

**ACQUISITION OF RIGHT OF WAY
AND
RELOCATION ASSISTANCE**

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INTRODUCTION

Government programs designed to benefit the public as a whole often result in acquisition of private property and, sometimes, in the displacement of people from their residences, businesses or farms. Acquisition of this kind has long been recognized as a right of government and is known as the power of eminent domain. The Fifth Amendment of the Constitution requires that private property shall not be taken for public use without payment of just compensation.

To provide uniform and equitable treatment for persons whose property is acquired for public use, Congress passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amended it in 1987. This law, called the Uniform Act, is the foundation for the information discussed in this brochure. This brochure explains your rights under the Uniform Act as an owner of real property that is being acquired for a state or federally funded project. It also provides information about Relocation Assistance benefits and advisory services that are available for displaced residences, businesses, farms, and nonprofit organizations.

If you are required to move as a result of a state or federally funded project, a representative of the acquiring Agency will contact you. The representative will answer your specific questions and provide any additional information you may need. If you have a disability that prevents you from reading or understanding this brochure, you will be provided appropriate assistance. You should notify the sponsoring Agency if you have special requirements for assistance.

*****NOTICE*****

RELOCATION BENEFITS CANNOT BE PAID UNTIL THE PROPERTY IS ACQUIRED BY THE DEPARTMENT. IF YOU MOVE OR PURCHASE REPLACEMENT HOUSING BEFORE YOU HAVE BEEN AUTHORIZED TO DO SO BY THE DEPARTMENT, YOU COULD LOSE ALL POSSIBLE BENEFITS PROVIDED BY THE RELOCATION ASSISTANCE PROGRAM

IMPORTANT TERMS USED IN THIS BROCHURE

- Acquisition** Acquisition is the process of acquiring real property (real estate) or some interest therein.
- Agency** An agency can be a government organization (Federal, State, or local), a non-government organization (such as a utility company), or a private person using Federal financial assistance for a program or project that acquires real property or displaces a person.
- Alien Not Lawfully Present** The law provides that if a displaced person is an alien not lawfully present in the United States such person is not eligible for relocation payments under the Uniform Act, unless ineligibility would result in exceptional and extremely unusual hardship to the alien's spouse, parent or child, and such spouse, parent or child is a citizen or an alien lawfully admitted for permanent residence.
- Appraisal** An appraisal is a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of the value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.
- Business** Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or solely for the purpose of the Uniform Relocation Assistance Act, an outdoor advertising display or displays, when the display(s) must be moved as a result of the project.
- Displaced Person** Any person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property as a direct result of (1) the acquisition of the real property, in whole or in part, (2) a written notice from the Agency of its intent to acquire, (3) the initiation of negotiations for the purchase of the real property by the Agency, or (4) a written notice requiring a person to vacate real property for the purpose of rehabilitation or demolition of improvements, provided the displacement is permanent and the property is needed for a Federal or federally assisted program or project.
- Eminent Domain** Eminent domain is the right of government to take private property for public use. In the United States, just compensation must be paid for private property acquired for federally-funded projects
- Expropriation** Expropriation is the legal process of acquiring private property for public use or purpose through the Agency's power of eminent domain. Expropriation is usually not used until all attempts to reach a mutually satisfactory agreement through negotiations have failed. An agency then goes to court to acquire the needed property.

IMPORTANT TERMS USED IN THIS BROCHURE (continued)

Farm	Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.
Interest	An interest is a right, title, or legal share in something. People who share in ownership of real property have an interest in the property.
Just Compensation	Just compensation is the price an agency must pay to acquire real property. An agency official must make the estimate of just compensation to be offered to you for the property needed. That amount may not be less than the amount established in the approved appraisal report as the value for your property. If you and the agency cannot agree on the amount to be paid for the property needed, and it becomes necessary for the agency to use the expropriation process, the amount determined by the court will be the just compensation for your property.
Lien	A lien is a charge against a property in which the property is the security for payment of a debt. A mortgage is a lien. So are taxes. Customarily, liens must be paid in full when the property is sold.
Market Value	Market value is the sale price that a willing and informed seller and a willing and informed buyer agree to for a particular property.
Negotiation	Negotiation is the process used by an agency to reach an amicable agreement with a property owner for the acquisition of needed property. An offer is made for the purchase of property in person, or by mail, and the offer is discussed with the owner.
Nonprofit Organization	A public or private entity that has established its nonprofit status under applicable Federal or State law.
Person	A person is an individual, partnership, corporation, or association.
Personal Property	In general, personal property is property that can be moved. It is not permanently attached to, or a part of, the real property. Personal property is not included or valued in the appraisal.
Program or Project	A program or project is any activity or series of activities undertaken by an agency where Federal financial assistance is used in any phase of the activity.
Servitude	In general, a servitude is the right of one person to use all or part of the property of another person for some specific purpose. A servitude can be permanent or temporary.

IMPORTANT TERMS USED IN THIS BROCHURE (continued)

Small Business A business having not more than 500 employees working at a site which is the location of economic activity and which will be acquired for a program or project, or is displaced by a program or project. A site occupied solely by an outdoor advertising sign(s) does not qualify for purposes of the reestablishment expense benefit.

Waiver Valuation A waiver valuation is an administrative process for estimating value for low-value, non-complex acquisitions. In those instances, a waiver valuation is prepared in lieu of an appraisal.

PROPERTY APPRAISAL

An agency determines what specific property needs to be acquired for a public program or project after the project has been planned and government requirements are met.

If your property, or a portion of it, needs to be acquired, you will be notified as soon as possible of (1) the agency's interest in acquiring your property, (2) the agency's obligation to secure any necessary appraisals, and (3) any other useful information. When an agency begins the acquisition process, the first personal contact with you, the property owner, should be no later than during the appraisal of the property.

An appraiser will contact you to make an appointment to inspect your property. The appraiser is responsible for determining the initial value of the property. The agency will have a review appraiser study and accept the appraisal report to establish the just compensation to be offered to you for the property needed.

You, or a representative that you designate, will be invited to accompany the appraiser when the appraiser inspects your property. You can point out any unusual or hidden features of the property that the appraiser could overlook. At this time, you should advise the appraiser if any of these conditions exist:

- There are other persons who have ownership or interest in the property.
- There are tenants on the property.
- Items of real or personal property that belong to others located on your property.
- The presence of hazardous material, underground storage or utilities.

This is your opportunity to tell the appraiser about anything relevant to your property, including other properties in your area that have recently sold. The appraiser will inspect your property and note its physical characteristics. He or she will review sales of properties similar to yours to compare the facts of those sales with the facts about your property. The appraiser will analyze all elements that affect value.

The appraiser must consider normal depreciation and physical deterioration that has taken place. By law, the appraiser must disregard the influence of the future public project on the value of the property. The appraisal report will describe your property and the agency will

determine a value based on the condition of the property on the day that the appraiser last inspected it.

EXCEPTIONS TO THE APPRAISAL REQUIREMENT

The Uniform Act requires that all real property to be acquired must be appraised, but it also authorizes waiving that requirement for low value acquisitions.

Regulations provide that the appraisal may be waived:

- If you elect to donate the property and release the agency from the obligation of performing an appraisal, or
- If the agency believes the acquisition of your property is uncomplicated and a review of available data supports a value likely to be \$10,000 or less, the agency may prepare a waiver valuation to estimate your property's value.

If the agency believes the acquisition of your property is uncomplicated and a review of available data supports a value likely to be over \$10,000 but less than \$25,000, the agency may prepare a waiver valuation rather than an appraisal to estimate your property's value, however, if you elect to have the agency appraise your property, an appraisal will be obtained.

JUST COMPENSATION

Once the appraisal is complete, a review appraiser will review the report(s) to ensure that all applicable appraisal standards and requirements are met. When they are, the review appraiser will give the agency the approved appraisal to use in determining the amount of just compensation to be offered for your real property. This amount will never be less than the value established by the approved appraisal.

If the agency is only acquiring a part of your property, there may be damages or benefits to your remaining property. Any allowable damages or benefits will be reflected in the just compensation amount. The agency will prepare a written offer of just compensation for you when negotiations begin.

Buildings, Structures and Improvements

Sometimes buildings, structures, or other improvements are located on the property to be acquired. If they are real property, the agency must offer to acquire at least an equal interest in them if they must be removed or if the agency determines that the improvements will be adversely affected by the public program or project. An improvement will be valued as real property regardless of who owns it.

Tenant-Owned Buildings, Structures and Improvements

Sometimes tenants lease real property and build or add improvements for their use. Frequently, they have the right or obligation to remove the improvements at the expiration of the lease term. If, under State law, the improvements are considered to be real property, the agency must make an offer to the tenants to acquire these improvements as real property. In

order to be paid for these improvements, the tenant-owner must assign, transfer, and release to the agency all right, title, and interest in the improvements. Also, the owner of the real property on which the improvements are located must disclaim all interest in the improvements.

For an improvement, just compensation is the amount that the improvement contributes to the value of the whole property, or its value for removal from the property (salvage value), whichever amount is greater.

A tenant-owner can reject payment for the tenant-owned improvements and obtain payment for his or her property interests in accordance with other applicable laws. The agency cannot pay for tenant-owned improvements if such payment would result in the duplication of any other compensation otherwise authorized by law.

If improvements are considered personal property under State law, the tenant-owner may be reimbursed for moving them via the relocation assistance program. The agency will contact the tenant-owner of improvements to explain the procedures to be followed. All payments must be in accordance with Federal rules and applicable State laws.

THE WRITTEN OFFER

After the agency approves the just compensation offer they will begin negotiations with you or your designated representative by delivering the written offer of just compensation for the purchase of the real property. If practical, this offer will be delivered in person by a representative of the agency. Otherwise, the offer will be made by mail and followed up with a contact in person or by telephone. All owners of the property with known addresses will be contacted unless they collectively have designated one person to represent their interests.

An agency representative will explain agency acquisition policies and procedures in writing, either by use of an informational brochure, such as this one, or in person.

The agency's written offer will consist of a written summary statement that includes all of the following information:

- The amount offered as just compensation.
- The description and location of the property and the interest to be acquired.
- The identification of the buildings and other improvements that are considered to be part of the real property.

The offer may list items of real property that you may retain and remove from the property and their retention values. If you decide to retain any or all of these items, the offer will be reduced by the value of the items retained. You are responsible for removing the items from the property in a timely manner. The agency may elect to withhold a portion of the remaining offer until the retained items are removed.

Any separately held ownership interests in the property, such as tenant-owned improvements, will be identified by the agency. The agency may negotiate with each person who holds a separate ownership interest, or, may negotiate with the primary owner and prepare a check payable jointly to all owners.

The agency will give you a reasonable amount of time to consider the written offer and ask questions or seek clarification of anything that is not understood. If you believe that all relevant material was not considered during the appraisal, you may present such information at this time. Modifications in the proposed terms and conditions of the purchase may be requested. The agency will consider any reasonable requests that are made during negotiations.

Partial Acquisition

Often an agency does not need all the property you own. The agency will usually purchase only what it needs. If the agency intends to acquire a portion of the property, the agency must state the amount to be paid for the part to be acquired. An amount will be stated separately for damages, if any, to the portion of the property you will keep.

If the agency determines that the remainder property will have little or no value or use to you, the agency will consider this remainder to be an uneconomic remnant and will offer to purchase it. You have the option of accepting the offer for purchase of the uneconomic remnant or keeping the property.

Agreement Between You And The Agency

When you reach agreement with the agency on the offer, you will be asked to sign a deed prepared by the agency. Your signature will affirm that you and the agency are in agreement concerning the acquisition of the property, including terms and conditions.

If you do not reach an agreement with the agency because of some important point connected with the acquisition offer, the agency may suggest mediation as a means of coming to agreement. If the agency thinks that a settlement cannot be reached, it will initiate expropriation proceedings.

The agency may not take any action to force you into accepting its offer. Prohibited actions include:

- Advancing the expropriation process.
- Deferring negotiations.
- Deferring expropriation.
- Delaying the deposit of funds with the court when expropriation is initiated.
- Any other coercive action designed to force an agreement regarding the price to be paid for your property.

ACQUISITIONS WHERE EXPROPRIATION WILL NOT BE USED

An agency may not possess the power of eminent domain. Or an agency elects not to use eminent domain for a program or project. If this is the case, you will be informed in writing, before negotiations begin, that the agency will not expropriate your property if you and the agency fail to reach agreement. Before making you an offer, the agency will inform you, in writing, of what it believes to be the value for the property it would like to acquire. An owner, in

this situation, is not eligible for relocation assistance benefits. Tenants on the property may be eligible for relocation benefits.

PAYMENT

The next step in the acquisition process is payment for your property. As soon as all the necessary paperwork is completed for transferring title of the property, the agency will pay any liens that exist against the property and pay your equity to you. Your incidental expenses will also be paid or reimbursed. Incidental expenses are reasonable expenses incurred as a result of transferring title to the agency, such as:

- Recording fees and transfer taxes.
- Documentary stamps.
- Evidence of title, however, the agency is not required to pay costs solely to perfect your title or to assure that title to the real property is without defect.
- Surveys and legal descriptions of the real property.
- Other similar expenses necessary to convey the property to the agency.

Penalty costs and other charges for prepaying preexisting recorded mortgages entered into in good faith encumbering the real property will be reimbursed. If possible, the agency will pay these costs directly so that you will not need to pay the costs and then claim reimbursement. Property taxes will be pro rated to the time when the agency obtains title to the property or takes possession of it.

POSSESSION

The agency may not take possession of your property unless:

- You have been paid the agreed purchase price, or
- In the case of expropriation, the agency has deposited with the court an amount for your benefit and use that is at least the amount of the agency's approved appraisal of the value of your property, or
- The agency has paid the amount of the court award of compensation in the expropriation proceeding.

If the agency takes possession while persons still occupy the property:

- All persons occupying the property must receive a written notice to move at least 30 days in advance of the required date to move. In this context, the term person includes residential occupants, homeowners, tenants, businesses, non-profit organizations, and farms.
- An occupant of a residence cannot be required to move until at least 90 days after a comparable replacement dwelling has been made available for occupancy. Only in unusual circumstances, such as when continued occupancy would constitute a substantial danger to the health or safety of the occupants, can vacation of the property be required in less than 90 days.

SETTLEMENT

The agency will make every effort to reach agreement with you during negotiations. You may provide additional information, and make reasonable counter offers for the agency to consider. When it is in the public interest, most agencies use the information provided as a basis for administrative or legal settlements, as appropriate.

EXPROPRIATION

If an agreement cannot be reached, the agency can acquire the property by exercising its power of eminent domain. It will do this by instituting formal expropriation proceedings with the appropriate State court and the procedures will follow State law. The court will set the final amount of just compensation after it has heard all arguments.

Litigation Expense

Normally, the agency does not reimburse you for costs you incur as a result of expropriation proceedings. The agency will reimburse you, however, under any of the following conditions:

- The court determines that the agency cannot acquire your property by expropriation.
- The expropriation proceedings are abandoned by the agency without an agreed-upon settlement.
- You initiate an inverse expropriation action and the court agrees with you that the agency has taken your real property rights without the payment of just compensation, or the agency elects to settle the case without further legal action.
- The agency is subject to State laws that require reimbursement for these or other expropriation costs.
- If ordered by the Court to pay these expenses.

RELOCATION ASSISTANCE BENEFITS

SECTION 1 - RELOCATION ADVISORY SERVICES

Any individual, family, business or farm displaced by a Federal or federally assisted program shall be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services are provided by qualified personnel employed by the Agency. It is their goal and desire to be of service to you, and assist in any way possible to help you successfully relocate. Remember, the Agency's representative is there to **help** and **advise** you, so please be sure to make full use of their services. Ask questions and be sure you understand all your rights and benefits.

An individual with a disability will be provided the assistance needed to locate and move to a replacement dwelling or site. The individual should notify the Agency of any special requirements for assistance.

Residential Assistance

An agency representative will contact and interview you to find out your needs. Relocation services and payments will be explained in accordance with your eligibility. During the initial interview your housing needs and desires will be determined as well as your need for assistance.

Later, the agency representative will offer assistance and provide a current listing of comparable properties. You will be provided a written determination of the amount of replacement housing payment for which you qualify. The agency representative can supply information on other Federal and State programs in your area. Transportation will be offered to inspect housing referrals. The Agency will provide counseling or help you get assistance from other sources as a means of minimizing hardships in adjusting to your new location.

You cannot be required to move unless at least one comparable decent, safe, and sanitary (DSS) replacement dwelling is made available to you. Please let the agency representative know if you locate a replacement dwelling so that it can be inspected to assure that it meets DSS standards.

Business, Farm, and Nonprofit Organization Assistance

An agency representative will contact and interview you to find out your needs and replacement site requirements and estimate the time needed to accomplish the move. Relocation services and payments will be explained in accordance with your eligibility. It is important to explain to the agency representative any anticipated problems. During the initial interview the agency representative will ask many questions to determine your financial ability to accomplish the move, including lease terms and other obligations.

The counselor will help determine the need for outside specialists to plan, move, and reinstall personal property. The agency representative will identify and resolve any issues regarding what is real estate and what is personal property to be relocated. The agency representative will explore and provide advice as to possible sources of funding and assistance from other local, State, and Federal agencies. In addition, as needed, the agency representative will maintain listings of commercial properties and farms. The goal is to achieve a successful relocation back into the community.

Social Services Provided By Other Agencies

The agency representative will be familiar with the services provided by other public and private agencies in your community. If you have special problems, the agency representative will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Make your needs known in order that you may receive the help you need.

SECTION 2 - INDIVIDUALS AND FAMILIES

Moving Costs

If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related moving expenses. Displaced individuals and families may choose to be paid either on the basis of actual, reasonable, and necessary moving costs and related expenses, **or** according to a fixed moving cost schedule. If you elect to be moved by a professional mover, the agency will secure bids and provide you with an eligibility letter for the amount of the selected bid.

Actual, Reasonable Moving Costs

You may be paid for your actual, reasonable moving costs by a professional mover plus related expenses, **or** you may move yourself. Reimbursement will be limited to a 50-mile distance in most cases. Related expenses involved in the move may include:

- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.
- Transfer of telephone service and other similar utility reconnections.
- Other expenses considered eligible by the Agency.

Remember, all expenses must be approved and considered necessary and reasonable by the Agency and supported by paid receipts or other evidence of expenses incurred.

Moving Costs For Mobile Homes

If you are the owner of a displaced mobile home, you may be entitled to a payment for the cost of moving the mobile home to a replacement site on an actual cost basis. Displaced mobile home occupants may also be eligible for a payment for moving personal property from the mobile home such as furniture, appliances and clothing on an actual cost basis, or on the basis of a moving cost schedule. For a complete explanation of all moving cost options involving a mobile home, please discuss the matter with the agency representative.

LOUISIANA RESIDENTIAL MOVING COST SCHEDULE

A. UNFURNISHED UNITS (Furniture Owned by Occupant)

1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	Each Extra
\$500	\$700	\$900	\$1100	\$1300	\$1500	\$1700	\$1900	\$200

B. FURNISHED UNITS (Furniture Not Owned by Occupant)

1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	Each Extra
\$375	\$435	\$555	\$675	\$735	\$795	\$855	\$915	\$60

EXCEPTIONS:

- a. A person displaced from a residential dwelling, including a mobile home, is eligible for a moving payment regardless of whether they move into DSS or NON-DSS housing.
- b. Payment for moving expenses shall be processed in accordance with Section 6.22.
- c. The payment to a person with minimal personal possessions who's in occupancy of a seasonal residence, dormitory style room, or a person whose residential move is performed by an Agency at no cost to them shall be limited to the amount stated in the Fixed Residential Moving Cost Schedule, Section B.
- d. Move of Mobile Home: Actual costs, plus a payment for packing and securing personal property on the basis of \$60.00 for the first room and \$30.00 for each additional room.

Replacement Housing

There are three types of replacement housing payments: purchase supplement, rental assistance, and down payment. To understand replacement housing payments you first need to become familiar with the terms **Comparable; Financial Means; Decent, Safe, and Sanitary (DSS); and Last Resort Housing**.

Comparable

A **comparable** replacement dwelling must be DSS and functionally equivalent to your present dwelling. While not necessarily identical to your present dwelling, a comparable replacement dwelling should provide the same utility and function as the dwelling from which you are displaced. In addition, a comparable replacement dwelling should be:

- Adequate in size to accommodate the occupants (e.g., you and your family).
- Located in an area that is not subject to unreasonable adverse environmental conditions.
- Located in an area that is not less desirable than your present location with respect to public utilities and commercial and public facilities.
- Reasonably accessible to your place of employment.
- Located on a site that is typical in size for residential development with normal site improvements.
- Currently available on the private market.
- Within your **financial means**.

Financial Means

For a homeowner, if a purchase supplement is needed and provided, in addition to the acquisition price for your dwelling, then the replacement dwelling is considered to be within your financial means.

For a tenant, the monthly rent and estimated average monthly utility (electricity, gas, other heating and cooking fuels, water and sewer) cost for a comparable replacement dwelling is considered to be within financial means if, after receiving rental assistance, this amount does not exceed the base monthly rent (including average monthly utility cost) for the dwelling from which the tenant is displaced. The Agency may need to calculate the base monthly rent using 30% of the displaced tenant's total monthly gross household income, if that income qualifies as low income in accordance with established low income amounts determined by the U.S. Department of Housing and Urban Development (HUD). The Agency will also evaluate the amounts designated for shelter and utilities for a tenant that receives government assistance.

The rental assistance payment will be computed using the lesser of the three (rent and average monthly utility cost; 30% of the total monthly gross household income for a qualified low income tenant; or the total amount designated for shelter and utilities for a tenant receiving government assistance). To ensure the maximum benefit, it is important to provide the Agency appropriate evidence of total monthly household income when asked. There are some amounts that are not included as monthly household income, including income earned by dependents. The Agency will explain this procedure in greater detail.

Decent, Safe, and Sanitary

The DSS standard means the replacement dwelling meets the minimum requirements established by Federal regulations and conforms to applicable local housing and occupancy codes. The dwelling shall:

- Be structurally sound, weather tight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a heating system capable of sustaining a healthful temperature (approximately 70 degrees Fahrenheit) except in those areas where local climatic conditions do not require such a system.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person.
- Contain a well-lighted and ventilated bathroom providing privacy to the user and containing a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system.
- Contain a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, with adequate space and utility connections for a stove and refrigerator.
- Have unobstructed egress to safe, open space at ground level.
- Be free of any barriers which prevent reasonable ingress, egress or, in the case of a handicapped displaced person, use of the dwelling.

IMPORTANT NOTICE

Please understand that the replacement dwelling inspection for decent, safe, and sanitary requirements is conducted by the agency representative for the sole purpose of determining your eligibility for a relocation payment. Therefore, you must not interpret the Agency's approval of a dwelling to provide any assurance or guarantee that there are no deficiencies in the dwelling or in its fixtures and equipment that may be discovered at a later date. It is your responsibility to protect your best interest and investment in the purchase or rental of your replacement property and you must clearly understand that the Agency will assume no responsibility if structural, mechanical, legal, or other unforeseen problems are discovered after the inspection has been conducted.

Last Resort Housing

The term Last Resort Housing is an administrative procedure authorized by law to address those times when comparable replacement housing is not available under statutory limits specified in law. The law and regulation allow the Agency to provide a replacement housing payment in excess of the statutory maximums of \$5,250 and \$22,500. Because this provision is commonly used, the statutory maximums will not be restated throughout this brochure.

The Agency must provide comparable replacement housing, that is DSS and within your financial means, before you are required to move. The Agency may provide the necessary housing in a number of ways, such as:

- Making a replacement housing payment in excess of the maximum \$5,250 or \$22,500 statutory limits.
- Purchasing an existing comparable residential dwelling and making it available to you in exchange for your dwelling.
- Moving and rehabilitating a dwelling and making it available to you in exchange for your property.
- Purchasing, rehabilitating or reconstructing an existing dwelling to make it comparable to your property.
- Purchasing land and constructing a new replacement dwelling comparable to your dwelling when comparables are not otherwise available.
- Purchasing an existing dwelling, removing barriers or rehabilitating the structure to accommodate a handicapped displaced person when a suitable comparable replacement dwelling is not available.
- Providing a direct loan which will enable you to construct or contract for the construction of a decent, safe, and sanitary replacement dwelling.

Freedom of Choice

All eligible displaced persons have the freedom of choice in the selection of a replacement dwelling. The Agency will not require you, without your written consent, to accept a replacement dwelling provided by the Agency. If you decide not to accept the replacement

housing offered by the Agency, you may secure a replacement dwelling of your choice but it must meet the DSS standard. If you are eligible for Last Resort Housing, the agency representative will thoroughly explain the program to you.

Length of Occupancy - Basic Occupancy Requirements

The type of payment you are eligible for depends on whether you are an owner or a tenant, and how long you have lived in the property being acquired prior to the initiation of negotiations. "Length of occupancy" simply means counting the number of days that you occupied the dwelling before the date of initiation of negotiations by the Agency for the purchase of the property.

The term "initiation of negotiations" is usually the date the Agency makes the first personal contact with the owner of real property, or his/her representative, to provide a written offer to purchase the property being acquired.

Owners who were in occupancy 180 days or more prior to the initiation of negotiations may be eligible for a purchase supplement or a rental assistance payment.

Tenants who were in occupancy 90 days or more prior to the initiation of negotiations may be eligible for a rental assistance payment or a down payment.

Owners who were in occupancy 90 days to 179 days prior to the initiation of negotiations, may be eligible for a rental assistance payment or a down payment, however, the down payment cannot exceed the amount you would have received if you had been a 180-day owner.

If you were in occupancy at the time of the initiation of negotiations, but less than 90 days prior to that date, you are considered a displaced person entitled to relocation assistance advisory services and moving payments. You may be entitled to a rental assistance payment if comparable replacement rental housing is not available within your financial means. The Agency will use the financial means test described earlier in this brochure. You should meet with the agency representative for an explanation of the relocation benefits that you may be eligible to receive.

Replacement Housing - Purchase Supplement For Owner Occupants of 180 Days or More

If you are an owner and occupied your home for 180 days or more immediately prior to the initiation of negotiations for your property, you may be eligible – in addition to the value of your property – for a supplemental payment for costs necessary to purchase a comparable DSS replacement dwelling. The Agency will compute the maximum payment you are eligible to receive. You must purchase and occupy a DSS replacement dwelling within one year. A purchase supplement has three components: a price differential, an amount for increased mortgage interest and incidental expenses. The purchase supplement is in addition to the acquisition price paid for your property.

The price differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. You may also be reimbursed for increased mortgage interest costs if the interest rate on your new mortgage exceeds that of

your present mortgage. To be eligible your acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations. Finally, you may be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees, and certain other closing costs, but not for prepaid expenses such as real estate taxes and property insurance.

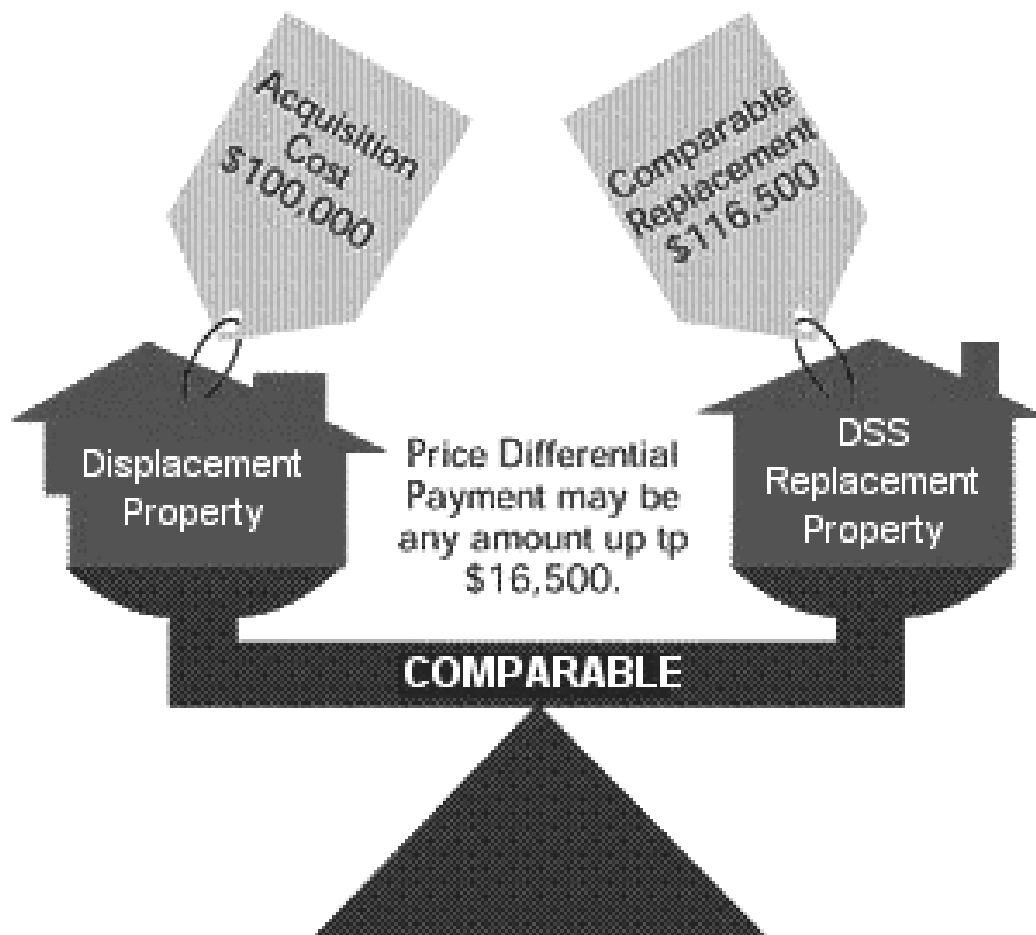
Example of a Price Differential Computation

Example A: Assume the Agency purchases your property for \$100,000. After a thorough study of available comparable residential properties on the open market, the Agency determines that a comparable replacement property will cost \$116,500. If you purchase a DSS replacement property for \$116,500, you will be eligible for a price differential payment of \$16,500.

Example B: If you purchase a DSS replacement property costing more than \$116,500, you pay the difference as shown in Example B.

Example C: If your purchase price is less than \$116,500, the price differential payment will be based on your actual cost.

Agency Computation of Maximum Price Differential Payment	Cost of Comparable Replacement Acquisition Price of Your Property Maximum Price Differential Payment	\$ 116,500 - 100,000 \$ 16,500
Example A	Actual Cost of Replacement Property (Same Purchase Price as Comparable) Acquisition Price of Your Property Price Differential Payment	\$116,500 - 100,000 \$ 16,500
Example B	Actual Cost of Replacement Property Acquisition Price of Your Property Difference Price Differential Payment You Are Responsible for This Amount	\$ 125,000 - 100,000 \$ 25,000 \$ 16,500 \$ 8,500
Example C	Actual Cost of Replacement Property Acquisition Price of Your Property Price Differential Payment Payment is Based on Actual Cost	\$ 114,000 - 100,000 \$ 14,000



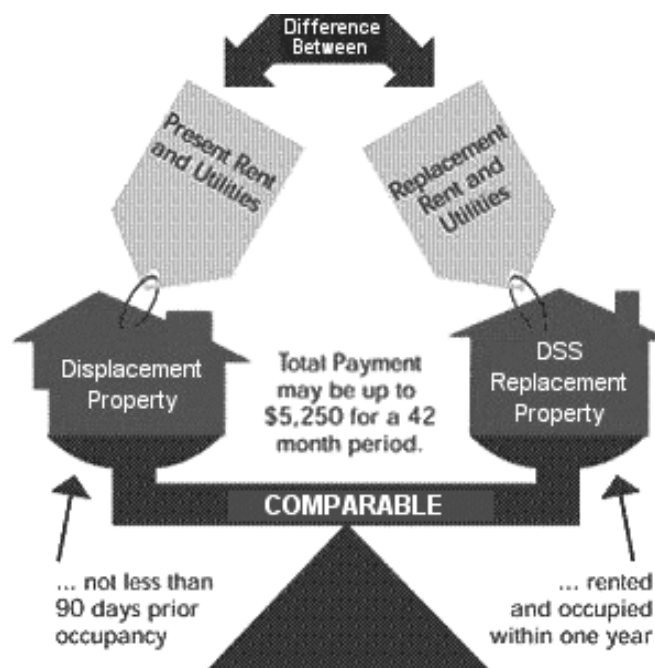
Replacement Housing - Rental Assistance **180-Day Owners Who Elect to Rent**

A rental computation will be computed based on a determination of the fair market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference will be multiplied by 42. In no instance will the rental assistance payment exceed the amount the owner would have received as a price differential.

For Owner Occupants and Tenants of 90 Days or More

Owner occupants and tenants of 90 days or more may be eligible for a rental assistance payment. To be eligible for a rental assistance payment, tenants and owners must have been in occupancy at least 90 days immediately preceding initiation of negotiations for the property. This payment is designed to enable you to rent a comparable DS&S replacement dwelling for a 42-month period. If you choose to rent a replacement dwelling and the cost of rent and utilities are higher than you were paying, you may be eligible for a rental assistance payment. The Agency will determine the maximum payment you may be eligible to receive in accordance with established procedures. The rental assistance payment is paid in a lump sum unless the Agency determines that the payment should be in installments. You must rent and occupy a DSS replacement dwelling within one year to be eligible.

Example: Assume you have been paying \$500 per month rent for the dwelling unit occupied by you and purchased by the Agency. You also pay \$150 per month for utilities (electricity, gas, other heating and cooking fuels, water, and sewer). The rental assistance payment computation always includes the cost of basic utilities (electricity, gas, other heating and cooking fuels, water, and sewer), as well as the cost of rent. If rent includes utilities, a separate computation is not necessary. After a study of the rental market, the Agency determines that a replacement rental unit, that is DSS and comparable to your unit, is available for \$600 per month. It is estimated that average monthly utility costs for the replacement unit will be \$175 per month. The maximum rental assistance payment you can receive is \$125 per month for a 42-month period, or a total of \$5,250.



Example A: If you select a DSS replacement dwelling unit that rents for \$650 per month plus \$175 for utilities, despite the availability of comparable DSS replacement rental units that rent for \$600 per month plus \$175 for utilities, you will receive the maximum amount computed by the Agency, or \$5,250. You will be required to pay the additional \$50 per month yourself.

Example B: If you select a DSS replacement dwelling unit that rents for more than your present unit, but less than the amount determined by the Agency as necessary to rent a comparable unit, your payment will be based on actual cost. For example, assume you select a replacement dwelling unit that rents for \$575 per month plus \$165 for utilities. On the basis of actual cost, you will be eligible for a payment of \$90 per month for 42 months, or \$3,780.

Agency Computation of Maximum Rental Assistance Payment	Rent You are Currently Paying	\$ 500
	Plus Cost for Utilities You are Paying	+ 150
		<u>\$ 650</u>
	Rent for a Comparable DSS Dwelling	\$ 600
	Estimated Cost for Utilities	+ 175
		<u>\$ 775</u>
	Difference (\$775-650=\$125) x 42 months	\$ 5250
	Maximum Rental Assistance Payment	\$ 5250
Example A	Actual Rent for DSS Replacement Property	\$ 650
	Plus Estimated Cost for Utilities	+ 175
		<u>\$ 825</u>
	Difference (\$825-650=\$175) x 42 months	\$ 7350
	Rental Assistance Payment	\$ 5250
Example B	Actual Rent for DSS Replacement Property	\$ 575
	Plus Estimated Cost for Utilities	+ 165
		<u>\$ 740</u>
	Difference (\$740-650=\$90) x 42 months	\$ 3780
	Rental Assistance Payment	\$ 3780

Replacement Housing - Down Payment **Owner Occupants of 90 to 179 Days and Tenants of 90 Days or More**

Owner occupants of 90 to 179 days and tenants of 90 days or more may be eligible for a down payment and incidental expenses. The Agency will determine the maximum down payment you may be eligible to receive based on its computation for a rental assistance payment. However, the payment for a displaced owner occupant shall not exceed the amount they would receive as a 180-day owner for the same property.

To be eligible for the full amount of the down payment assistance payment, the entire payment must be used to purchase a DSS replacement dwelling. The payment may be utilized for a down payment toward the purchase price and/or eligible incidental expenses. Incidental expenses include the reasonable costs of title search, recording fees, and certain other closing costs but do not include prepaid expenses such as real estate taxes and property insurance. You may be eligible for the reimbursement of loan origination or loan assumption fees if such fees are normal to real estate transactions in your area and do not represent prepaid interest. The combined amount of the down payment and incidental expenses cannot exceed the amount the Agency computed as your maximum rental assistance payment. The agency representative will explain how the Agency determines the maximum down payment assistance payment.

DSS REMINDER

It is very important to remember that the replacement dwelling you select must meet the basic DSS standard. Do not execute a sales contract or a lease agreement until a representative from the Agency has inspected and certified in writing that the dwelling you propose to purchase or rent meets the DSS standard. Please do not jeopardize your replacement housing payment by moving into a substandard dwelling.

Fair Housing Laws

Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 set forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of residential units illegal if based on race, color, religion, sex, or national origin. Whenever possible, a minority person shall be given reasonable opportunity to relocate to a DSS replacement dwelling which is not located in an area of minority concentration that is within their financial means. This does not require an Agency to provide a displaced person with a larger payment than is necessary to enable the person to relocate to a comparable replacement dwelling.

SECTION 3 - BUSINESS, FARMS, AND NONPROFIT ORGANIZATIONS

Moving Cost Reimbursement

Owners or tenants may be paid on the basis of actual, reasonable moving costs and related expenses or, under certain circumstances, a fixed payment. Actual, reasonable moving expenses may be paid when the move is performed by a professional mover or if you move yourself. Related expenses, such as personal property losses, expenses in finding a replacement site, and reestablishment expenses may also be reimbursable.

You must provide the Agency with an inventory of the personal property to be moved and advance notice of the approximate date of the move, unless the Agency specifically tells you these notices are not necessary. If you elect to be moved by a professional mover, the agency will secure bids and provide you with an eligibility letter for the amount of the selected bid. The Agency has the right to inspect the personal property at the displacement and replacement sites, and to monitor the move.

Actual Cost Move

You may be paid the actual, reasonable and necessary cost of your move when the move is performed by a professional mover or when you elect to move yourself, however, all your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment and other personal property. Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may be reimbursable. The agency representative will provide you with a complete explanation of reimbursable expenses.

Estimated Cost Move

If you agree to take full responsibility for all or part of the move of your operation, the Agency may approve a payment not to exceed the lower of two acceptable bids or estimates obtained by the Agency from qualified moving firms, moving consultants, or a qualified Agency staff employee. A low cost or uncomplicated move may be based on a single bid or estimate at the Agency's discretion. The advantage of this moving option is that it relieves you from documenting all moving expenses because the payment is limited to the amount of the lowest acceptable bid or estimate.

Direct Loss of Tangible Personal Property

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment is based on the lesser of the value of the item for continued use at the displacement site less the proceeds from its sale, or the estimated cost of moving the item. The agency representative will explain this procedure in detail if this is a consideration for you.

Low Value High Bulk Property

If an Agency considers a personal property item to be of low value and high bulk, and moving costs are disproportionate to its value (such as minerals, metals, rock, or topsoil), the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new business location.

Searching Expenses for Replacement Property

Displaced businesses, farms, and nonprofit organizations are entitled to reimbursement for actual, reasonable expenses incurred in searching for a replacement property, not to exceed \$2,500. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; and other expenses determined to be reasonable and necessary by the Agency.

Fees paid to real estate agents or brokers to locate a replacement site may be reimbursed, exclusive of any commissions or fees related to the purchase of the site. Commissions and fees related to the purchase of a replacement site are not eligible relocation expenses and will not be reimbursed.

Related Eligible Expenses

In addition to the moving expenses listed above, costs for these items may be reimbursed if the Agency determines they are actual, reasonable, and necessary

- Connection to available nearby utilities from the right-of-way to improvements at the replacement site.

- Professional services to determine a sites' suitability for the displaced person's operation.
- Impact fees or one time assessments for heavy utility usage as determined necessary by the Agency.

Please discuss this with your agency representative before incurring these costs to assure that they are reimbursable.

Reestablishment Expenses

A small business, farm, or nonprofit organization may be eligible for a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business, farm, or nonprofit organization must not have more than 500 employees working at the site who will be displaced by a program or project. Reestablishment expenses may include, but are not limited to:

- Repairs or improvements to the replacement real property required by Federal, State, and local laws, codes or ordinances.
- Modifications to the replacement real property to make the structure(s) suitable for the operation.
- Construction and installation costs of exterior advertising signs.
- Redecoration or replacement such as painting, wallpapering, paneling, and carpeting when required by the condition of the replacement site.
- Advertising the replacement location.
- Estimated increased costs of operation at the replacement site during the first two years for items such as: lease or rental charges; personal or real property taxes; insurance premiums; utility charges (excluding impact fees).
- Other items that the Agency considers essential for reestablishment.

Fixed Payment For Actual Moving Expenses (In Lieu Payment)

Displaced businesses, farms, and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 nor more than \$20,000. For a business to be eligible for a fixed payment, the Agency must determine the following:

- Business owns or rents personal property that must be moved due to the displacement.
- Business cannot be relocated without a substantial loss of its existing patronage.
- Business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaced by the Agency.
- Business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is engaged solely in the rental of space to others is not eligible for a fixed payment. This includes the rental of space for residential or business purposes.

Eligibility requirements for farms and nonprofit organizations are slightly different than business requirements. The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified. If you are interested in a fixed payment, please consult your agency representative for additional information.

Computation of Your Fixed Payment

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced, or a two-year period deemed more representative by the Agency. You must provide the Agency with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the Agency.

Fixed Payment Example

2003	2004	2005
Annual Net Earnings \$16,500	Annual Net Earnings \$18,500	Year Displaced
Average annual net earnings $\$16,500 + \$18,500 = \$35,000 / 2 = \$17,500$ Fixed Payment = \$17,500		

Project Office

The Agency may establish a relocation office near the project. Project relocation offices are usually open during hours convenient to persons being displaced, including evening hours when necessary. If the Agency opens a project office, the staff will be happy to assist you, answer questions, and will maintain various types of information.

Relocation Payments Are Not Considered To Be Income

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

Right To Appeal

Any aggrieved person may file a written appeal with the head of the Agency if the person believes the Agency has failed to properly determine his or her eligibility for relocation assistance advisory services, or the amount of a relocation payment. If you have a grievance, you will be given a prompt and full opportunity to be heard. You will also have the right to be represented by legal counsel or other representative in connection with the appeal, but solely at your own expense.

The Agency will promptly review your appeal and consider all pertinent justification and information available to ensure a fair and full review. The Agency will provide you with a written determination as well as an explanation of the decision. If you are still dissatisfied with the relief granted, the Agency will advise you of your right to seek judicial review of the Agency decision.

An alien not lawfully present in the United States shall not be eligible to receive relocation payments or any other assistance provided under 49 CFR Part 24.

The information is provided to assist you in understanding the requirements that must be met by agencies, and your rights and obligations. If you have any questions, contact your agency representative.

NOTICE: Relocation Assistance payments cannot be made until the property is acquired by the Agency.*

*In rare cases a Notice of Intent to Acquire may be issued which would allow payment of relocation benefits in advance of acquisition.

LADOTD Title VI Notice to Public

LADOTD hereby gives public notice that it is the policy of the department to assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, Executive Order 12898 on Environmental Justice, and related statutes and regulations in all programs and activities. Title VI requires that no person in the United States of America shall, on the grounds of race, color, sex, national origin or disability/handicap be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which LADOTD receives federal financial assistance.

Any person who believes they have been aggrieved by an unlawful discriminatory practice under Title VI has a right to file a formal complaint with the LADOTD. Any such complaint must be in writing and filed with the LADOTD Title VI Coordinator within one hundred eighty (180) days following the date of the alleged discriminatory occurrence. Title VI Discrimination Complaint Forms may be obtained from the Compliance Programs Office by calling (225) 379-1382

Non-discrimination Complaint Procedures for Federally Assisted Programs or Activities

These procedures cover all complaints filed under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Civil Rights Restoration Act of 1987, and the Americans with Disabilities Act of 1990, relating to any program or activity administered by LADOTD as to sub-recipients, consultants, and contractors.

Intimidation or retaliation of any kind is prohibited by law. The procedures do not deny the right of the complainant to file formal complaints with other state or federal agencies or to seek private counsel for complaints alleging discrimination.

Every effort will be made to obtain early resolution of complaints at the lowest level possible. The option of informal mediation meeting(s) between the affected parties and the Title VI Specialist may be utilized for resolution.

Procedure

1. Any individual, group of individuals or entity that believes they have been subjected to discrimination prohibited by Title VI nondiscrimination provisions may file a written complaint with the LADOTD's Compliance Programs Office. A formal complaint must be filed within 180 calendar days of the alleged occurrence.
2. Upon receipt of the complaint, CPO will determine its jurisdiction, acceptability, need for additional information, and investigative merit of the complaint. In cases where the complaint is against one of LADOTD's sub-recipients of federal highway funds, the Department will assume the jurisdiction and will investigate and adjudicate the case.
3. Once CPO decides to accept the complaint for investigation, the complainant and the respondent will be notified in writing of such determination within five calendar days. The complaint will then be logged in CPO's records identifying its basis, the race, color, national origin and gender of the complainant.

4. In cases where LADOTD assumes the investigation of the complaint, CPO will provide the respondent with the opportunity to respond to the allegations in writing. The respondent will have 10 calendar days to furnish CPO his/her response to the allegations.
5. Within 50 calendar days of receipt of the complaint, the LADOTD's investigator* will prepare an investigative report for the Compliance Programs Director. The report shall include a narrative description of the incident, identification of persons interviewed, findings and recommendations for disposition. *This can be the Program Area Title VI Liaison or LADOTD's Title VI Specialist.
6. Once LADOTD investigative report becomes final, the parties will be properly notified of the outcome and appeal rights.
7. LADOTD's investigative report and a copy of the complaint will be forwarded to FHWA, within 60 calendar days of the receipt of the complaint.
8. If the complainant is not satisfied with the results of the investigation, s/he shall be advised of their rights to appeal LADOTD's determination to the FHWA — Louisiana Regional Office, USDOT or USDOJ. Appeals must be filed within 180 days after LADOTD's final resolution. Unless new facts not previously considered come to light, reconsideration of LADOTD's determination will not be available.
9. LADOTD will serve as appealing forum to a complainant that is not satisfied with the outcome of an investigation conducted by a LADOTD sub-recipient. LADOTD will analyze the facts of the case and will issue its conclusion to the appellant within 60 days of the receipt of the appeal.

Louisiana Department of Transportation and Development

Title VI Discrimination Complaint Form

Name	Phone	Name of Person(s) Who Discriminated Against you.
Address (Street No., P.O. Box, Etc.)		Location and Position of Person (If known)
City, State, Zip		City, State, Zip
Discrimination Because Of: <input type="checkbox"/> Race/Color <input type="checkbox"/> Sex <input type="checkbox"/> Disability <input type="checkbox"/> Age <input type="checkbox"/> National Origin <input type="checkbox"/> Retaliation		Date of Alleged Incident
Explain as briefly and clearly as possible what happened and how you were discriminated against. Indicate who was involved and witnessed the discrimination. Be sure to include how other persons were treated differently than you. Attach any written material pertaining to your case.		
Signature		Date

Please return this form to: **Compliance Programs Office**
P.O. Box 94245
Baton Rouge, LA 70804-9245

Telephone Number: (225) 379-1382
Fax Number: (225) 379-1865