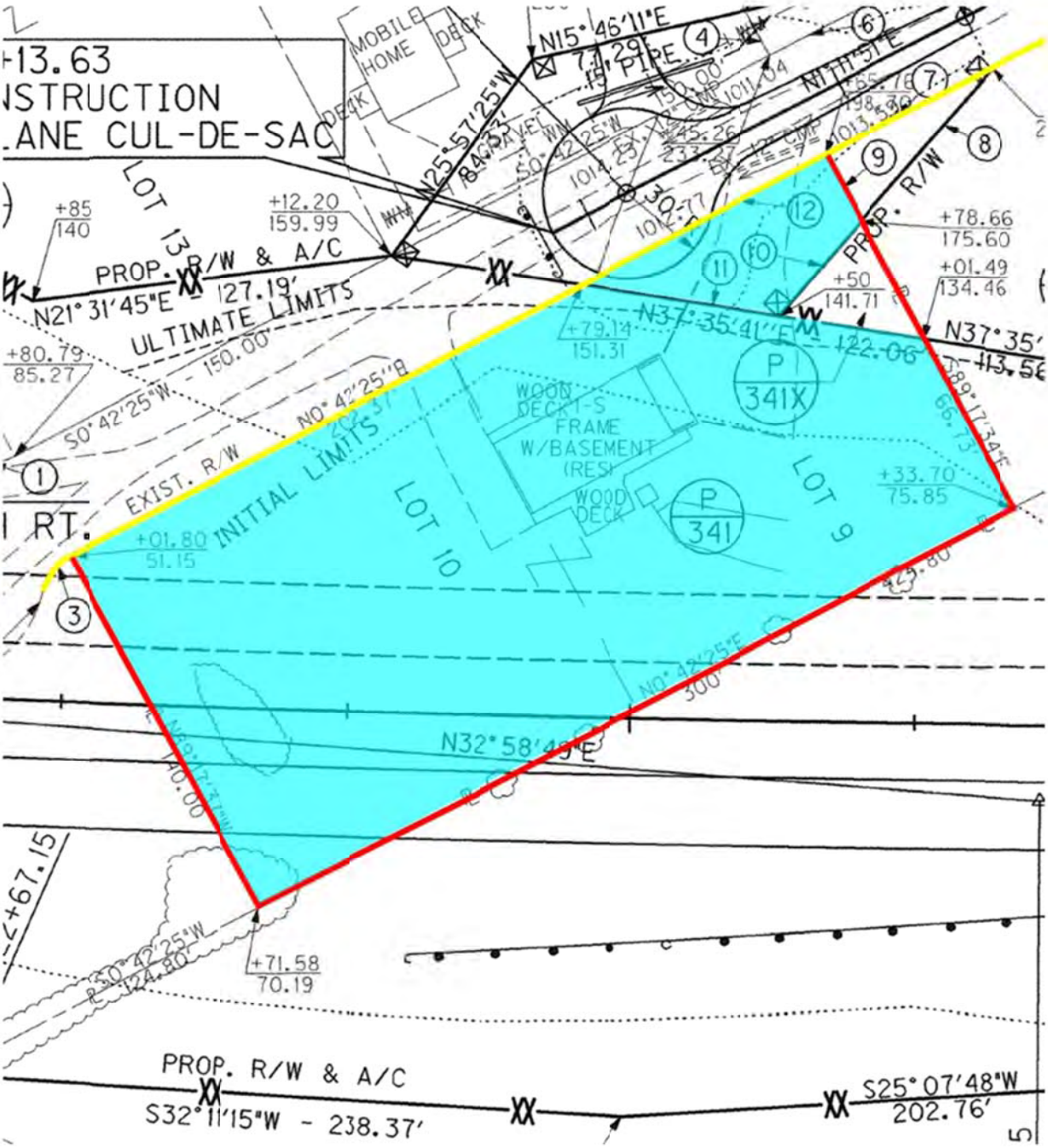
Remarks:
Subject dwelling is situated on a 60 acre farm from which 13.3 acres is being acquired. Improvements acquired include one residence plus all buildings listed on sheet 2 of the appraisal, except building 4 (a barn) that is not within the carved out area. The subject of this computation is the 1.0 story brick residence with detached carport. The appraiser allocated a 1 acre home site to this residence.

I the undersigned evaluator certify that this determination of replacement value is to be used with a federal aid or state highway project; that such value is based on the indicated comparables which are decent, safe and sanitary; are available on the private market; are adequate to accommodate the displaced owner and are reasonably accessible to public services and place of employment. I further certify I have no direct, indirect, present or contemplated future personal interest in this property, nor will I benefit in any way from acquisition of this property. The finding of replacement housing cost is as of the date signed below.

APPROVED *(Rounded)*	TOTAL ACQ		PARTIAL ACQ	**$9,800.00**	RENT	

PARTIAL ACQ. RATIO W/O UR	
Carve Out (CO)	$99,200
FMV Offer	$143,000
CO ÷ FMV Offer	69.37%
TOTAL ACQ. RATIO with UR	
Carve Out (CO)	
FMV Offer	
CO ÷ FMV Offer	

Replacement Housing Evaluator *Date*	*Relocation Specialist* *Date*
District Right of Way Supervisor *Date*	*Right of Way Director* *Date*


MOBILE HOME
DECK
N15°46'11"E
N25°57'25"W
N11°11'51"E
LOT 13
PROP. R/W & A/C
N21°31'45"E - 127.19'
ULTIMATE LIMITS
N37°35'41"E
PROP. R/W
N37°35'
S0°42'25"W
N0°42'25"B
EXIST. R/W
INITIAL LIMITS
WOOD DECK 1-S FRAME W/BASEMENT (RES)
WOOD DECK
LOT 10
LOT 9
P 341X
P 341
N32°58'49"E
PROP. R/W & A/C
S32°11'15"W - 238.37'
S25°07'48"W
202.76'

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING PAYMENT COMPUTATION - OWNER

TC 62-212 Pg. 1
Rev 11/05

COUNTY	ITEM NO.	PARCEL	NAME
Mason	09-00260.02	341	Bill Scott

NAT HWY SYSTEM?	REVISION NO.	*Explain reason for revision*
NO		

Length of occupancy verified by: Utility Bill

180 DAY OWNER - PURCHASES

ACQUISITION FROM TYPICAL SIZE HOMESITE TOTAL ACQUISITION			**ACQUISITION FROM CARVED OUT HOMESITE**			
			Area of Home Site			
Cost of Comparable		$136,000	Home Site Area Acquired			
Less Acquisition Price		117,000	**TOTAL ACQUISITION**		**PARTIAL ACQUISITION**	
Purchase Supplement		$19,000	Home Site		Before Value of Carve out	
PARTIAL ACQUISITION			Residence			
Before Value	117,000		SLI		Less After Value of Carve out	
Less After Value	100		Other Buildings			
Acquisition Price	$116,900		***Acquisition Price***		***Acquisition Price***	
Cost of Comparable		$136,000	Cost of Comparable		Cost of Comparable	
Less Acquisition Price		116,900	Less Acquisition Price		Less Acquisition Price	
Purchase Supplement		$19,100	***Purchase Supplement***		***Purchase Supplement***	

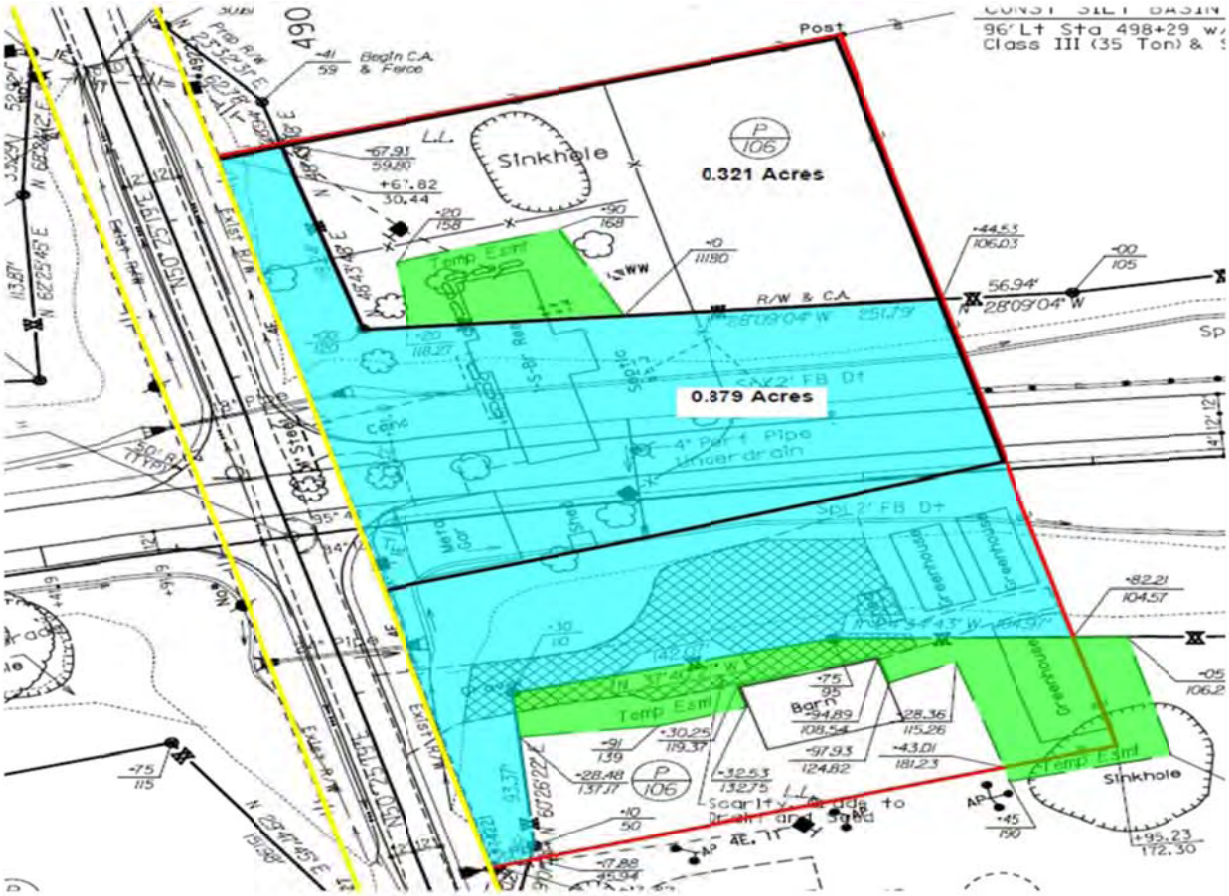
180 DAY OWNER - RENTS			***LESS THAN 180 DAY OWNER - RENTS***				
Mo. rent & utilities of comparable	a		Monthly rent & utilities of comparable			a	
Mo. market rent & utilities of subject	b		Monthly market rent & utilities of subject			b	
Difference in mo. rent & utilities *(a-b)*	c		Monthly household income		x 30%	c	
Rent Supplement (c times 42)			HUD Low Income Limit Amount *(to qualify for 30% must meet HUD established Low Income Limit)*			d	
If displaced person will not give household income, use market rent. Explain basis for market rent in remarks column. Rent payment to 180 day owner can't exceed $ 5,250 unless purchase supplement exceeds $22,500. Rent payment to less than 180 day owner can't exceed amount of purchase supplement.			Lesser of b or c			e	
			Difference in monthly rent & utilities *(a - d)*			f	
			Rent Supplement (f times 42)				

Remarks: Subject is a .963 acre tract from which we acquire .942 acre. The remainder has been declared an remnant. This computation is calculated as a total and partial acquisition of the typical homesite.

I the undersigned evaluator certify that this determination of replacement value is to be used with a federal aid or state highway project; that such value is based on the indicated comparables which are decent, safe and sanitary; are available on the private market; are adequate to accommodate the displaced owner and are reasonably accessible to public services and place of employment. I further certify I have no direct, indirect, present or contemplated future personal interest in this property, nor will I benefit in any way from acquisition of this property. The finding of replacement housing cost is as of the date signed below.

APPROVED *(Rounded)*	TOTAL ACQ	**$19,000**	PARTIAL ACQ	**$19,100**	RENT	

PARTIAL ACQ. RATIO W/O UR			
Carve Out (CO)			
FMV Offer			
CO ÷ FMV Offer			
TOTAL ACQ. RATIO with UR		*Replacement Housing Evaluator* *Date*	*Relocation Specialist* *Date*
Carve Out (CO)			
FMV Offer			
CO ÷ FMV Offer		*District Right of Way Supervisor* *Date*	*Right of Way Director* *Date*



The acquisition consists of 0.879 acre of the 1.2 acre carved out homesite. The before value of the carved out homesite was calculated as follows:

1.2 acre homesite	$ 13,800
Residence	$197,200
SLI	$ 15,500 (all located in the carved out homesite)
Other Buildings	DNA (Detached garage & playhouse are carved out as major exterior attributes and their value was not included in the carve out calculation.)
Before Value	**$226,500**

The after value of the carved out homesite was calculated as follows:

0.321 acre	$ 177 (0.321 x $550/acre)
After Value	**$ 177**

Before Value	$226,500
After Value	$ 177
	$ 226,233

Total Acquisition of Carve Out Homesite Acquisition Price	**$226,500**
Partial Acquisition of Carve Out Homesite Acquisition Price	**$226,233**

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING PAYMENT COMPUTATION - OWNER

TC 62-212 Pg. 1
REV 11/05

COUNTY	ITEM NO.	PARCEL	NAME
Hardin/Meade	4-294.23	106	Bill & Joan Black

NAT HWY SYSTEM?	REVISION NO.	*Explain reason for revision*
No		

Length of occupancy verified by: Meade County RECC dated 4/3/09

180 DAY OWNER - PURCHASES

ACQUISITION FROM TYPICAL SIZE HOMESITE TOTAL ACQUISITION	
Cost of Comparable	
Less Acquisition Price	
Purchase Supplement	
PARTIAL ACQUISITION	
Before Value	
Less After Value	
Acquisition Price	

ACQUISITION FROM CARVED OUT HOMESITE			
Area of Home Site	**1.2 ac.**		
Home Site Area Acquired	**0.879 ac.**		
TOTAL ACQUISITION		**PARTIAL ACQUISITION**	
Home Site	13,800	Before Value of Carve out	226,500
Residence	197,200		
SLI	15,500	Less After Value of Carve out	177
Other Buildings *	Dna		
BEFORE VALUE	**226,500**	***Acquisition Price***	**226,323**
Cost of Comparable	250,000	Cost of Comparable	250,000
Less Acquisition Price	226,500	Less Acquisition Price	226,323
Purchase Supplement	**23,500**	***Purchase Supplement***	**23,677**

180 DAY OWNER - RENTS		
Mo. rent & utilities of comparable	a	
Mo. market rent & utilities of subject	b	
Difference in mo. rent & utilities *(a-b)*	c	
Rent Supplement (c times 42)		

If displaced person will not give household income, use market rent. Explain basis for market rent in remarks column. Rent payment to 180 day owner can't exceed $ 5,250 unless purchase supplement exceeds $22,500. Rent payment to less than 180 day owner can't exceed amount of purchase supplement.

LESS THAN 180 DAY OWNER - RENTS			
Monthly rent & utilities of comparable		a	
Monthly market rent & utilities of subject		b	
Monthly household income	x 30%	c	
HUD Low Income Limit Amount *(to qualify for 30% must meet HUD established Low Income Limit)*		d	
Lesser of b or c		e	
Difference in monthly rent & utilities *(a - d)*		f	
Rent Supplement (f times 42)			

Remarks:
Uneconomic remnant-NOT a buildable lot, therefore, both a Total Acquisition of a Carved Out Homesite, and a Partial Acquisition of a Carved Out Homesite have been computed. * Detached garage/kitchen/screened-in-porch ($24,500), and the playhouse ($1,400) are carved out as major external attributes. LAST RESORT HOUSING.

I the undersigned evaluator certify that this determination of replacement value is to be used with a federal aid or state highway project; that such value is based on the indicated comparables which are decent, safe and sanitary; are available on the private market; are adequate to accommodate the displaced owner and are reasonably accessible to public services and place of employment. I further certify I have no direct, indirect, present or contemplated future personal interest in this property, nor will I benefit in any way from acquisition of this property. The finding of replacement housing cost is as of the date signed below.

APPROVED *(Rounded)*	TOTAL ACQ	**23,500**	PARTIAL ACQ	**23,680 rd.**	RENT	

PARTIAL ACQUISITION RATIO				
Carve Out (CO)	226,323	*Replacement Housing Evaluator*	*Date*	
FMV Offer	314,250			
CO ÷ FMV Offer	0.7202			
TOTAL ACQUISITION RATIO		*Project Manager*	*Date*	*Relocation Specialist* / *Date*
Carve Out (CO)	226,500			
FMV Offer	315,000			
CO ÷ FMV Offer	0.7190	*District Right of Way Supervisor*	*Date*	*Right of Way Director* / *Date*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
CLOSING STATEMENT

TC 62-48
Rev. 09/05

COUNTY	ITEM NO.	MARS PROJECT NO.	FEDERAL PROJECT NO.	DATE OF CLOSING
Hardin/Meade	04-294.23	6336503R	DNA	10/10/10

PROJECT	PARCEL	PURCHASER
KY 313 Extension Section 3	106	**Bill and Joan Black**

Property Location:	2116 Dooley Road, Ekron, KY 40117	Purchase Price	$299,900.00
Sellers:	Jeff and Julie Smith	Earnest Deposit	$1,000.00
Real Estate Broker:	Lisa Jones	Down Payment Amount	$289,900.00
Lender:	Commonwealth Credit Union	Mortgage Amount	-0-
Lender Contact Person	Jennifer Tate		

CLOSING COSTS	AMOUNT CHARGED	***FOR KENTUCKY TRANSPORTATION CABINET USE*** INDICATE HOW FEES ARE ASSESSED: BE FLAT	OTHER *(Explain)*	AMOUNT TO REIMBURSED
Credit Report (1)				
Loan Application Fee (1)				
Appraisal	$275.00	X		$275.00
Loan Origination Fee (2)			% of	
Loan Discount Fee (2)			% of	
Flood Certification	$20.00	X		$20.00
Tax Service Fee				
Service Fee	$50.00	X		$50.00
Title Exam	$600.00	X		$600.00
Title Insurance (3)				
Closing Fee	$250.00	X		$250.00
Pest Inspection	$100.00	X		$100.00
Home Inspection	$75.00	X		$75.00
Survey				
Sales Tax (3)				
Deed Transfer Tax (3)				
Recording Fee				
Other:				
TOTAL CHARGES	$1,370.00		***ELIGIBLE AMOUNT***	**$1,370.00**

(1) Must have had an existing mortgage
(2) Based on lesser: Old mortgage less buydown or New mortgage
(3) Based on the comparable

Cost of Comparable	**$250,000**	Balance of Old Mortgage at Payoff	**$0.00**

Displaced Person *Date*	*Seller* *Date*
Closing Agent *Date*	*Real Estate Broker* *Date*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
MORTGAGE INTEREST RATES

TC 62-50
REV 08/10

COUNTY	ITEM NO.	STATE NO.	FEDERAL NO.	PROJECT	DATE
Breckinridge	09-0260.02	FD52 C 081 55134 01 R	00DPR 0032 009	Maysville Bypass – Section 2	3/4/10

LENDING INSTITUTION	REMARKS	15 YEAR FIXED		30 YEAR FIXED	
		% RATE	POINTS	% RATE	POINTS
Farmers Bank & Trust 200 S Washington Street Maysville, KY 41056 606-564-4400	Maximum in-house fixed-rate is 5 years. With credit score of 660-679 can get fixed-rate secondary market loan as indicated on the right. No loan if score is below 660.	4.75%	1% loan origination	5.625%	1% loan origination
Maverick Banking Company 310 N Cross Street Maysville, KY 41056 606-564-7000	Maximum in-house fixed-rate is 5 years. With credit score of 620+ can get fixed-rate secondary market loan as indicated on the right. No loan if score is below 620.	5.5- 5.875%	1% loan origination	6.0 – 6.375%	1% loan origination
People's Bank & Trust 403 N Cross Street Maysville, KY 41056 606-564-3210	Maximum in-house fixed-rate is 5 years. With credit score of 650-675 can get fixed-rate secondary market loan as indicated on the right. No loan if score is below 650.	5.5%+	$1,500 loan origination	6.0%+	$1,500 loan origination
		4.750% - 5.875%		**5.625% - 6.375%**	
PREVAILING RATE*		**1% or $1,500 loan orig.**		**1% or $1,500 loan orig.**	

Agent _____ **Date** _____

**Prevailing rate: An interest rate and point combination commonly available in the area. May be a range of rates and points.*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities

TC 62-58
Rev. 10/10

RENT CERTIFICATION

COUNTY	ITEM NO.	PARCEL	MARS PROJECT NO.	FEDERAL PROJECT NO.
Mason	09-00260.02	107 T2	FD52 C 081 55134 01 R	00DPR 00032 009

FOR CERTIFICATION BY OWNER OF PROPERTY FROM:

X	SUBJECT RESIDENCE		REPLACEMENT RESIDENCE

I certify that:	Tina Peters			
Occupies a dwelling located at:	112 Tom Groce Road, Maysville, KY 41056			
He/She moved into this property:	August 3, 1988			
And pays monthly rent of:	$320 ($177 by occupant and $143 subsidized by Section 8)			
The average monthly utility costs for this property are:	**ELECTRIC**	**GAS / OIL**	**WATER**	**SEWER**
	$24	$52.30	$17	Septic
The monthly rent includes these utilities:	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No	☐ Yes ☐ No

If displacee moves into a facility that provides items other than utilities (such as personal care assistance and food in nursing homes), an estimated breakdown of the monthly cost attributed to rent and utilities only must be attached to this form before a rent claim can be approved.

Average utility costs were provided by the landlord.

Signature of Property Owner

Date

Kentucky Transportation Cabinet
Division of Right of Way and Utilities

TC 62-59
07/2014
Page 1

MORTGAGE INFORMATION

COUNTY	ITEM NO.	PARCEL	NAME
Mason	09-00260.02	102	Patrick and Gail Turner
PROGRAM NO.	**FEDERAL PROJECT NO.**		**PROJECT**
FD52 081 5513401R	00DPR 0032 009		Maysville Bypass (US 68) – Section 2

AUTHORIZATION:
My signature below authorizes the Kentucky Transportation Cabinet, Division of Right of Way and Utilities, to obtain the following information regarding my loan*(s)* with your institution.

Displaced Person's Signature _____ *Date* _____

	EXISTING MORTGAGE*(s)*			**NEW MORTGAGE**
	# 1	**# 2**	**# 3**	
Date mortgage taken out	02/06/04			
Original mortgage amount	$24,173.50			
Term *(number of years)*	15			
Type of loan * *(see below)*	ARM			
What was the status of the following items **WHEN THE LOAN WAS PAID OFF?**				Annual Interest Rate:
				Points:
Date of payoff				
Principal balance				
Amount of monthly principal and interest payment				
Annual interest rate				
IF A HOME EQUITY LOAN, what was the status of the following items on: _____ *(Insert date 180 days prior to initiation of negotiations)*				
Principal balance				
Amount of monthly principal and interest payment				
Annual interest rate				

* TYPE OF LOAN:
FR=Fixed Rate
ARM=Adjustable Rate
RR=Renegotiable Rate
GP=Graduated Payment
BP=Balloon Payment
HE=Home Equity

(Indicate if more than one applies, i.e., ARM/BP). Please explain type of loan if not one on this list.

The above information is a complete, true and accurate account of this transaction.

Sue Smith
Name

Loan Officer
Title

The Maysville Banking Company
Name of Lending Institution

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
COMPARATIVE DATA SHEET

TC 62-63
09/2005

COUNTY	ITEM NUMBER	PARCEL	PROGRAM NO.	FEDERAL PROJECT NO.
Bill & Joan Black	04-0294.23	106	6336503R	DNA

Type of Home:	X	SF		DUP		APT		MH		MH SITE		OTHER	
Number of Stories	X	1		1 ½		2		If more than 2, how many common corridor exits?					

Average monthly utility cost	ELEC	GAS	WATER	SEWER	MO UTIL	ASKING RENT/PRICE	MO RENT & UTILITIES
	$95	DNA	$25	Septic	$120	DNA	DNA
Which are included in the monthly rent?	DNA	DNA	DNA	DNA			

If rental unit, include utilities in Price	*COMP # 106-3*		*REMARKS*
Price of Dwelling / Site	$250,000		
Street Address	2212 Sonoma Valley		
City, Zip Code	Vine Grove, KY 40175		10 miles from subject
Distance to Work - School	DNA	DNA	
No. Stories - Exterior Walls	1	Brick	
1st Floor Room Count - Size	9/3/2	2,300 sf	Masterbath contains Jacuzzi tub;
2nd Floor Room Count - Size	DNA	DNA	
Finished Basement Room Count – Fin. Size	4/1/1	2,300	Large game room with wet bar area
Total Basement % Basement - Unfin. Size	DNA	DNA	
Garage / Carport Number & Type	2 car attached garage		Back wall of garage has built in workbench and cabinets
Air Conditioning	CAC		Replaced within last 5 years
Other	Deck –above ground pool		Pool professionally installed 2 years ago
Age – Condition	17	Good	Recent renovations
Lot Size	1.5 acre		
Electric - Gas	Public	DNA	
Water - Sewer	Public	Public	
Is Dwelling / Site DS&S?	Yes		
Listed by / Phone	ReMax - Joe Jackson, listing agent 769-0038		
Information obtained from	**Joe Jackson**	**Date**	**10/10/10**

*SF = Single Family DUP = Duplex APT = Apartment MH = Mobile Home Other *(Explain in remarks)*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
DS&S INSPECTION REPORT

TC 62-67
09/2005

COUNTY	ITEM NO.	PARCEL	NAME
Hardin/Meade	04-294.23	106	Bill and Joan Black

PROGRAM NO.	FEDERAL NO.	PROJECT
13HC JP01 047 6226503R	DNA	KY 313 Section 3

Replacement property address:	2116 Dooley Rd, Ekron, KY 40117

REPLACEMENT HOUSING INSPECTION

Type of Replacement Property	Type of Water Supply	No. Occupants-Adult	No. Children	Total No.
X SFR ☐ DUP ☐ APT ☐ MH ☐ OTHER	X PUBLIC ☐ CISTERN ☐ WELL	M 1 F 1	M F	2

Purchase Price or Monthly Rent & Utilities	Size of Lot	Typical Size Lot in Area	Size of Dwelling	No. Stories	No. Rooms / Bedrooms / Baths
$299,900.00	2.0 acres	2.0 – 5.0 acres	3,300 sf	1	12-4-4.5

	YES	NO
1. Safe ingress and egress	X	
2. If 3 or more stories, does each story have 2 exits from a common corridor		
3. Are there any barriers to a handicapped displacee		
4. Structurally sound	X	
5. Weather tight	X	
6. Kitchen		
a. Separate room or area for kitchen use	X	
b. Sink in good working order	X	
c. Proper connection to sewage system	X	
d. Proper connection to potable hot/cold water	X	
e. Range *(stove)* space with utility connections	X	
f. Refrigerator space with utility connections	X	

	YES	NO
7. Bathroom*(s)*		
a. Separate room, properly lighted and ventilated	X	
b. Privacy for users	X	
c. Fully functional sink *(basin)*	X	
d. Fully functional flush toilet	X	
e. Fully functional bathtub or shower stall	X	
f. Plumbing in good working order for water supply and sewage system	X	
8. Adequate number of bedrooms	X	
9. Adequate heating	X	
10. Safe & adequate electrical system	X	
11. In good repair	X	

Indicate which, if any, of the above items do not apply to this dwelling:	2 and 3

I, the undersigned agent, have inspected the proposed replacement property to determine if this property will qualify the displacee to receive a replacement housing payment.

TO THE BEST OF MY KNOWLEDGE AND BELIEF, this property X MEETS ☐ DOES NOT MEET replacement housing standards.

REMARKS:

Relocation Agent *Date*

HAZARDOUS SUBSTANCES NOTICE

Mr. Danny Jones

Jones Recycling

Columbia, KY 42728

Item No. 08-2450.00 County Adair

FAP/UPN FD52 C 001 55134 01 R, 00DPR 0032 009

Parcel No. 444 – Jones Recycling

Dear Mr. Jones:

In order to further clarify your Relocation Advisory Assistance, we are taking this opportunity to advise you of the Cabinet's position regarding substances which may be classified as hazardous and/or of environmental concern.

If you are not presently registered as a generator of hazardous waste, it is important for you to understand that the abandonment of any hazardous material, it's by-products, or other related materials will constitute hazardous waste and may put you in violation of the Resource Conservation and Recovery Act, 42 U.S.C. 6901 et seq. (RCRA), or the Comprehensive Environmental Response Compensation and Liability Act, 42, U.S.C. 9601 et seq. (CERCLA or SUPERFUND).

A "release" of a hazardous substance, pollutant or contaminant is defined in 42 U.S.C. S9601 (22) as follows:

> ". . . any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposal into the environment (including the abandonment or discarding of barrels, containers and other closed receptacles containing any hazardous substance or pollutant or contaminant) . . . "

The Cabinet will not assume the responsibility of disposing of any substance, or containers, which have held any substance that is of environmental concern.

All above-ground and/or underground tanks must be emptied prior to your vacating the subject property. All materials must be moved or disposed of in accordance with all applicable laws and regulations and cannot be abandoned on subject site.

Your assigned Relocation Agent will explain eligible moving expense reimbursements related to hazardous substances and will assist you in every way possible to assure that your move is not only safe, but done to your satisfaction.

Sincerely,

Supervisor's Signature

Right of Way Supervisor

RECEIPT ACKNOWLEDGED: _____ DATE: _____

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
RENT CLAIM

TC 62-71
07/2014
Page 1

COUNTY	ITEM NO.	PARCEL NO.	NAME
Mason	09-00260.02	107 T2	**Tina Peters**
PROGRAM NO.	FEDERAL PROJECT NO.		PROJECT
FD52 081 5513401R	00DPR 0032 009		**Maysville Bypass (US 68) – Section 2**
Address of replacement dwelling / site	203 Shelby Street, Maysville, KY 41056		

90 DAY OWNER - RENTS

Monthly rent & utilities of comparable	a		*LUMP SUM PAYMENT?*	
Actual monthly rent & utilities of replacement	b		*INSTALLMENT NO.*	
Lesser of a or b	c		**AMOUNT THIS CLAIM**	**CLAIMED TO DATE**
Monthly market rent & utilities of subject	d			
Difference in monthly rent & utilities *(c - d)*	e			
RENT SUPPLEMENT *(e times 42)*				

90 DAY TENANT / < 90 DAY TENANT OR OWNER - RENTS

Monthly rent and utilities of comparable			a	$376		*LUMP SUM PAYMENT?*	NO
Actual monthly rent and utilities of replacement			b	$376		*INSTALLMENT NO.*	1
Lesser of a or b			c		$376	**AMOUNT THIS CLAIM**	**CLAIMED TO DATE**
Monthly or market rent and utilities of subject			d	$177			
HUD Low Income Limit	$1,871		e				
Monthly household income	$623	x 30%	f	$187			
Amount of assistance received for shelter & utilities			g	$0			
90 day Tenant: *Use lesser of d or f, if applicable* ***< 90 day Tenant/Owner:*** *Use lesser of d or f* ***If receiving housing assistance (g),*** *calculate GAP payment according to* ***RA 1003***			h		$177		
Difference in monthly rent & utilities (c-h)			i		$199		
RENT SUPPLEMENT *(i times 42)*					**$8,360.00**	**$2,787.00**	**$2,787.00**

The displacees ☐ have occupied / X will occupy the replacement property indicated above as their permanent place of residence, and that all information contained herein is true and accurate to the best of my knowledge. I, therefore, request payment as outlined in this application.

X **ADVANCED PAYMENT REQUEST**

Relocation Agent

Date

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
RECORD OF CONTACTS

TC 62-77
09/2005
Page 1 of 3

County	Hardin/Meade	Item No.	04-294.23	Parcel No.	106
Program No.	6336503R	Federal Project No.	DNA		
Name	Bill and Joan Black				

BUYER'S CONTACTS		*RELOCATION AGENTS' CONTACTS*					
During the course of negotiations I have:		Relo Type:	Residential	X	Owner		Tenant
	Verified the title facts	**Owner occupied residential relocations**				**All relocations**	**Date**
	Explained the acquisition and showed the plans	Offer is:	X Total	X Partial		Occupancy	1968
		Subject parcel is:		Typical size home site		Initial work sheet	05/22/09
	Viewed the property with the owner or their designated contact person	X Larger than typical		Higher & Better Use		Furnished brochure	05/22/09
		Multi-Use		Multi-Family		Updated work sheet	02/15/10
	Made the approved offer of $	Is the remainder declared an uneconomic remnant? X Yes No DNA				Notice of intent	DNA
						Offer to purchase	02/26/10
	Made an offer to purchase the uneconomic remnant	Is the remaining home site a buildable lot? Yes X No DNA				Relocation offer	02/26/10
						Offered adv. Asst.	02/26/10
	Explained eligibility and procedures for claiming reimbursement of incidental expenses		**Total Acq**	**Partial Acq**		Declined	
		Amount of FMV Offer	335,200	334,550		Accepted	02/26/10
	Explained the owner's option to retain the improvement(s) for the(ir) salvage value, and the requirements for a performance bond, the removal requirements and the time allowed for removal	Acquisition Price		334,550		*by:* Mr. & Mrs. Black	
		Date revised RHP was approved		03/25/10		Parcel possession	06/15/10
		Did owner retain dwelling?		No		30 Days expire	09/15/10
	Explained closing procedures	Amount of salvage value		5,000		Moved	10/10/10
Buyer's Signature		***Relocation Agents' Signatures***					

Note: Each written record of contact with a property owner, tenant or contact person for either of these, is to be completed within a reasonable time. Each contact is also to include the date, time, and place of meeting, the names of all individuals present, and questions asked and answers given or not given. Buyer's contacts are to summarize the issues discussed in each meeting including the amount of the offer made, counter offers, reasons a settlement could not be reached, and any other pertinent data. Relocation assistance contacts are to summarize all issues discussed including the dates and manner in which required notices are given, the amount of each benefit offered and eligibility requirements for each benefit, and document the circumstances under which a displacee does or does not qualify for potential benefits.

Date 05/22/2009 Time 12:30 pm Place 115 Big Springs Road

List all individuals present Mr. and Mrs. Black, Patricia Black (daughter) and Joe Relocation Agent

I met with the Black's and discussed that the proposed project would require the Cabinet to purchase their property, which included the home and therefore displacing then from their residence. I explained to the Black's if they were still in occupancy at the time the Cabinet made an offer to purchase the property, they would be eligible to receive advisory assistance, reimbursement of incidental expenses, a possible supplemental replacement housing payment and moving expenses. I briefly explained these benefits and payments to them. I explained to them that they would not be required to move in less than 90 days from the date of the offer to purchase and that they would be given a notice 30 days prior to being required to move. The Blacks provided the information needed for the relocation worksheet. I provided them with a relocation brochure and informed them of their right to appeal. Mrs. Black provided me with a copy of a utility bill 180 days or more to verify their occupancy. I provided them with my contact information and encouraged them to call me if they had any questions.

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County:	Hardin/Meade	Item No	04-294.23	Parcel No	106

Agent's Signature

Date 09/10/2009 Time 10:00 am Place Office – Phone Call from Mrs. Black

List all individuals present Mrs. Black and Joe Relocation Agent

Mrs. Black contacted me to inquire on the status of her parcel. I checked the status report and informed Mrs. Black that the appraisal had not been completed yet. She asked me for a time frame and I explained that it could be an additional 6 months before the appraisal process was completed and an offer could be made. She stated she understood and was just curious with the holidays coming up and she didn't want to be concerned with the project during the holidays.

Agent's Signature

Date 02/15/2010 Time 09:30 am Place Phone Call to the Blacks

List all individuals present Mrs. Black and Joe Relocation Agent

I called the Blacks to inform her that I had received the appraisal was working on their parcel today. I updated the worksheet and found there were no changes. We briefly discussed the procedure for making the acquisition offer and the relocation benefits. I assured her that they would be contacted by the acquisition buyer to schedule an appointment and that I would accompany the buyer to present the relocation benefits available to them at the same time. I asked her if they had reviewed the relocation assistance brochure and she stated they had. I asked her if she had any questions and she stated she understood the brochure and did not have any questions at this time.

Agent's Signature

Date 02/26/2010 Time 09:30 am Place 115 Big Springs Road

List all individuals present Mr. and Mrs. Black, Patrick Black (son), Jane Acquisition Agent and Joe Relocation Agent

Jane Acquisition Agent made the fair market value offers of $315,000 (T) and $314,350 (P). I presented the Blacks with the letter explaining the relocation benefits available to them. I explained the letter starting with the Replacement Housing Payment of $23,500 (T) and $23,680(P) based on the carved out values and the comparable sale of $250,000. I informed the Blacks of the replacement property the RHP was based upon and provided them with the address and photograph of the comparable. I explained that any amount spent over the respective carve-outs (depending on if they retain the remainder) would be eligible for the RHP up to the maximum for either the total or partial acquisition if they spent at least $250,000. I explained that in order to qualify for the RHP they must purchase and occupy the replacement housing; they must have 100% ownership and that the program was based on a "spend to get" and that documentation would be required in order to apply for payment. I also explained that the replacement dwelling must meet DS&S standards and I encouraged them not to sign any contracts on a replacement property until they have contacted me and allow me to perform a DS&S inspection. We discussed the mortgage interest differential payment and reimbursement of incidental expenses. The Blacks do not have a mortgage on the subject property and I explained that they would not qualify for this benefit. We discussed the reimbursement of closing costs and I explained that some items were limited to the cost of the comparable and some were only eligible if there was an existing mortgage on the subject property.

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I explained that the letter contained their 90 day notice and that they would not be required to move for at least 90 days from today's date. We discussed moving expenses and the option available to them. I explained the two moving options of using a commercial mover and the fixed rate move schedule and the 50 mile limit. We discussed the amount of personal property and the number of rooms and I explained that a fixed rate move of 25 rooms would be $4,530. This is based on the following rooms: (1) kitchen, (2) formal dining room, (3) formal living room, (4 & 5) master bedroom, (6) bedroom 2, (7) bedroom 3, (8) family room main level, (9) utility room, (10) family room basement, (11 & 12) pool table, (13) bedroom 4, (14 & 15 & 16) storage in unfinished basement area, (18 &19) attached garage, (20 & 21) outdoor furniture & yard items, (22 & 23 & 24) storage in attic, and (25) large wooden swing set. We then discussed the commercial move options. Mrs. Black indicated they may want to move themselves. We also discussed the personal property located in the large detached garage. The Blacks use the area for cookouts and family gatherings. The property is not associated with the business but with the household. Due to the amount and size of the property, I advised that I would request approval from the RW Supervisor to move the property through a miscellaneous move. I explained the process and told them I would get back with them once a decision was made on how to treat the situation.

We discussed their right to appeal and the appeal process. I took photographs of the personal property for the certified inventory. I asked the Blacks if they had any questions. They stated they just wanted to think about all the offers and benefits and I encouraged them to contact me if they had any questions.

Agent's Signature

Date 03/05/2010 Time 09:30 am Place Office

List all individuals present Jane Acquisition Agent and Joe Relocation Agent

After discussing the detached garage with the Supervisor, approval was given to move the property through a miscellaneous move. (Approval memorandum on file) I contacted the Blacks and informed them of the approval of the miscellaneous move for the detached garage. I explained that a staff estimate would be prepared based on the certified inventory obtained on 02/26 and once that was approved; I would let them know of the amount of the approved move estimate. Mrs. Black asked if this would be in addition to the amount of the fixed rate move amount we discussed for the property in the home. I explained that it would be in addition to the amount of the fixed rate move.

Jane Agent informed me that during the course of negotiations Mr. and Mrs. Black provided documentation that a portion of their property was zoned commercial and that the appraisal failed to recognize that difference in land values. A revision of the appraisal was completed and she provided me with a copy. After reviewing I discovered that a portion of the revised area was included in the carved out homesite. I began processing a revised RHP to submit for approval. I contacted Mrs. Black and informed her of the pending revision.

Agent's Signature

Date 03/26/2010 Time 09:30 am Place 115 Big Springs Road

List all individuals present Mr. and Mrs. Black, Jane Acquisition Agent and Joe Relocation Agent

The appraisal was revised to reflect an increase in acreage values that affected the RHP. Jane Acquisition Agent made the revised FMV offers of $333,350 (P) and $334,000 (T) and I explained the revised RHP benefit of $15,880 (P) and $15,700 (T). I explained to the Blacks that the increase in the value of the acreage zoned as commercial increased the value of the carved out homesite. The Blacks indicated that after discussing the options; they would like to move using the fixed rate schedule. I again explained that they would be eligible to receive $4,530 move benefits based on a room count of 25 rooms. I asked the Blacks to sign the certified inventories that I had prepared. Mrs. Black signed both.

I then presented the Blacks with a Move Authorization for the personal property in the detached garage and the personal property in the house. I explained that a benefit of $1,665 to move the inventory in the detached garage was determined. We discussed the move process and that all personal property must be removed. I asked the Blacks to notify me when they were ready to move and I could request their payments so they would be available to them at the completion of the move.

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Agent's Signature

Date 07/15/2010 Time 09:30 am Place Office

List all individuals present Jane Acquisition Agent and Joe Relocation Agent

Jane Agent informed me that the Blacks had signed for the total acquisition and that the Cabinet now had possession of the parcel. I prepared a 30 day notice to send to the Blacks.

Agent's Signature

Date 07/20/2010 Time 11:30 am Place 2116 Dooley Road, Ekron, KY

List all individuals present Mr Black, Sally Gray (real estate agent) and Joe Relocation Agent

I met with Mr. Black to perform a DS&S inspection on a home they were interested in purchasing. I obtained the information needed. The home passed inspection. I reminded Mr. Black that I would need a copy of the signed contract in order to apply for the RHP. He stated that he would get it to me as soon as possible. The Black's signed for the total acquisition making them eligible for $15,700 provided they spend $250,000.

Agent's Signature

Date 08/01/2010 Time 09:30 am Place Office

List all individuals present Mrs. Black and Joe Relocation Agent

Mrs. Black called to inform me that the offer on the replacement home had been accepted at $299,900. She asked me to stop by and pick up a copy of the contract. She explained that the closing was not until 09/15 and that they would not be able to vacate the property by August 15th. She stated they would need until mid-October to close and move into the replacement property. I explained that I would have to obtain approval from the RW Supervisor and I would contact her as soon as I had an answer. After explaining the situation to the Supervisor, approval was granted to allow the Blacks to remain on the property until October 15th. I informed Mrs. Black and followed up with a revised 30 day notice specifying a vacate date of October 15th.

Agent's Signature

Date 08/05/2010 Time 09:30 am Place 115 Big Springs Rd

List all individuals present Mr. and Mrs. Black and Joe Relocation Agent

I stopped by to obtain a copy of the sales contract on the replacement property. I discussed the process of filing the claim and I explained the timeline in filing the claim and receiving the check. Mr. Black stated that they were not obtaining a mortgage on the replacement property and that having the RHP at the closing was not necessary. We discussed possible expenses of the closing that could be reimbursed. I explained that I would need a copy of the HUD closing statement and a copy of any receipts for items paid outside of closing. They stated they understood and would provide me with the documents after the closing.

Agent's Signature

Date 09/20/2010 Time 1:30 pm Place 115 Big Springs Rd

List all individuals present Mr. and Mrs. Black and Joe Relocation Agent

I met with the Blacks to obtain a copy of the closing statement. I presented Mr. and Mrs. Black with their RHP check and

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had them sign a copy of the file. They stated they were in the process of moving and expected to have the property vacated by the 15th of October. I told them I would order their move payments and the reimbursement of their closing costs. We reviewed the closing statement and determined that the Blacks were eligible for reimbursement of the appraisal ($275), flood certification ($20), service ($50), title exam ($600), closing ($250), pest ($100), and home inspection ($75) fees.

Agent's Signature

Date 10/10/2010 Time 3:30 pm Place 115 Big Springs Rd

List all individuals present Mr. and Mrs. Black and Joe Relocation Agent

I met with the Blacks to deliver their incidental expense reimbursement and move checks. I verified that all the personal property has been removed. I obtained the keys to the displacement site. I had Mr. and Mrs. Black sign the relocation benefits summary. I thanked Mr. and Mrs. Black and asked them to call me if they had any questions.

Agent's Signature

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KENTUCKY TRANSPORTATION CABINET
DIVISION OF RIGHT OF WAY & UTILITIES
200 Mero Street Station E-14-02
FRANKFORT, KY 40622

RELOCATION ASSISTANCE OPINION SURVEY

The Kentucky Department of Highways is conducting a survey to determine how well we are doing our job. Your opinion is important, so please take a few minutes to complete this survey and return it in the postage paid envelope.

The relocation agent who worked with you was: Bob Preston
Relocation Agent's Name

County & Item No.: Mason, 09-00260.02

Mars Project: FD52 C 081 55134 01 R

Federal Project: 00DPR 0032 009

PLEASE ANSWER THE FOLLOWING QUESTIONS

	YES	NO	
1.	____	____	Were meetings between you and the relocation agent arranged at your convenience?
2.	____	____	Did the agent you worked with clearly explain the relocation assistance program?
3.	____	____	Were you given the booklet, *Your Benefits as a Highway Displacee*?
4.	____	____	Did you receive a letter that described the relocation benefits available to you, and the requirements for you to be eligible for those benefits?
5.	____	____	Did that letter also guarantee you at least 90 days in which to relocate?
6.	____	____	Did the relocation assistance agent respond to your concerns and questions in a timely manner?
7.	____	____	Was the agent courteous and helpful?
8.	____	____	Do you feel the agent was knowledgeable of the relocation assistance program?
9.	____	____	Did you receive a written, 30-day notice to vacate? *(If you moved in less than 60 days, please mark "DNA" in Number 9.)*
10.	____	____	Were relocation payment*(s)* made within the time period explained by the relocation agent?

Overall, how would you rate the way your relocation was handled? *(Circle One)*

Poor Fair Good Excellent

Please feel free to make any comments about your relocation, or how we might improve our handling of the relocation assistance program. *(Use the back, if necessary, for additional comments)*

_____

_____

_____

_____

_____

We appreciate you taking time to give us your opinion.

_____
Your name *(optional)*

RELOCATION PROJECT SUMMARY

Kentucky Transportation Cabinet - Division of Right of Way and Utilities

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COUNTY	ITEM NO.	MARS PROJECT NO.	FEDERAL NO.	PROJECT	NHS?	LETTING DATE	WORKSHEETS TO CO	PREVAILING INT RATES DATE/RATES
MASON	09-00260.02	FD52 C 081 55134 01 R	00DPR 00032 009	MAYSVILLE BYPASS (US 68) – SECTION 2	YES	FED 2010	3/7/08	3/5/08 -- 4.75% - 6.375%

DATE October 26, 2010 — *RELOCATION BEING HANDLED BY:* BOB PRESTON THRU QK4

PARCEL	NAME	O-T	RBFNSM	DATE OF: FIRST CONTACT	PARCEL NEG	RELO OFFER	30 DAYS EXPIRE	MOVE PAYMENTS: CO CONCUR OF IN LIEU	MOVE AUTH	DATE MOVED	DATE/AMT PAID	REP HOUSING PYMT: DATE/AMT APPV'D	DATE/AMT PAID	DATE/AMT INC PAID	DATE FILE CHECKED AND CLOSED	REMARKS
199	RAYMOND & DOTTIE DODSON	O	F	2/9/08	2/19/09	2/19/09		DNA				DNA	DNA	DNA		12/15/09 – SUBMITTED TO LEGAL. NO IMPROVEMENT ACQUIRED
102	PATRICK & GAIL TURNER	O	R	3/30/07	12/1/08	12/1/08	6/1/09	DNA	4/1/09	11/17/09	$3,850 11/17/09	$20,350 11/6/08	$20,350 5/21/09	$2,874.33 5/21/09	6/29/10	COMPLETE
102	JANE & LARRY TURNER, DBA TURNER FARMS	O	F	3/30/07	12/1/08	12/1/08	6/1/09	DNA	5/15/09	11/17/09	$9,835 11/17/09	DNA	DNA	DNA	12/3/09	FOR SAFETY REASONS, SILAGE IS TO BE REMOVED BY DEMO CONTRACTOR COMPLETE
102 LE	JANE M. TURNER	O	R	3/30/07	12/1/08	12/1/08	6/1/09	DNA	4/1/09*	11/17/09	$2,490** 11/17/09 $2,705.35* 7/23/09	$20,150 11/6/08	$13340.00 5/21/09 $6,807.15 2/3/10	$6,333.22 5/21/09	6/29/10	**SELF-MOVE ITEMS *COMMERCIAL ITEMS COMPLETE
106	BOB & DEBBIE COLLINS	O	F	10/23/07	7/2/08	7/2/09	7/2/09	DNA	5/15/09	8/10/09	$1,345 8/11/09	$10,000	REESTAB	PD 4/9/09	8/27/09	COMPLETE - MODIFIED BARN
107	MARK & PHYLLIS SMITHER	O	B	10/23/07	8/12/08	8/12/08	DNA	DNA	DNA	2/2/09	$5,525 2/18/09	$10000	REESTAB	PD 4/15/10	5/2/10	COMPLETE – MODIFIED RENTAL HOUSE
107 T1	SHIRLEY POWELL & GREG REESE	T	R	10/23/07	8/12/08	8/15/08	5/4/09	DNA	10/17/08	5/18/09	$2,320 5/18/09	$6,845 7/17/08	$6,845 9/23/09	0	10/12/09	COMPLETE
107 T2	TINA PETERS	T	R	10/23/07	8/12/08	9/26/08	DNA	DNA	2/14/09	5/5/09	$960 5/5/09	$8,360 9/24/08	$2,7877 12/2/08	DNA		11/25/09 – PD 2ND INSTALLMENT $2,787
107 T3	GORDON LIDDY	T	M	10/25/07	8/12/08	8/13/08	DNA	DNA	10/2/09	5/28/09	$1,520 6/1/09	DNA	DNA	DNA	6/8/09	COMPLETE
109	BUSTER & BETTY BROWN	O	F	2/23/07	8/8/08	8/8/08	1/7/10	DNA	12/18/08	3/18/10	$8,655 3/18/10	DNA	DNA	DNA		CONSIDERING REESTABLISHMENT BENEFITS
112	JOE & MARGIE MOORE	O	M	2/9/08	2/29/08	2/29/08	*6/4/09	DNA	6/12/09	12/6/09	$615 12/23/09	DNA	DNA	DNA	2/14/10	COMPLETE – MOVE CHECK MAILED OUT-OF-STATE VIA CERTIFIED MAIL
117	BEN R & GRACE McALLISTER	O	B	2/23/07	8/8/08	8/8/08	1/7/10	DNA	10/30/08	12/18/08	$4,425 2/3/09	DNA	DNA	DNA		CONSIDERING REESTABLISHMENT BENEFITS
117 T1	JAMES & BETHANY STEWART	T	R	6/19/08	8/8/08	8/8/08	DNA	DNA	8/25/08	9/9/08	$1,470 10/16/08	$7,690 7/17/08	$7,690 10/16/08	0	10/30/08	COMPLETE
119	JACK & JILL UPHILL	O	M	2/7/09	11/30/09	11/30/09	DNA	DNA	1/7/10	2/23/10	$585 3/11/10	DNA	DNA	DNA	4/15/10	COMPLETE
220	VINCE & AMY McGRAW	O	F	10/8/07	3/18/08	3/18/08	DNA	DNA	4/24/09	5/5/09	$4,155 5/7/09	$10,000	REESTAB	PD 8/7/09	8/19/09	COMPLETE – MODIFIED BARN
226	LOGAN & JACKSON CHILDS	O	B	2/9/07	3/18/08	3/18/08	*6/4/09	DNA	6/8/09	6/11/09	$1,910 7/20/09	$10,000	REESTAB	PD 4/1/09	5/15/09	COMPLETE
228	BENNY BLACK, DBA WINTERHAWK CONSTRUCTION	O	B	9/21/07	2/20/08	2/20/08	4/6/09	DNA	11/17/08	4/1/09	$260,262 4/1/09	$10,000	REESTAB	PD 4/28/09	5/15/09	COMPLETE
229	DEREK & KELSEY BAXTER	O	R	1/30/07	6/24/08	6/24/08	4/6/09	DNA	9/23/08	10/29/09	$ 2,660 10/29/09	$ 21,625 6/13/08	$21,625 12/18/08	$170 2/13/09	2/21/09	COMPLETE
228	BLACK'S NURSERY & CARPET	O	B	1/30/07	6/24/08	6/24/08	4/6/09	DNA	9/23/08	9/30/09	$590,102.54 9/30/09	$10,000	REESTAB	PD 2/13/09	10/12/09	COMPLETE
231	ELMER K JACKSON	O	R	9/21/07	10/30/08	10/30/08	6/30/09	DNA	5/27/09	7/6/09	$9,003.25 8/10/09	$22,200 10/15/08				BUILDING NEW HOME

RELOCATION PROJECT SUMMARY

Kentucky Transportation Cabinet - Division of Right of Way and Utilities

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COUNTY	ITEM NO.	MARS PROJECT NO.	FEDERAL NO.	PROJECT	NHS?	LETTING DATE	WORKSHEETS TO CO	PREVAILING INT RATES DATE/RATES
MASON	09-00260.02	FD52 C 081 55134 01 R	00DPR 00032 009	MAYSVILLE BYPASS (US 68) – SECTION 2	YES	FED 2010	3/7/08	3/5/08 -- 4.75% - 6.375%

DATE: October 26, 2010

RELOCATION BEING HANDLED BY: BOB PRESTON THRU QK4

PARCEL	NAME	O-T	RBFNSM	DATE OF: FIRST CONTACT	DATE OF: PARCEL NEG	DATE OF: RELO OFFER	DATE OF: 30 DAYS EXPIRE	MOVE PAYMENTS: CO CONCUR OF IN LIEU	MOVE PAYMENTS: MOVE AUTH	MOVE PAYMENTS: DATE MOVED	MOVE PAYMENTS: DATE/AMT PAID	REP HOUSING PYMT: DATE/AMT APPV'D	REP HOUSING PYMT: DATE/AMT PAID	REP HOUSING PYMT: DATE/AMT INC PAID	DATE FILE CHECKED AND CLOSED	REMARKS
231	ELMER K JACKSON	O	F	9/21/07	10/30/08	10/30/08	6/30/09	DNA	5/27/09	3/31/10	$317,996 3/31/10	DNA	DNA	DNA		USING REESTABLISHMENT BENEFITS TO MODIFY A BARN
235	BRUCE & BRENDA SMALLWOOD	O	B	3/4/07	7/9/08	7/9/08	DNA	DNA	6/26/09	8/11/09	$825 8/11/09	$10,000	REESTAB	PD 11/24/09	12/21/09	COMPLETE
235 T1	GLENDA THOMPSON	T	R	3/5/07	7/9/08	7/23/08	DNA	DNA	7/23/08	9/30/08	$1,470 10/21/08	$6,595 7/17/08	$6,595 10/28/08	0	12/4/08	COMPLETE
239	ALEXANDER GRAHAM	O	M	10/23/07	6/4/08	6/4/08	DNA	DNA	7/18/08	9/5/08	$ 6,390 9/8/08	DNA	DNA	DNA	9/8/08	COMPLETE
240	GEORGE & REBECCA CRUIZE	O	M	2/20/08	11/25/09	11/25/09		DNA				DNA	DNA	DNA		1/15/10 – SUBMITTED TO LEGAL. NO IMPROVEMENT ACQUIRED.

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
MOVE CLAIM - RESIDENTIAL

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07/2014
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COUNTY	ITEM NO.	PARCEL	NAME
Mason	09-00260.02	102 LE	Jane M. Turner
PROGRAM NO.	FEDERAL PROJECT NO.		PROJECT
FD52 081 5512401R	00DPR 0032 009		Maysville Bypass (US 68) – Section 2

MOVE METHOD - Regardless of method used to move, an inventory must accompany all claims for payment when the volume of items moved exceeds the equivalent of twelve (12) rooms. For fixed rate moves, agent's contacts must identify each room used to establish the amount of the move payment.

	Commercial	Actual, reasonable reimbursement supported by documentation of the actual costs for the move, insurance, storage *(with prior approval)*, removal and reinstallation of personal property and transportation. Inventory required for all commercial moves.										**AMOUNT**
		Utility service connection charges for:										
		Make Payment to:										
	Storage	With prior DO approval, claim supported by bill, 1 year maximum, payment made to owner										
X	Fixed-Rate	Conventional dwellings when occupant owns furniture. Tenant occupied mobile home.										
		1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	Each Addl	No Rooms	
		$500	$700	$900	$1100	$1300	$1500	$1700	$1900	**$200**	13	**$2,900**
		Identify each room in Contacts, and when total count exceeds twelve (12) rooms, attach a certified inventory.										
	Sleeping Room	Occupant doesn't own furniture.							1 Room	Each Addl	No Rooms	
		Identify each room in Contacts, when more than 1 room.							$350	**$50**		
	Mobile Home	Actual, reasonable reimbursement supported by documentation of the actual costs for the move, insurance, storage *(with prior approval)*, removal and reinstallation of personal property and transportation.										
		Make Payment to:										
		Utility service connection charges for:										
	Miscellaneous Move	Actual, reasonable reimbursement supported by staff or commercial estimate. Owner moves for amount of estimate. Limits: $10,000 on staff estimate or one commercial estimate up to $10,000 or two commercial estimates over $10,000.										
	Transportation		miles	x		Cents per mile						*Reimbursement for lodging, meals, and mileage based on KY State Employee travel regulations.*
			miles	x		Cents per mile						
		Meals for			days		Person*(s)*					
		Lodging for			days		Person*(s)*					*Total*

VERIFICATION OF MOVE: I have verified the information contained herein and will verify the completion of the move before payment is made.

X ADVANCED PAYMENT REQUEST

Relocation Agent *Date*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities

TC 62-206
08/2010

MOVING EXPENSE ESTIMATE/BID

COUNTY	ITEM NO.	PARCEL NO.	NAME
Hardin/Meade	04-294.23	106	Bill and Joan Black

PROGRAM	FEDERAL NUMBER	PROJECT
6336503R	DNA	KY 313 Section 3

ORIGIN *(Address)*	DESTINATION *(Address)*	DISTANCE
115 Big Spring Road, Ekron, KY 40117	2116 Dooley Road, Ekron, KY 40117	20 mi

X RESIDENTIAL	☐ COMMERCIAL HOUSEHOLD	X MISCELLANEOUS	☐ MOBILE HOME	
☐ NONRESIDENTIAL	☐ BUSINESS	☐ FARM	☐ NONPROFIT	☐ BILLBOARD/SIGN	☐ MISC.

Certified inventory required for all moves other than billboards. *Attach photographs of billboard/sign. Attach commercial bids.*

☐ ***COMMERCIAL BIDS:*** *Two bids required if move exceeds $10,000; one bid required if less than $10,000*

Commercial Bidder's Name	Bidder's Address	Amount of Bid

COMMERCIAL MOVE BID IS APPROVED IN THE AMOUNT OF:

X STAFF ESTIMATE: *One Required - Limit $10,000*

ITEM	PER HR/ITEM	NO.	UNIT	HRLY/ITEM COST
2 men @$27/hour each (8 hours x 2 days)	$27	32	Hours	$864.00
1 truck @ $50/hour (8 hours x 2 days)	$50	16	Hours	$800.00
			TOTAL ESTIMATED COST	$1,664.00

BASIS OF ESTIMATE AND REMARKS:

Estimate based on rates obtained from Two Men and a Truck

STAFF MOVE ESTIMATE IS APPROVED IN THE AMOUNT OF: **$1,665.00**

		For Central Office Use:
Relocation Agent Estimator	***Date***	
Relocation Agent	***Date***	
Project Manager	***Date***	
Right of Way Supervisor	***Date***	***Central Office Relocation Specialist*** ***Date***

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
NONRESIDENTIAL PAYMENT REQUEST

TC 62-207
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COUNTY	ITEM NO.	PARCEL	NAME
Mason	09-00260.02	229 B	Benny Black, dba Winterhawk Construction
PROJECT NO.	FEDERAL PROJECT NO.		PROJECT
FD52 081 5513401R	00DPR 0032 009		Maysville Bypass (US 68) – Section 2

TYPE OF MOVE	X	BUSINESS		NONPROFIT		FARM		SIGN		MISCELLANEOUS

MOVE PAYMENTS

PAYMENT FOR ITEMS MOVED TO NEW LOCATION - *Attach certified inventory (photographs of billboards)*							
COMMERCIAL MOVE: *Two bids required if move exceeds $10,000, claim supported by bills, payment made to mover*							
APPROVED BIDS: *Two bids required if move exceeds $10,000, owner moves for low bid*							**$260,262.00**
STAFF ESTIMATE: *One estimate required, owner moves for staff estimate - Maximum $10,000*							
ACTUAL COST MOVE: *Reasonable expenses incurred, such as but not limited to: utilities from right of way line; licenses, fees, permits; feasibility surveys, soil testing, marketing studies; professional services to purchase/lease replacement site; and impact fees or one-time assessments for anticipated heavy utility usage. Claim supported by bills and receipts, payment made to owner.*							
STORAGE: *DO approval required, claim supported by bill, 1 year maximum, payment made to owner*							
SUBSTITUTE PERSONAL PROPERTY PAYMENT (for items not moved but promptly replaced at new location)							
A. Cost of substitute items plus installation cost							
Less proceeds from sale or trade-in							
TOTAL							
B. Estimated cost of moving and reinstalling replaced items							
	Lesser of A or B						
	Plus Cost of Sale						
	PAYMENT FOR ITEMS REPLACED AT NEW LOCATION						
DIRECT LOSS OF TANGIBLE PERSONAL PROPERTY PAYMENT (for items not moved or replaced at new location)							
A. Fair market value for continued use in place							
Less proceeds from sale or trade-in							
TOTAL							
B. Estimated cost of moving items							
	Lesser of A or B						
	Plus Cost of Sale						
	PAYMENT FOR ITEMS NOT MOVED OR REPLACED AT NEW LOCATION						
ACTUAL SEARCHING EXPENSES: *Certified statement required from owner for time and mileage*							
TIME:	**33**	HOURS X $	**15.00**	PER HOUR	$495.00	*Mileage rates based on KY State Employee travel regulations. Lodging and meals require receipts for reimbursement.*	
TRAVEL:	**189**	MILES X ¢	**.45**	PER MILE	$85.05		
	100	MILES X ¢	**.47**	PER MILE	$47.00		
		MILES X ¢		PER MILE			
MEALS AND LODGING:					$123.72		
REAL ESTATE FEES: *Receipts Required*							
	TOTAL SEARCHING EXPENSES				**$750.77**		
	PAYMENT DUE FOR SEARCHING EXPENSES - *Maximum $ 2,500*						**$750.77**

TOTAL PAYMENT	X	MOVE EXPENSE	X	REESTABLISHMENT		IN LIEU OF MOVE	**$282,571.26**

☐ **ADVANCED PAYMENT REQUEST**

04/01/2009
Date Move Completed

Agent's signature

Date Signed

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
NONRESIDENTIAL PAYMENT REQUEST

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REESTABLISHMENT EXPENSES PAYMENT			
1	**Repairs or improvements to the replacement real property required by Federal, State or local law, code or ordinance**		
	Construction of access ramp to showroom as required by local ordinance	$7,500.00	
			$7,500.00
2	**Modifications to the replacement property to accommodate the business operation or make the replacement structure suitable for conducting business**		
	Rock to allow equipment to be stored on replacement site	$10,333.52	
			$10,333.52
3	**Construction and installation costs for exterior signing to advertise business**		
4	**Redecoration or replacement of soiled or worn surfaces at the replacement site; such as paint, paneling, or carpet**		
	Paint and labor for showroom	$850.00	
	Ceramic tile for showroom	$2,200.00	
			$3,050.00
5	**Advertisement of the replacement location**		
	Radio advertisement of new location	$674.97	
			$674.97
6	**Increased cost of operation first two years at replacement site** *(lease, taxes, insurance, utilities)*		
7	**Other items the Cabinet considers essential to reestablish the business**		
	TOTAL EXPENSES INCURRED TO REESTABLISH BUSINESS		**$21,558.49**
	TOTAL PAYMENT FOR REESTABLISHMENT EXPENSES - (Maximum $ 25,000)		**$21,558.49**

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
NONRESIDENTIAL PAYMENT REQUEST

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FIXED PAYMENT

TYPE OF OPERATION:	X	BUSINESS		FARM		NONPROFIT ORGANIZATION

NAME OF BUSINESS:	Benny Black, dba Winterhawk Construction	YES	NO
1.	Does this business own/rent personal property which must be moved and for which an expense will be incurred?	X	
2.	Will this business be required to vacate or relocate from its displacement site?	X	
3.	Will relocation cause this business to suffer a substantial loss of its existing patronage?	X	
4.	Is this business part of a commercial enterprise having more than three other entities which are not being acquired, and which are under the same ownership and engaged in the same or similar business activities?		X
5.	Is this business operated at a displacement dwelling or site solely for the purpose of renting such dwelling or site to others?		X
6.	Did this business contribute materially to the income of the displaced person during the two taxable years prior to displacement?	X	
7.	Are this business's premises or equipment shared with another entity? *(If No, skip 8-10)*		X
8.	Are substantially identical or interrelated business functions carried out and business and financial affairs commingled with another business?		
9.	Are multiple entities held out to the public, and to those customarily dealing with them, as one business?		
10.	Does the same person or closely related person own, control or manage affairs of the entities?		

Payment requests must be supported by documents in the form of complete, certified tax returns.

FARM'S PRINCIPAL PRODUCT:		YES	NO
1.	Does this farm have personal property which must be moved and for which an expense will be incurred?		
2.	Will this farm be required to vacate or relocate from its displacement site?		
3.	Did this farm contribute materially to the income of the displaced person during the two taxable years prior to displacement?		
4.	Is this farm being acquired in its entirety? *(If Yes, skip 5 and 6)*		
5.	Did this partial acquisition cause the operator to be displaced from the farm operation on the remaining land? *(Use additional page to explain)*		
6.	Did this partial acquisition cause a substantial change in the nature of the farm operation? *(Use additional page to explain)*		

Payment requests must be supported by documents in the form of complete, certified tax returns.

NAME OF NONPROFIT ORGANIZATION:		YES	NO
1.	Will relocation cause this organization to suffer a substantial loss of its existing membership or clientele?		

Payments in excess of $ 1,000 must be supported with financial statements for the two 12 month periods prior to displacement. Payment will be the average of two years annual gross revenues less administrative expenses.

PAYMENT CALCULATION

YEAR OF DISPLACEMENT 2009

TWO YEAR OR MORE OPERATION			LESS THAN TWO YEAR OPERATION		
A.	Net earnings for taxable year immediately preceding displacement		A.	Net earnings for months in operation prior to year displaced	$144,799
B.	Net earnings for second taxable year preceding displacement		B.	Months in operation	18
C.	Total 2-year net earnings *(A+B)*		C.	Average Monthly Income *(A / B)*	$8,044.39
	AVG. NET EARNINGS *(C divided by 2)*			**AVG. NET EARNINGS *(C times 12)***	**$96,532.67**

TOTAL FIXED PAYMENT ***(Minimum $ 1,000 - Maximum $ 40,000)*** **$40,000.00**

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
NON-RESIDENTIAL WORKSHEET

TC 62-208
09/2010

COUNTY	ITEM NO.	PARCEL NO.	NAME
Mason	09-0206.02	228 B	Benny Black, dba Winterhawk Construction
PROGRAM	FEDERAL NUMBER		PROJECT
5513401R	00DPR 00032 009		Maysville Byapss (US 68) - Section 2
TYPE OF OPERATION		PROPERTY ADDRESS	PHONE
Construction and Excavation Business		458 Highway 738, Maysville, KY 41056	606-564-2793

OCCUPANT TYPE	☒ Owner	☐ Tenant	Owner of Business:		
BUSINESS TYPE	☒ Sole Proprietorship		☐ Partnership	# of PARTNERS:	☐ Corporation
CITIZEN (S) of US:	1	**ALIEN (S) LAWFULLY PRESENT IN US:**		**NON US CITIZEN (S) PRSENT IN US:**	☐ **Is established pursuant to State law and is authorized to conduct business in US (CORP only)**

PROPERTY OWNER'S NAME, ADDRESS AND PHONE	TERMS OF LEASE	FEDERAL TAX ID NUMBER
Benny Black 458 Hwy 738 Maysville, KY 41056	DNA DATE OF OCCUPANCY 2007	SS ###-##-####

TYPE OF MOVE	☒ Business	☐ Farm	☐ Nonprofit	☐ Billboard	☐ Miscellaneous

	Present Location	Replacement Needs
Zoning	None	
Licensing Requirements	None	
Permit Requirements	None	
Certification Requirements	None	
Special Utility Req.	3 - phase electric	3 - phase electric
Lot Size	5 acres	Minimum 5 acre lot
Entrances (No. & Size)	2 - 40' entrances	2 - 40' entrances
Special Loading Areas	None	
Fencing	None	
Exterior Lighting	1 security light	Security lighting
Parking Spaces	10	10+
Environmental Problems	None	
Building Size – Cost	21,000 sf	30,000 sf
Building Description	2 story metal building, concrete floor	Same
ADA Accessible	Yes	
No. Restrooms	1	1
Special Needs		
Other		

Number of Employees	15	Advertising Methods	Word of Mouth	Best to move	Winter
Similar Businesses?	No		Net Income	$40,000.00	
			Net Income	$100,000.00	
Personal property owned	All construction, earth moving equipment, office equipment		Who maintains premises?	Owner	
Frequency of Visits	**DNA**				

OTHER:

Relocation Agent	*Date*	*Updated by*	*Date*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
RELOCATION PAYMENT SUMMARY

TC 62-221
09/2010

COUNTY	ITEM NO.	PARCEL	NAME	SS / TAX ID NO.
Mason	09-0260.02	228 B	Benny Black, dna Winterhawk Construction	~~###-##-####~~

FUND	DEPT	UNIT	LOCATION	FUNCTION	SUB FUNCTION	PROGRAM	FEDERAL NUMBER	STATE EMP?	OWNER	TENANT
12F0	625	2800	09	FD52	081	5513401R	00DPR 00032 009	NO	YES	NO

PROJECT	INVOICE NO.	CHECK NO.	CHECK DATE	CHECK DELIVERED BY	DATE
Maysville Bypass (US68) - Section 2					

Make Check Payable To: *(name, address and phone number)*
Benny Black dba
Winterhawk Construction
458 Hwy 738
Maysville, KY 40155
606-564-2783
Vendor No.

MAIL CHECK TO: ☒ **DISTRICT** ☐ **CONSULTANT**

Explanation/Special Instructions:
Payment included moving ($260,262.00, seraching ($734.32), and reestablishment ($10,000.00) expenses.

Non-Residential	Amount	Termini	Object	*Residential*	Amount	Termini	Object
Reestablishment	$10,000.00	REXX	E792	Purchase Supplement		PSXX	E792
In Lieu of Move		ILXX	E792	Rent Supplement		RSXX	E792
Move Expense	$260,996.32	NRMX	E792	Down Payment Assistance		DPXX	E792
				Incidental Expense		IEXX	E792
				Increased Interest		IIXX	E792
				Last Resort Housing		LRXX	E792
				Handicap Accessibility		HAXX	E792
				Move Expense		RMXX	E792
TOTAL	**$270,996.32**						
				TOTAL			

All Payment Requests Must Be Submitted With Required Claim Forms and Documentation.

Project Manager's Approval Only Required On Fee Projects.

Approved in District by:

Right of Way Agent Date

Project Manager Date

Right of Way Supervisor Date

For Central Office Use

Approved By: Central Office
Date

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
RELOCATION BENEFITS SUMMARY

TC 62-210
11/2005

COUNTY	ITEM NO.	PARCEL	NAME
Hardin/Meade	04-294.23	106	Bill and Joan Black

PROGRAM NUMBER	FEDERAL PROJECT NUMBER	PROJECT
13HC JP01 047 6336503R	DNA	KY 313 Section 3

I certify that I have received the following checks representing approved Relocation Benefits from the Commonwealth of Kentucky:

X	**RESIDENTIAL RELOCATION**			
X	Replacement Housing Payment	CHECK NUMBER	DATE	AMOUNT
		G1 1234567	09/20/10	$15,700.00
X	Incidental Expenses	CHECK NUMBER	DATE	AMOUNT
		G1 2345678	10/10/10	$1,370.00
X	Moving Expenses	CHECK NUMBER	DATE	AMOUNT
	X Fixed Rate / Com Move / X Mis Move / Mobile Home	G1 3456789 G1 4567890	10/10/10 10/10/10	$4,530.00 (FR) $1,665.00 (MISC)
	Other: *(Explain)*	CHECK NUMBER	DATE	AMOUNT
X	I certify that I have occupied the replacement property as my permanent residence, and that all the information contained herein is true and accurate to the best of my knowledge. I, therefore, acknowledge receipt of reimbursement as outlined in this application.			
X	I certify that all my personal property has been moved and acknowledge the receipt of moving expense reimbursement as outlined in this application.			
	NON-RESIDENTIAL RELOCATION			
	Moving Expenses	CHECK NUMBER	DATE	AMOUNT
	Com Move / Act Cost / Staff Est / Storage			
	Re-establishment Expenses	CHECK NUMBER	DATE	AMOUNT
	In Lieu Of Payment	CHECK NUMBER	DATE	AMOUNT
	Other: *(Explain)*	CHECK NUMBER	DATE	AMOUNT

Displacee's Signature _____ Date _____ Agent's Signature _____

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING PAYMENT COMPUTATION CORRELATION

TC 62-211, Page 1 of 6

Rev 09/05

COUNTY	Hardin/Meade	ITEM NO.	4-294.23	PARCEL	106

CORRELATION (Continuation Page) *- Insert after TC 62-214*

Subject property is a 2.893 acre multi-use tract, considered to be larger than typical size for the area, of which we are acquiring 1.548 acres. The appraiser has not designated a homesite, so I have determined that 1.2 acres as the homesite, of which we are acquiring 0.879 acres. The review appraiser has declared the remainder to be an uneconomic remnant and since it is too small to support a septic system, it is NOT a buildable lot; therefore, both a Total Acquisition of a Carved Out Homesite and a Partial Acquisition of a Carved out Homesite will be computed.

Subject has a 41 year old residence, considered by the appraiser to be of good condition. Subject is a 1-story brick residence with 8 rooms, 3 bedrooms, 2 baths, and 2,324 square feet (sf) of living space. There is a partially finished basement with 2 rooms, 1 bedroom, 1 bath, and 990 sf of living space. There is a 2.5-car attached garage. The subject has all available utilities including electric, gas, public and well water and septic. The residence is occupied by Bill & Joan Black and they have occupied the residence since 1968. There is also a large detached garage/kitchen/screened-in porch ($24,500) and a playhouse($1,400) carved out as major external attributes as the comparables do not have any such type of buildings. All other structures are outside the homesite and are related to the businesses and are not considered in this computation.

The limits of this section of the project is in Meade County, however, discussions were held with the owner about the possibility of searching in Hardin County as well as Meade for comparables, and Mr. & Mrs. Black had no objections to this. While searching the market for these properties, I focused in the Meade County area and widened my search to Hardin County. Many sources were contacted for information about prospective comparable dwellings, including local realtors, newspapers, real estate listing magazines and the Multiple Listing Service (MLS).

These sources are listed as follows:

Real Estate Agencies

C-21 Choice Realtors	2002 Ring Road. Elizabethtown, KY	270-766-8713
Coldwell Banker/McMahan	612 E. Dixie, Elizabethtown, KY	270-234-8600
Network Realty	2491 S. Dixie, Radcliff, KY	270-351-2351
Semonin Realtors	177 Towne Dr, Elizabethtown, KY	270-766-1201
Re/Max Advantage	1975 N. Dixie Hwy, Elizabethtown, KY	270-351-2230
Melloan Real Estate	www.melloan.com	270-769-4663
Re/Max Executive Group	100 Chase Way, Elizabethtown, KY	270-769-0038

Real Estate Listing Magazines

Central Kentucky Homes	July-August 2009	270/769-1200

World Wide Web

http://realtor.com/Default.asp?poe=realtor
http://www.navicamls.net/default.asp?flash=true
http://www.visualtour.com/show.asp?

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING PAYMENT COMPUTATION CORRELATION

TC 62-211, Page 2 of 6

Rev 09/05

COUNTY	Hardon/Meade	ITEM NO.	4-294.23	PARCEL	106

CORRELATION (Continuation Page) *- Insert after TC 62-211, Page 1 of 6*

Comparable 106-1 is a 1-story brick ranch with 9 rooms, 4 bedrooms, 2.5 baths, and 2,400 sf of living space on the first floor. There is a partially finished basement with 3 rooms, 1 bedroom, 1 bath, and 1,200 sf of living space. The remaining 1,200 sq of the basement is roughed in and ready to finish. There is a 2-car detached garage, the property is situated on approximately 1.5 acres, and the comparable is located at 42 Rolling Ridge Ct, Brandenburg, KY 40108 which is approximately 10 miles from the subject. The comparable has all available utilities including electric, public water and sewers. The comparable is 31 years old, appears to be well maintained and is located in an established neighborhood that is within close proximity to churches, schools, restaurants, and shopping. The comparable meets all DS & S requirements and would be considered to be functionally equivalent to the subject.

Comparable 106-2 is a 1-story brick ranch with 8 rooms, 3 bedroom, 2 baths, and 2,300 sf of living space on the first floor. There is a partially finished basement with 2 rooms, 1 bedroom, 1 bath, and 1,150 sf of living space. The remaining 1,150 sf of the basement is unfinished. There is a 2-car built in garage, the property is situated on 2.5 acres, and the property is located at 65 Rolling Court, Rineyville, KY 40162 which is approximately 10 miles from the subject. The comparable has all available utilities including electric, public water and sewers. The comparable is 38 years old, in good condition, and is located in an established neighborhood that is within close proximity to churches, schools, restaurants, and shopping. The comparable meets all DS & S requirements and would be considered to be functionally equivalent to the subject.

Comparable 106-3 is a 1-story brick ranch with 9 rooms, 3 bedrooms, 2 baths, and 2,300 sf of living space on the first floor. There is a fully finished basement with 4 rooms, 1 bedroom, 1 bath, and 2,300 sf of living space. There is a 2-car attached garage, the property is situated on approximately 1.0 acre lot and is located at 212 Sonoma Valley, Vine Grove, Kentucky 40175, which is approximately 10 miles from the subject property. The comparable has all available utilities including electric, public water and sewers. The comparable, is 17 years old, in good condition and is located in an established neighborhood that is within reasonable proximity to churches, schools, restaurants, and shopping. The comparable meets all DS&S requirements, and the comparable dwelling would be considered functionally equivalent to subject, and will be relied upon for this computation.

After a thorough discussion and searching for comparable properties with local Realtors, these three comparables were found. I feel that these three comparables meet the criteria needed for relocation. Although all three comparables could be used for a replacement house, comparable #106-3 was more similar to subject in the layout of the floor plan and offers a fully finished basement. I feel that comparable #106-3 would be a better substitute with size, location, and condition being major factors. Therefore with all data being taken into consideration, comparable #106-3 meets or exceeds the need of subject and fulfills the requirements for relocation.

It is my recommendation that comparable #106-3 be used for relocation.

Below are the values calculated in determining the carve-out:

SLI	Septic	3,000	BV	1.2 ac @ 11,500=	13,800
	driveway	2,500		SLI	15,500
	ldscpe/trees	6,000		Residence	197,200
	wood fence	3,000		Total BV	226,500
	well	1,000			
Total SLI		15,500	AV	0.321 ac. @ 550=	177
			Acquisition Price		226,323

Kentucky Transportation Cabinet
Division of Right of Way and Utilities

TC 62-211, Page 3 of 6

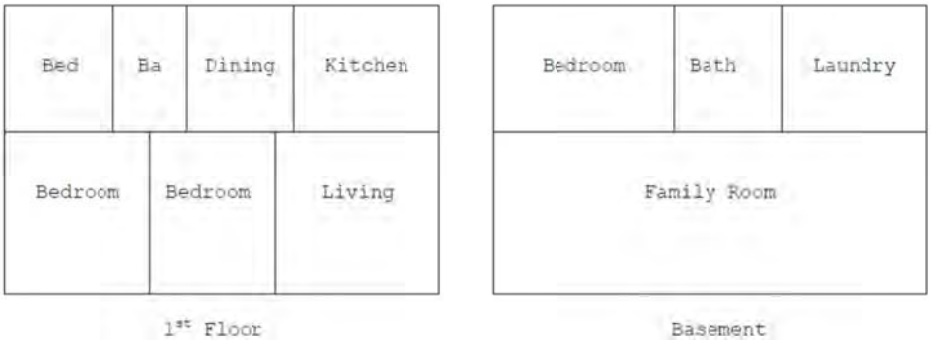
REPLACEMENT HOUSING PAYMENT COMPUTATION CORRELATION

Rev 09/05

COUNTY	Hardin/Meade	ITEM NO.	4-294.23	PARCEL	106

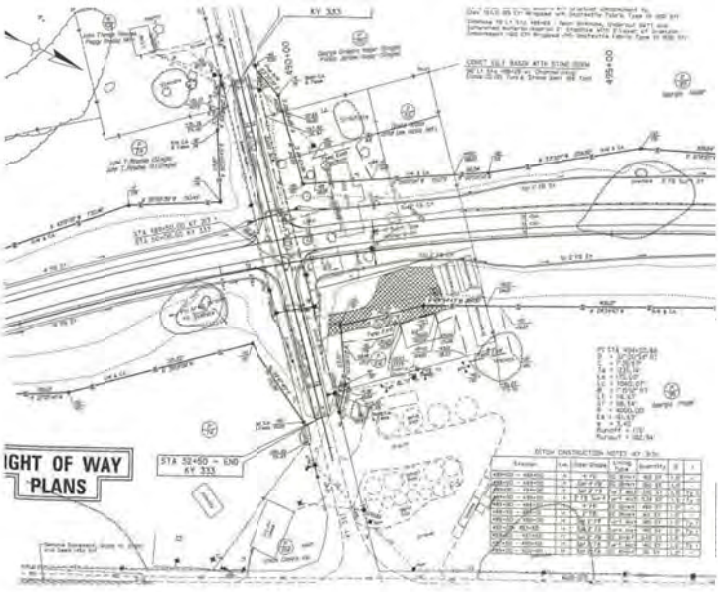
PICTURES: *Attach and identify original pictures of subject and all comps - Insert after TC 62-211, Page 2 of 6*

House Sketch:



NOT TO SCALE

Property Sketch



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Division of Right of Way and Utilities

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REPLACEMENT HOUSING PAYMENT COMPUTATION CORRELATION

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COUNTY	Hardin/Meade	ITEM NO.	4-294.23	PARCEL	106

PICTURES: *Attach and identify original pictures of subject and all comps - Insert after TC 62-211, Page 3 of 6*

SUBJECT PHOTO:

COMP# 106-1

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING PAYMENT COMPUTATION CORRELATION

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Rev 09/05

COUNTY	Hardin/Meade	ITEM NO.	4-294.23	PARCEL	106

PICTURES: *Attach and identify original pictures of subject and all comps - Insert after TC 62-211, Page 4 of 6*

COMP #106-2

COMP# 106-3

Kentucky Transportation Cabinet
Division of Right of Way and Utilities

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REPLACEMENT HOUSING PAYMENT COMPUTATION CORRELATION

Rev 09/05

COUNTY	Hardin/Meade	ITEM NO.	4-294.23	PARCEL	106

UTILITY BILL: *Attach and identify original pictures of subject and all comps - Insert after TC 62-211, Page 5 of 6*

Failure to receive bill does not void penalties for late payment and service disconnection.

ACCOUNT NUMBER:	
CUSTOMER NAME:	Bill & Joan Back
SERVICE ADDRESS:	115 BIG SPRING RD EKRON KY
CLASS:	Residential, Farm and Non-Farm

Meade County RECC

SERVICE From - To	READINGS Present	Previous	METER NUMBER	MULT.	KWH USED	AMOUNT
04/03 - 05/03	30958	29858	42028	1	1,100	
Previous month's balance						64.35
Payment - Thank you						64.35 CR
PREVIOUS BALANCE						0.00
Base charge						9.85
KWH charge	1,100 x .0600100 = 66.01					66.01
3% School tax						2.28
					Total Current Charges	78.14
					DUE DATE	05/28/09
					AMOUNT DUE AFTER DUE DATE	85.73

HELPING HAND FUND

Help your fellow co-op members who are experiencing difficult problems in paying their electric bill by signing up to round your electric bill to the next dollar.

Yes, I want to make a difference. By signing below, I authorize Meade County RECC to include me in the Helping Hand Fund and round up my monthly electric bill to the next highest dollar amount.

Your signature *Account Number*

Or

To enroll, call customer service at 270-422-2162, 270-756-5172 or toll free at 877-276-5353.

TOUCHSTONE ENERGY-The Power of Human Connections

COMPARE YOUR USAGE

PERIOD	DAYS	ELECT. KWH USED	DAILY AVG. KWH	AVG.$ USAGE/ DAILY
CURRENT	30	1,100	37	2.60
LAST MONTH	31	877	28	2.08
YEAR AGO	30	1,486	50	3.54

PLEASE BRING ENTIRE BILL IF PAYING IN PERSON. PLEASE DETACH AND RETURN BOTTOM PORTION IF PAYING BY MAIL.

Kentucky Transportation Cabinet
Division of Right of Way and Utilities

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REPLACEMENT HOUSING PAYMENT COMPUTATION – OWNER

COUNTY	ITEM NO.	PARCEL	NAME
Hardin/Meade	04-0294.23	106	Bill & Joan Black

NAT HWY SYSTEM?	REVISION NO.	*Explain reason for revision*
NO		

Length of occupancy verified by: Meade County RECC bill dated 04/03/2009

90 DAY OWNER - PURCHASES

ACQUISITION FROM TYPICAL SIZE HOMESITE TOTAL ACQUISITION	
Cost of Comparable	
Less Acquisition Price	
Purchase Supplement	
PARTIAL ACQUISITION	
Before Value	
Less After Value	
Acquisition Price	

ACQUISITION FROM CARVED OUT HOMESITE			
Area of Home Site	**1.2 AC**		
Home Site Area Acquired	0.879 AC		
TOTAL ACQUISITION		**PARTIAL ACQUISITION**	
Home Site	13,800	Before Value of Carve out	226,500
Residence	197,200		
SLI	15,500	Less After Value of Carve out	177
Other Buildings	DNA		
Acquisition Price	**226,500**	***Acquisition Price***	**226,323**
Cost of Comparable	250,000	Cost of Comparable	250,000
Less Acquisition Price	226,500	Less Acquisition Price	226,323
Purchase Supplement	**23,500**	***Purchase Supplement***	**23,677**

90 DAY OWNER - RENTS		
Mo. rent & utilities of comparable	a	
Mo. market rent & utilities of subject	b	
Difference in mo. rent & utilities *(a-b)*	c	
Rent Supplement (c times 42)		

Rent Calculations for Owner Occupants:
90 day owner – rent supplement cannot exceed approved calculated purchase supplement.
< 90 day owner – Rent supplement calculated only if determined to meet HUD low income standards.

LESS THAN 90 DAY OWNER - RENTS				
Monthly rent & utilities of comparable			a	
Monthly market rent & utilities of subject			b	
HUD Low Income Limit Amount *(to qualify for 30% must meet HUD established Low Income Limit)*			c	
Monthly household income		X 30%	d	
Lesser of b or d			e	
Difference in monthly rent & utilities *(a - e)*			f	
Rent Supplement (f times 42)				

REMARKS: Uneconomic remnant – NOT a buildable lot, therefore, both a Total Acquisition of a Carved Out Homesite, and a Partial Acquisition of a Carved Out Homesite have been computed. *Detached garage/kitchen/screened in porch ($24,500), and the playhouse ($1,400) are carved out as major exterior attributes.

I the undersigned evaluator certify that this determination of replacement value is to be used with a federal aid or state highway project; that such value is based on the indicated comparables which are decent, safe and sanitary; are available on the private market; are adequate to accommodate the displaced owner and are reasonably accessible to public services and place of employment. I further certify I have no direct, indirect, present or contemplated future personal interest in this property, nor will I benefit in any way from acquisition of this property. The finding of replacement housing cost is as of the date signed below.

APPROVED *(Rounded)*	TOTAL ACQ	**$23,500**	PARTIAL ACQ	**$23,680**	RENT	

PARTIAL ACQUISITION RATIO	
Carve Out (CO)	226,323
FMV Offer	314.250
CO ÷ FMV Offer	0.7202

TOTAL ACQUISITION RATIO	
Carve Out (CO)	226,500
FMV Offer	315,000
CO ÷ FMV Offer	0.7190

Replacement Housing Evaluator *Date*

Relocation Specialist *Date*

Project Manager *Date*

District Right of Way Supervisor *Date*

Right of Way Director *Date*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities

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REPLACEMENT HOUSING PAYMENT COMPUTATION - TENANT

COUNTY	ITEM NO.	PARCEL	NAME
Mason	09-00260.02	107 T2	Tina Peters
NHS?	LENGTH OF OCCUPANCY VERIFIED BY		
YES	Initial worksheet contact of 02/09/2008		
REVISION NO.	EXPLAIN REASON FOR REVISION		
Tenant 90 Days	Use market rent if displacee will not give income. Verify income if last resort funds are needed due to income.		
Tenant < 90 Days	Payment is based entirely on income. Verify income if rent supplement exceeds $ 7,200.		

COMPUTATION IS BASED ON: X Actual Rent ☐ Market Rent *Use Remarks to identify rentals used to establish fair market rent*

If applicable, explain why market rent is used			
Utility information for subject provided by	Landlord	Utility information for comp provided by	Utility company
Explain why utility adjustments are or are not needed, and the basis for your adjustment	The comparables rent includes water. The comp is all electric. The utility company provided the estimated monthly electric costs.		

	SUBJECT	COMP				
			1.	Monthly rent and utilities of comparable **($486-$236)**		$250
RENT	$320	$410		Monthly rent (or market rent) and utilities of subject **($413-$236)**	$177	
ELECTRIC	$24	$76	3.	HUD Low Income Limit Amount *(to qualify for 30% must meet HUD established Low Income Limit*	DNA	
GAS/OIL	$52	0	4.	Gross monthly household income	X 30%	DNA
WATER	$17	0	5.	Amount of assistance received for shelter & utilities	$236	
OTHER (Explain):			6.	**90 day tenant** use lesser of Line 2 or 4(if qualified as Low Income according to HUD). **< 90 day tenant use** lesser of Line 2 or 4(if qualified as Low Income according to HUD). **If receiving housing assistance (Line 5),** calculate GAP payment according to **RA 1003 .**		$177
SEWER						
TOTAL	$413	$486	7.	Cost of Comp less cost of subject or income limit *(Subtract Line 6 from Line 1)*		$73
			8.	***Rent supplement*** *(Multiply Line 7 times 42 - round up to nearest $ 5)*		$3,066

REMARKS: The tenant receives $236 per month in assistance. According to the Mason County Housing Authority, the housing assistance will stay with the tenant to the comparable replacement property. The tenant currently pays $177 out of pocket costs at the subject. The out of pocket costs at the comparable will be $250. A GAP payment of $3,070 was calculated. The GAP payment will be paid in installments.

I the undersigned evaluator certify that this determination of replacement value is to be used with a federal aid or state highway project and that such value is based on the indicated comparables. I certify that the comparables are decent, safe and sanitary; are available on the open market; are adequate to accommodate the displaced person and are reasonably accessible to public services and place of employment. I further certify I have no direct, indirect, present or contemplated future personal interest in this property, nor will I benefit in any way from acquisition of this property. The finding of replacement housing cost is as of the date signed below.

APPROVED RENT SUPPLEMENT:	**$3,070**	PAY IN: ☐ LUMP SUM X INSTALLMENTS

Replacement Housing Evaluator *Date*	*Relocation Specialist* *Date*
Project Manager Date	
District Right of Way Supervisor *Date*	*Right of Way Division Director* *Date*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING PAYMENT WORKSHEET - RESIDENTIAL

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COUNTY	ITEM NO.	PARCEL	OCCUPANT'S NAME	PHONE
Hardin/Meade	04-0294.23	106	Bill & Joan Black	270-123-4567
PROGRAM	FEDERAL NUMBER		OWNER'S NAME	PHONE
13HC JP01 047 6336503R	DNA		Same	Same
PROJECT			MO. MORTGAGE PAYMENT	DATE OCCUPIED
KY 313 – Section 3			$0.00	1968

Individual Certification		Family Certification		Home Type			
Citizen of US:		Number Persons in Household	2	☐ SF	☐ DUP	☐ APT	☐ OTHER
Alien Lawfully Present in US		Number Persons Who Are Citizens and/or Lawfully Present	2	☐ MH	☐ SITE OWNED ☐ SITE RENTED		

OCCUPANTS	AGE	SEX	RELATIONSHIP	SOC SEC NO	EMPLOYER / SCHOOL - CITY	MO INCOME
Bill Black	64	M		XXX-XX-XXXX	Retired	$1,800
Joan Black	61	F	Wife		HJL, LLC	DND

Tenant's average monthly rent and utility costs	ELEC	GAS	WATER	SEWER	MO UTIL	MO RENT	MO TOTAL	TOT INCOME
	95	DNA	25	Septic	120		120	$1,800

Possible Problems	☐ Income	☐ Elderly	☐ Large Home	☐ Large Family	X Tight Market	☐ Disabled

First Contact / Updated	BY:	A. Agent	DATE:	05/01/09	BY:	A. Agent	DATE:	08/03/10

Include utilities in rent price	SUBJECT		COMP 106-1		COMP 106-2		COMP 106-3	
Price	226,323/226,500		249,900		249,500		250,000	
Street Address	115 Big Springs Rd		42 Rolling Ridge Court		65 Rolling Court		2212 Sonoma Valley	
City, Zip Code	Ekron, KY 40117		Brandenburg, KY 40108		Rineyville, KY 40162		Vine Grove, KY 40175	
Distance to Work - School	2 mi	DNA	5 mi	DNA	10 mi	DNA	4 mi	DNA
No. Stories - Ext. Walls	1	Brick	1	Brick	1	Vinyl	1	Brick
1st Floor Room Count -Size	8/3/2	2,324 sf	9/4/2.5	2,400 sf	8/3/2	2,300 sf	9/3/2	2,500 sf
2nd Floor Room Count -Size	DNA	DNA	DNA	DNA	DNA	DNA	DNA	DNA
Fin Bsmt Room Count -Size	2/1/1	990 sf	3/1/1	1,200 sf	2/1/1	1,150 sf	4/1/1	2,500 sf
Bsmt (% - Unfinished Size)	50%	990 sf	50%	1,200 sf	50%	1,150 sf	DNA	DNA
Garage/Carport (No & Type)	2.5 car attached garage		2 car detached garage		2 car built in garage		2 car attached garage	
Air Conditioning	CAC		CAC		CAC		CAC	
Other	Porch		Deck/Sunroom		Deck/Barn		Deck/Above ground pool	
Age – Condition	41	Good	31	Good	38	Good	17	Good
Lot Size	1.2 ac		1.5 ac		2.5 ac		1.5 ac	
Electric - Gas	Public	Natural	Public	None	Public	None	Public	None
Water - Sewer	Pub&Well	Septic	Public	Public	Public	Public	Public	Public
Is Dwelling / Site DS&S?	YES		YES		YES		YES	
Listed by / Phone			Century 21 Choice 270-321-9999		Network Realty 270-321-9998		ReMax 270-321-9997	

Correlation: *Thoroughly describe your analysis of the comparables, the basis for selecting the one upon which you rely, and if applicable, **why fewer than three comparables are used** using TC 62-211 (RHP Correlation Pages 3A&3B). When the replacement housing payment exceeds statutory limits ($7,200 for tenants and $31,000 for owners), you must justify the need for using last resort housing funds.*

Relying on Comparable No.	*106-3*	*A replacement dwelling / site cost*	*$250,000*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING/DOWN PAYMENT ASSISTANCE
RESIDENTIAL CLAIM

TC 62-215
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COUNTY	ITEM NO.	PARCEL NO.	NAME
Mason	09-00260.02	102 LE	Jane M. Turner
PROJECT NO.	FEDERAL PROJECT NO.		PROJECT
FD52 081 5513401R	00DPR 0032 009		Maysville Bypass (US 68) – Section 2

Address of replacement property	**547 Bates-Delk Road, Maysville, KY 41056 (remainder)**
Is a retained dwelling to be used as the replacement property?	☐ Yes X No If Yes, complete Page 2
Was there a valid mortgage on the acquired property?	X Yes ☐ No If yes, complete Part A for incidental and MID payments
Is the new interest rate higher than the old rate?	X Yes ☐ No If yes, complete Parts A and B for MID payment

REPLACEMENT HOUSING PAYMENT -- 90 DAY OWNER

PART A Reduce old mortgages to the ratio the residential carve out bears to the total BV for Yes answers in Part A.

Is this a partial taking from a typical size home site, and the entire mortgage is not required to be paid off?	☐ Yes X No
Is this a partial taking from a larger than typical size home site?	X Yes ☐ No
Are both the FMV and mortgage based on a higher and better use?	☐ Yes X No
Is this a multi-use property?	X Yes ☐ No

RES. CARVE OUT		BEFORE VALUE		RATIO		MORTGAGE BALANCE		PRORATED BALANCE
$124,850	÷	$412,200	=	.3030	*	$50,384.13	=	$15,266.39

PART B **Mortgage Interest Differential** - Attach the New Mortgage (NM) Toolbox printout to document increased interest cost claims.

1. Use NM Toolbox, old mortgage balance *(or prorated balance)*, old interest rate, and old monthly P&I payment to determine computed remaining old term *(months)*.
2. **Computed old term is shorter** - Use NM Toolbox, and actual old mortgage facts *(or prorated balance)* for OLD. For NEW use new mortgage, rate and points, but old *(shorter)* term to calculate the interest payment. ***Skip 3.***
3. **New term is shorter** - Use NM Toolbox, and old mortgage balance *(or prorated balance)* and rate, but new *(shorter)* term to calculate a hypothetical old monthly P&I payment. Use the hypothetical monthly payment, new rate and new term to calculate the amount needed to finance and the interest payment.
4. **New mortgage smaller than amount needed to finance** - NM Toolbox prorates the interest payment for you.
5. A New Mortgage Toolbox print out was provided to the displaced person on:

			AMOUNT THIS CLAIM	CLAIMED TO DATE
Actual Cost of Replacement Home	$144,997.15			
Cost of Comparable Dwelling	$145,000	Purchase Supplement	$6,087.15	$20,147.15
Acquisition Price or Carve Out Price	$124,850	Closing Costs		$6,333.22
Maximum Purchase Supplement	$20,147.15	Interest Payment		
NOTE: Purchaser's points, loan origination, discount and assumption fees: Payment is based on lesser of: 1. Remaining old mortgage less buy down or 2. New mortgage amount		Handicap Modifications		
		Total	$6,087.15	$26,480.37

DOWN PAYMENT ASSISTANCE - OWNER LESS THAN 90 DAYS TENANT 90 DAYS

			AMOUNT THIS CLAIM	CLAIMED TO DATE
Amount of Down Payment				
Amount of Closing Costs Paid				
Total Applied Toward Purchase		**Down Payment Assistance**		
Maximum Down Payment Assistance				

The displacees X have occupied the replacement property indicated above / ☐ will occupy the replacement property indicated above as their permanent place of residence, and that all information contained herein is true and accurate to the best of my knowledge. I, therefore, request payment as outlined in this application.

☐ **ADVANCED PAYMENT REQUEST**

Relocation Agent *Date*

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
REPLACEMENT HOUSING/DOWN PAYMENT ASSISTANCE
RESIDENTIAL CLAIM

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Page 2 of 2

CALCULATION OF PURCHASE SUPPLEMENT WHEN DWELLING IS RETAINED		
PART A	**ELIGIBLE EXPENSES TO RETAIN DWELLING**	**AMOUNT**
1.	Cost to acquire replacement site or current fair market value of replacement site *(normal size)*	$18,000.00
2.	Cost to retain dwelling *(salvage value)*	$5,000.00
3.	Cost to move dwelling to new location *(a reasonable distance)*	$21,000.00
4.	Cost of foundation *(if not included in b above)*	$3,348.00
5.	Cost to bring dwelling up to decent, safe and sanitary standards. *(If dwelling was DS&S prior to the move, insert 0.)*	0.00
6.	Cost to provide electric	$1,821.38
7.	Cost to provide gas / oil	$737.21
8.	Cost to provide water	$968.16
9.	Cost to provide sewer / septic	$5,925.00
10.	Other costs, if any, that the Cabinet determines are reasonable and necessary:	
	TOTAL ELIGIBLE EXPENSES	$56,799.75

Remarks:

PART B	**CALCULATION OF ELIGIBLE PURCHASE SUPPLEMENT**	
Owner occupants of 90 days or more are limited to what they could receive in No. 3 below. For amount owner occupants of less than 90 days may receive, see Relocation Manual Section RA-904.		
1.	Amount needed to spend *(price of comparable property)*	$145,000.00
2.	Acquisition / Carve out price *(amount the Cabinet actually paid for the acquired home site)*	$124,850.00
3.	Maximum purchase supplement if displacee purchased a replacement dwelling	$20,150.00
4.	Amount displacee actually spent on retained home and typical home site	$56,799.75
	INDICATED PURCHASE SUPPLEMENT	**$0.00**

Transportation Cabinet
Division of Right of Way and Utilities

TC 62-216
Rev. 11/05

REQUEST FOR RELOCATION REVIEW/APPEAL

COUNTY		ITEM NO.	PARCEL	NAME	
Mason		09-00260.02	117 B	Ben R. and Grace McAllister	
FUND	FUNCTION	COUNTY NO.	MARS NO.	FEDERAL NUMBER	PROJECT
12FO	FD52	081	55134 01 R	00DPR 00032 009	Maysville Bypass (US 68) – Section 2

Your request for a review of a relocation determination must be received by the Right of Way Supervisor in the location and by the date specified below. For assistance in filing your request contact the relocation agent indicated below.

DISTRICT NO.	CITY	DATE REQUEST MUST BE RECEIVED	RELOCATION AGENT	PHONE NO.
09	Flemingsburg, KY	September 3, 2010	Bob Preston	606-564-0987

I request your review of my case concerning relocation assistance benefits for the following reasons:

Signature

Date

Use additional sheets if necessary

FM-6
Rev. 5/11

KENTUCKY FINANCE AND ADMINISTRATION CABINET
Division of Fleet Management

Authorization to Transport Non-State Employee Passengers in a Commonwealth-Owned Vehicle

This authorization supersedes all previous waivers or authorizations regarding the transport of non-state employees in Commonwealth-owned vehicles.

I (we) hereby request that authorization be given to allow the transport of non-state employees in a Commonwealth-owned vehicle for the reason and period of time stated below:

Reason _____

Location _____

Date From _____ **Date To** _____

SIGNATURES

I (we) understand that our agency is required to have a state employee driving the vehicle at all times, and to have the non-state employee passenger(s) made aware of the state's policy on the use of Commonwealth-owned vehicles. By virtue of this request, I am certifying that all non-state employees riding in this vehicle are being advised of the policies on the use of state vehicles.

State Employee _____ **Date** _____

Print Employee's Name _____

Non-State Employee _____ **Date** _____

Print Non-State Employee's Name _____

Employee's Director _____ **Date** _____

Print Employee's Director Name _____

Director of Fleet Management _____ **Date** _____

Return completed form to Director, Division of Fleet Management
For Approval Prior to Travel

See reverse side for selected information for drivers and passengers of Division of Fleet Management vehicles.

RELOCATION COST ESTIMATE

County: Adair Item No. 08-00262.02
Project No. FD52 C001 55689 01 R; 00APD 00424 023
Route
Estimator Date 5/14/10

Number of Business Relocations	**4**	
Estimated Move Costs	$120,000	
Estimated Search Costs	$10,000	
Estimated Reestablishment Costs	$40,000	
Estimated Fixed-Payment Costs	$0	$170,000
Number of Farm Relocations	**1**	
Estimated Move Costs	$8,000	
Estimated Search Costs	$0	
Estimated Reestablishment Costs	$10,000	
Estimated Fixed-Payment Costs	$0	$18,000
Number of Nonprofit Relocations	**1**	
Estimated Move Costs	$12,000	
Estimated Search Costs	$2,500	
Estimated Reestablishment Costs	$10,000	
Estimated Fixed-Payment Costs	$0	$24,500
Number of Sign Relocations	**1**	
Estimated Move Costs	$8,500	
Estimated Search Costs	$2,500	$11,000
Number Personal Property Only Relocations	**5**	
Estimated Move Costs	$15,000	$15,000
Number of Residential Relocations	**4**	
Estimated Move Costs	$15,000	$15,000
Number of Residential Owners	**1**	
Estimated Purchase Supplements	$25,000	
Estimated Increased Interest Costs	$0	
Estimated Closing Costs	$5,000	$30,000
Number of Residential Tenants	**3**	
Estimated Tenant Replacement Housing Costs	$50	$50
Number of Last Resort Housing Displacements	**2**	
Estimated Owner Last Resort Costs	$8,000	
Estimated Tenant Last Resort Costs	$4,250	$12,250
Estimated Relocation Costs		$295,800
Estimated Administrative and Legal Costs		$740,000
Estimated Total Relocation Costs		$1,035,800

cc: District Preconstruction Engineer, Relocation and Acquisition Branch Managers

Kentucky Transportation Cabinet
Division of Right of Way and Utilities
CERTIFIED INVENTORY

TC 62-68
Rev 09/05

COUNTY	ITEM NO.	PARCEL	NAME
Meade	4-293.10	65	Bill & Janet Beach
MARS PROJECT NO.	FEDERAL PROJECT NO.		PROJECT
6336503R	Dna		KY 313 Extension, Section 3

ORIGIN (Address)	115 Big Springs Road, Ekron, KY 40117	DISTANCE
DESTINATION (Address)	6880 Brandenburg Road, Ekron, KY 40117	1.2 Miles

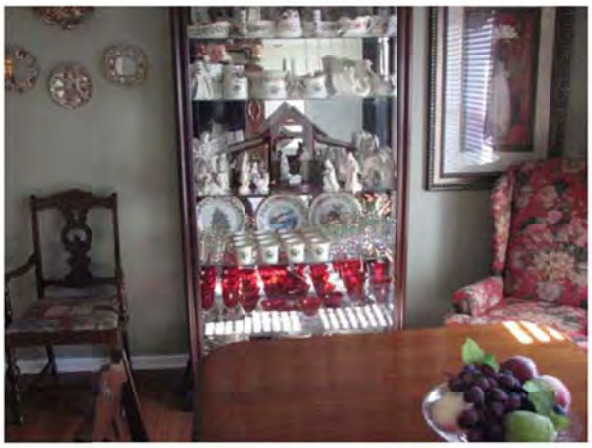
I certify the items listed herein are my personal property, that all items must actually be relocated and I must certify that all items were actually moved to the above location to process my claim for payment. If at the time of the move the inventory deviates to any significant extent from this list, the agreed amount must be revised accordingly before payment can be made. I understand that any arrangement with a commercial mover is between me and the moving company, not the Transportation Cabinet. I further agree that the mover may submit the bill for this move directly to the Transportation Cabinet, Division of Right of Way for payment.

Displaced Person _____ Date _____

Family room

Family Room

Dining Room



Dining Room