APPENDIX E
ROW Brochures
• **Possession**

No person lawfully occupying real property shall be required to move from his home, farm, or business location without at least 90 days’ written notice. A displaced residential occupant will not be required to move earlier than 90 days after the date comparable replacement housing is made available.

The displacement will again be notified 30 or more days prior to the date the property must be vacated. The 30-day notice will not be given until the property owner has been paid for his or her property. However, if a purchase does not require the person to move, the agreement to purchase the property may require the person to surrender possession of his or her property upon payment.

• **Appeals**

Any person who is dissatisfied with a determination of his or her eligibility or claim for any relocation benefit payment shall have the right of appeal. Any person making such an appeal will be given a choice of appealing for an optional reconsideration conference or for an administrative hearing. A reconsideration conference is an optional process to afford a displacée an opportunity to present additional relevant information that may not have been considered by the department or to correct factual errors and for the Department to reconsider the claim with the new or corrected information. An administrative hearing is a formal hearing process conducted by the Office of Administrative Hearings according to the Administrative Procedures Act, ORS 183.310 to 183.550. Either type of appeal must be filed within 60 days of relocation benefit or claim determination, and must be submitted on Form 734-3623 which is available from the Right of Way Agent assigned to the file.

• **Right of Way Agent**

Relocatees will be given information regarding their eligibility and possible benefits by the Right of Way Agent assigned to acquire the property.

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### General Summary of Relocation Benefits

<table>
<thead>
<tr>
<th>Residential</th>
<th>Business, Farm, Non-Profits</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner-occupant of 180 days or more prior to initiation of negotiations for the parcel</td>
<td>Owner-occupants and tenant-occupants entitled to same benefits.</td>
</tr>
<tr>
<td><strong>May be eligible for:</strong></td>
<td><strong>May be eligible for:</strong></td>
</tr>
<tr>
<td>Replacement Housing</td>
<td>Actual reasonable moving costs</td>
</tr>
<tr>
<td>Differential Payment</td>
<td>Or</td>
</tr>
<tr>
<td>including:</td>
<td>Negotiated moving costs</td>
</tr>
<tr>
<td>Costs incidental to purchase or replacement dwelling</td>
<td>and costs payment not to exceed lower of two estimates secured by agency</td>
</tr>
<tr>
<td>And including:</td>
<td>Actual value or estimated costs to move, whichever is lower</td>
</tr>
<tr>
<td>Increased interest cost on replacement dwelling</td>
<td>Tangible personal property loss due to relocation</td>
</tr>
<tr>
<td>Rent Supplement</td>
<td>Actual</td>
</tr>
<tr>
<td>All displacees may be eligible for:</td>
<td>Plus</td>
</tr>
<tr>
<td>Actual reasonable moving costs</td>
<td>Reasonable cost of search for new site</td>
</tr>
<tr>
<td>And,</td>
<td>Actual</td>
</tr>
<tr>
<td>Storage of personal property up to twelve months with prior approval</td>
<td>Plus</td>
</tr>
<tr>
<td>Moving costs based upon schedule</td>
<td>Storage of personal property for up to twelve months with prior approval</td>
</tr>
<tr>
<td>Or,</td>
<td>$10,000 max.</td>
</tr>
<tr>
<td>Moving costs based upon schedule</td>
<td>Reestablishment expenses at the replacement site</td>
</tr>
<tr>
<td><strong>Fixed payment in lieu of all other benefits requires approval of agency</strong></td>
<td>Average of annual net earnings for two years prior to year of relocation of $1,000 min., $20,000 max.</td>
</tr>
</tbody>
</table>

### Moving Because of the Highway or Public Projects?

- A description of the Oregon Department of Transportation Relocation Assistance Program

Department of Transportation policy requires that no family or individual will be required to vacate any dwelling until such displacee has signed or has been offered comparable replacement housing.

All replacement housing offered will be fair housing open to all persons regardless of race, color, religion, sex, or national origin.

Relocation payments and relocation advisory services, pursuant to State and Federal law, may not be provided to an alien unless the alien is lawfully present in the United States, except in cases of exceptional or extreme hardship. Displacees will be asked to sign a “Certification of Legal Residency in the United States.”

Relocation legislation, because of its wide scope, is somewhat complicated and difficult to read and interpret. For the benefit of those who are affected by the Department of Transportation property acquisitions, this brochure summarizes the principal provisions of relocation services and benefits. However, persons reading this brochure are urged not to form advance opinions as to the benefits and amounts to which they may be entitled. The Right of Way Agent assigned to purchase property will have detailed information for displaced persons.
No relocation payment received by a displaced person under this part shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 or for the purpose of determining the 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.

- **Relocation Services**

  The Department of Transportation maintains Regional Right of Way offices in the following locations:

  **Region 1**
  123 NW Flinders
  Portland, OR  97229
  503-731-8400
  888-769-7341

  **Region 2**
  455 Airport Rd SE Bldg A
  Salem, OR  97301
  503-986-2601
  888-769-7342

  **Region 3**
  3500 Stewart Parkway #164
  Roseburg, OR  97470
  541-957-3559
  888-769-7343

  **Region 4**
  63005 N Hwy 97 #102
  Bend, OR  97701
  541-388-6196
  888-769-7344

  **Region 5**
  301 Island Avenue
  LaGrande, OR  97820
  541-963-7552
  877-851-9097

  These offices maintain current lists of replacement dwellings, businesses, and farms for displaced persons, as well as current data regarding required deposits for utilities, closing costs, typical down payments, interest rates, and FHA VA and VA requirements and information. The offices also have maps showing the location of schools, parks, playgrounds, and shopping areas. Public transportation routes are shown, and schedules and fare information are available. Experienced Right of Way Agents are available to aid displaced persons to the fullest extent. Right of Way Agents do not expect and will not accept any fee for any service rendered.

- **Eligibility**

  It is important to note that eligibility for any of the following benefits is not established until you have received a written notice of eligibility from the State.

- **General Moving Expenses**

  Service charges for reconnecting utilities are reimbursable except under schedule move procedures.

- **Individual and Family Moving Expenses**

  Any individual or family displaced by a Department of Transportation project is entitled to receive a payment for actual and reasonable expenses for moving personal property a distance not to exceed a 50-mile radius or to the nearest available and adequate site. The actual and reasonable cost of searching for a replacement location may be claimed in an amount up to $2,500 for a farm, non profit organization or business. Such payments must be supported by receipted bills or other evidence of expenses incurred.

  In order to obtain a moving expense payment, a displaced person must file, within 18 months after displacement, a written claim with the Department of Transportation on a form provided for that purpose. In some cases, a written arrangement with the Department of Transportation will allow the displaced person to present an unpaid commercial moving bill, and the Department of Transportation will make payment directly to the mover. If the residential displacement chooses, costs may be reimbursed according to a schedule based upon the number of rooms of furniture to be moved.

- **Residential Moving Schedule**

  **Unfurnished (Relocatee owns furniture)**

  $400 (1 room)  $750 (3 rooms)
  $500 (2 rooms)  $900 (4 rooms)
  $1125 (5 rms)  $1300 (6 rms)  $1475 (8 rms)  $1650 (9 rms)
  Plus $175 for each additional room

  **Furnished (Relocatee does not own furniture)**

  $350 for first room plus $300 for each added room

  **Re-establishment Payment**

  (Businesses, farms, non-profit organizations only)

  Displaced small businesses, farm operations and non-profit organizations may receive a payment not to exceed $30,000 for expenses actually incurred to relocate and re-establish themselves at a replacement site. Eligible expenses can include repairs and improvements required by law, replacement of soiled and worn surfaces at the replacement site and other modifications, exterior signing, advertisement of the replacement location, and estimated increased cost of operation of the first two years.

- **Business, Farm and Non Profit Organization Moving Expenses**

  Displaced businesses, farm operations, and non profit organizations are entitled to receive actual reasonable moving expenses for moving personal property a distance not to exceed a 50-mile radius or to the nearest available and adequate site. The actual and reasonable cost of searching for a replacement location may be claimed in an amount up to $2,500 for a farm, non profit organization or business. Such payments must be supported by receipted bills or other evidence of expenses incurred.

  As an alternate moving expense procedure, in the case of a self-move, the business, farm operation, or non profit organization may be paid an amount not to exceed the lower of two estimates secured by the Department of Transportation from qualified moving companies.

  Under certain conditions, businesses, farms, and non profit organizations may receive payments for direct losses of tangible personal property resulting from the necessity to relocate.

  A displaced or discontinued business, non profit organization or farm operation, except advertising sign owners, may, under certain conditions, elect to receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation preceding the year in which such business or farm operation during the two tax years immediately preceding the year in which such business or farm operation is displaced. The payment cannot exceed $20,000 and will not be less than $1,000. Those who choose the fixed payment are not eligible for any other relocation benefit payment.

- **Storage of Personal Property**

  Storage of personal property requires the written approval of the Department of Transportation and may not exceed twelve (12) months except in unusual circumstances. It should be clearly understood that those dislocates who accept the scheduled move or fixed payment are not eligible to receive the storage expense benefit.

- **Replacement Housing**

  A displaced owner-occupant of a dwelling owned and occupied for 180 days or more immediately prior to the initiation of negotiations for such property may be eligible for additional payments, the combined total of which may not exceed $22,500. The replacement housing payment is the amount, if any, which when added to the amount for which the State acquired his or her dwelling, equals the actual cost which the owner is required to pay for a decent, safe, and sanitary replacement dwelling or the amount determined by the State as necessary to purchase a comparable dwelling, whichever is less. This payment includes compensation for increased interest costs for financing the replacement dwelling and actual closing costs incidental to the purchase of replacement housing.

  A displaced owner-occupant of a dwelling actually owned and occupied by the owner for 90 days or more, but less than 180 days or a tenant-occupant of 90 days or more, immediately prior to initiation of negotiations for such property may be eligible for additional payments, the combined total of which may not exceed $5,250. This payment is the amount necessary to make a down payment on the purchase of a replacement dwelling and to reimburse the relocatee for the actual closing costs incidental to the purchase of the replacement dwelling. Necessary deposits for taxes and insurance are not considered as closing costs.

  In those cases where an owner-occupant of 90 days or more but less than 180 days, or a tenant-occupant of 90 days or more chooses to rent instead of purchase a replacement dwelling, he or she may, under certain conditions, be eligible for payment to rent a decent, safe, and sanitary replacement dwelling.

  The rent payment is the increase in rent necessary to rent a comparable dwelling for 42 months or the amount determined by the State as necessary to rent a comparable dwelling for 42 months, whichever is less. To be eligible for these benefits, the displaced occupant must purchase or rent and occupy a decent, safe, and sanitary replacement dwelling within one year after the required date of displacement or within one year after the actual date of displacement, whichever is later.

  Claims for replacement housing differential payment and rent supplements must be made in writing on a Department of Transportation form supplied for this purpose and must be filed with the Department of Transportation no later than 18 months after the date of displacement.

  Before payments for any replacement dwelling benefits can be made, the replacement dwelling must be checked by Department of Transportation personnel to ascertain that it meets the decent, safe, and sanitary standards established by the Federal Department of Transportation. It is recommended that this determination be made prior to a commitment to rent or buy. The decent, safe, and sanitary inspection of the replacement dwelling by agency personnel is for the sole purpose of determining a relocatee’s eligibility for a relocation payment.
Se volverá a notificar a la persona desplazada con 30 días o más de anticipación a la fecha en que deba desalojar la propiedad. Dicho aviso de 30 días no se enviará hasta que el departamento del Departamento de Transporte haya finalizado la compra de la propiedad. El Jefe Administrativo del Departamento de Transporte ha delegado su autoridad de revisión a un oficial de audiencias. Los formularios de apelación se pueden obtener del agente de derecho de paso encargado de la compra de la propiedad. El oficial de revisión tiene el derecho de apelación de cualquier decisión sobre su elegibilidad o su reclamo de pago de algún beneficio de reubicación. Los formularios de apelación deben presentarse ante la mesa en un plazo de 60 días después de que el Estado actúe sobre un reclamo o niegue elegibilidad para un beneficio.

Toda persona que haga tal apelación tiene oportunidad de ser escuchada en una audiencia de apelación hecha para examinar su queja. Se provee luego una decisión con las razones en las que se basó el resultado alcanzado.

**EL AGENTE DE DERECHO DE PASO**

Las personas desplazadas recibirán información relacionada con su elegibilidad y posibles beneficios del agente de derecho de paso asignado para la compra de la propiedad.

Form 734-3772S (08-2008)

IMPRIMIDO EN PAPEL RECICLADO

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**REDES DE TRANSPORTE DE OREGON**

¿TIENE QUE MUDARSE A CAUSA DE LA CONSTRUCCIÓN DE CARRETERAS O PROYECTOS PÚBLICOS?

**DESCRIPTOR DEL PROGRAMA DE ASISTENCIA DE REUBICACIÓN DEL DEPARTAMENTO DE TRANSPORTE**

Los reglamentos del Departamento de Transporte establecen que no se puede obligar a ninguna familia o individuo a desalojar una residencia hasta que la persona desplazada haya encontrado o se le haya ofrecido una vivienda comparable para reemplazarla.

Toda vivienda de reemplazo ofrecida debe ser una vivienda justa, abierta a todas las personas sin consideración de raza, color, religión, sexo o nacionalidad.

No se puede usar fondos Federales para pagos de reubicación o servicios de consultas de reubicación a un extranjero que no esté legalmente en Los Estados Unidos, excepto en casos de extracción o extrema dificultad. Sin embargo, personas que no estén legalmente en Los Estados Unidos pueden ser elegibles para recibir beneficios de reubicación usando fondos del Estado solamente, excepto en casos de extrema dificultad. A personas desplazadas se va pedir que firman un “Certificado de Residencia Legal en Los Estados Unidos”.

La legislación de reubicación, por su amplio alcance, es algo complicada y difícil de leer y entender. Para la información de quienes se ven afectados por las compras de propiedad del Departamento de Transporte, este folleto resume las principales disposiciones sobre beneficios y servicios de reubicación. Sin embargo, quienes lean este folleto no deben formar opiniones adelantadas con respecto a los beneficios y cantidades que pueden tener derecho a recibir. El agente de derecho de paso asignado a la compra de una propiedad tendrá información detallada para las personas desplazadas.
Ningún pago por reubicación recibido por una persona desplazada se considerará ingreso según el Internal Revenue Code de 1954, que ha sido rediseñado como Internal Revenue Code de 1986, ni se usará para determinar la elegibilidad o el grado de elegibilidad de cualquier persona para recibir asistencia según el Acta de Seguridad Social o cualquier otra ley federal, a excepción de toda ley federal que provea asistencia para vivienda de bajos ingresos.

LOS SERVICIOS DE REubicACION
El Departamento de Transporte mantiene oficinas de derecho de paso en los siguientes lugares:

Region 1: 1123 NW Flanders, Portland, Oregon 97209
Nº de Teléfono: 503-751-8600
Fax: 503-731-8458

Region 2: 455 Airport Rd., SE, Building A
Salem, Oregon 97301
Nº de Teléfono: 503-986-2600
Fax: 503-986-2622

Region 3: 3500 NW Stewart Parkway, Suite 164
Roseburg, Oregon 97470
Nº de Teléfono: 541-957-3559
Fax: 541-957-5563

Region 4: 6080 NW Hwy, 97, Suite 102, Bend, Oregon 97701
Nº de Teléfono: 541-388-6316
Fax: 541-388-6381

Region 5: 3012 Island Avenue, La Grande, Oregon 97850
Nº de Teléfono: 541-963-7552
Fax: 541-963-9079

Estas oficinas mantienen listas actualizadas de residencias, negocios, y granjas de reemplazo para personas desplazadas, como así también datos actualizados sobre los depósitos necesarios para servicios públicos, costos de cierre, entregas iniciales tipo, tipos de interés, y requisitos e información de FHA y VA. Las oficinas también tienen mapas que muestran la ubicación de escuelas, parques, lugares de juego, y zonas comerciales. Hay información sobre ruta, horarios y precios del transporte público. Hay agentes de derecho de paso disponibles para prestar la máxima ayuda posible a las personas desplazadas. Los agentes de derecho de paso no esperan ni aceptan retribución alguna por los servicios que prestan.

ELEGIBILIDAD
Es importante notar que la elegibilidad para recibir cualquier de los siguientes beneficios no está establecida cuando Ud. ha recibido un aviso escrito de elegibilidad del Estado.

GASTOS GENERALES DE MUDANZA
Las tarifas de servicio para reubicar los servicios públicos son reembolsables excepto bajo el plan de mudanza fijo.

GASTOS DE MUDANZA PARA INDIVIDUOS Y FAMILIÁES
Todo individuo o familia desplazada por un proyecto del Departamento de Transporte tiene derecho a recibir un pago por el gasto real y razonable de trasladar la propiedad personal y equipo que no exceda un radio de 50 millas o al sitio disponible y adecuado más cercano.

Para obtener el pago por gastos de mudanza, la persona desplazada tiene 18 meses a partir de su fecha de desalojo para presentar un reclamo escrito ante el Departamento de Transporte en un formulario especial. En algunos casos, y si se conviene con la persona desplazada, se puede hacer un acuerdo escrito con el Departamento de Transporte que permita a la persona desplazada presentar un acuerdo mudanza escrito a la formación de un plan de mudanza por un periodo de un año a partir de la fecha requerida de desalojo o un año después de la fecha real de desalojo, cualquiera sea la más tardía.

Para procedimientos diferentes de mudanza, como por ejemplo si el traslado se hace por cuenta propia, los negocios, granjas o organizaciones sin fines de lucro que no excedan un radio de 50 millas o al sitio disponible y adecuado más cercano. Puede reclamarse una cantidad de hasta $1,000 por el costo real y razonable de buscar una ubicación de reemplazo para una granja, negocio o organización sin fines de lucro. Tales pagos deben estar documentados con recibos de cuentas pagadas o otra evidencia de los gastos incurridos.

Para procedimientos diferentes de mudanza, como por ejemplo si el traslado se hace por cuenta propia, los negocios, granjas o organizaciones sin fines de lucro pueden recibir un pago que no excede el costo real y razonable de buscar una ubicación de reemplazo para la compra de una residencia decente, segura e higiénica. Un negocio, granja u organización sin fines de lucro pueden recibir un pago que no excede el costo real y razonable de buscar una ubicación de reemplazo para la compra de una granja, negocio o organización sin fines de lucro.

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• Payment

If you sign a deed and any accompanying agreements, and the Transportation Commission approves it, then the transfer of title and payment may proceed. As in a private sale, you are responsible for clearing encumbrances to the title such as unpaid taxes, assessments, mortgages, outstanding leases and other liens against your property. The Right of Way Agent will assist you in clearing title. No payment can be made until a warranty deed conveying clear title to the Department has been recorded in the appropriate county records.

At the time the deed is available for recording, authorization is given to prepare a check for your property. Normally, when no cloud obscures the title, you will receive payment for your property about four weeks after you give the Department a deed to the property.

If the condemnation action has been filed, the amount established by the Department as Just Compensation will be deposited with the court for distribution in accordance with the order of the court.

You are entitled to be reimbursed for fair and reasonable costs you incur for expenses incidental to conveying your property to the Department. Such expenses could be, but are not necessarily limited to, penalty costs for prepayment of any pre-existing recorded mortgage encumbering your property, mortgage release fees, and the State's portion of real property taxes.

• Possession

You are not required to surrender possession of your property until you have been paid the agreed purchase price or an amount equal to the Department's established estimate of just compensation has been deposited with the court for your benefit.

When negotiations begin, you, as well as any tenants occupying your property, will be notified in writing that it is the Department's intent to acquire the property. You will not be required to move from your home, farm, or business location earlier than 90 days following that notice or within 30 days after payment, whichever is later. However, if the purchase does not require you to move, the agreement to purchase your property may require you to surrender possession of your property upon payment.

The Department is aware of the need for a reasonable time for relocation. If your property is not needed for several months, your continued occupancy may be permitted on a short-term basis. The amount of rent the Department may charge you, or another tenant, may not exceed the fair rental value of the property to a short-term occupant.

• Right of Way Offices

For your convenience the Department maintains Regional Right of Way Offices in the following locations:

Region 1 – Portland
123 NW Flanders
Portland, OR 97209
Voice: 503-731-8400
Fax: 503-731-8458
Toll Free: 888-769-7341

Region 2 – Salem
455 Airport Road SE Bldg. A
Salem, OR 97301-5397
Voice: 503-986-2601
Fax: 503-986-2622
Toll Free: 888-769-7342

Region 3 – Roseburg
3500 Stewart Parkway Suite 164
Roseburg, OR 97470
Voice: 541-957-3559
Fax: 541-957-3563
Toll Free: 888-769-7343

Region 4 – Bend
63085 N Highway 97 Suite 102
Bend, OR 97701-9901
Voice: 541-388-6196
Fax: 541-388-6381
Toll Free: 888-769-7344

Region 5 – LaGrande
3012 Island Avenue
LaGrande, OR 97850
Voice: 541-963-7552
Fax: 541-962-9819
Toll Free: 877-851-9097

734-3773 (11-2004)
When improving highway facilities, the Department of Transportation has the task of acquiring right of way. It is the aim and desire of the Department to obtain right of way with fairness and equity. The State is empowered to acquire private property for public use. With this power goes the obligation to protect the rights of the individual property owner. The "right of way" means the right to use the land within the limits of the right of way for the construction and maintenance of the highway, along with all appurtenances necessary to the purpose of the public works.

Public Hearings
Public hearings, when required, are held during the location and design stages of a project. Such hearings provide an opportunity for the individuals who are affected by acquisition of land, as well as competent and efficient service to the public.

The corridor hearing is held after preliminary studies have been made on several possible routes. During the course of this hearing, testimony is recorded for study by Department personnel and the Transportation Commission. Upon selection of a corridor, a detailed survey within that corridor is made and a preliminary design plan developed for presentation at a "Design Hearing". The "Design Hearing" provides an opportunity to present testimony about the final highway design.

The Righ of Way Procedure
Acquisition procedures are designed to achieve a fair and equitable result. The Right of Way Agent who calls on you has studied the Department’s valuation of the property and has been trained in the procedures used to acquire property. The Righ of Way Agent will contact you to determine if there are any other improvements on the property which need to be acquired. If you have any questions regarding the proceeding, you should ask your Right of Way Agent. You should also be aware that a DOT employee is not your personal attorney. If you want legal advice, you should consult with your own attorney. The Department reserves the right to proceed with condemnation proceedings if every effort to negotiate an agreement is unsuccessful.

Improvements
When the Department acquires an interest in your land, it must acquire an equal interest in your house or any other improvements located on the land acquired. If you are interested in retaining the improvements, you should discuss this with your Right of Way Agent.

Just Compensation
Just Compensation for the property acquired will be paid to the property owner. The amount of Just Compensation will be determined by the Department after careful consideration of the market value of the property. The Department will pay for all damages to the property, including the fair market value of the property. The Department may also pay for any temporary or long-term damages to the property, including the cost of protective measures and the cost of any temporary relocation.

Discussions and mediation can continue even after a condemnation action is filed in an effort to resolve differences. The filing allows the State to proceed with the construction project.
Si es necesario quitar edificios, el Departamento puede permitir que el propietario retenga las mejoras. Si Ud. está interesado, puede conversar sobre esto con el Agente de Derecho de Paso.

**Pago**

Si Ud. firma el acuerdo de opción y la transferencia, y la Comisión de Transporte los aprueba, se puede proceder entonces a la transferencia del título de propiedad y al pago. Como en cualquier venta privada, Ud. es responsable del pago de gravámenes sobre el título tales como impuestos sin pagar, tasas de impuestos, hipotecas, arrendamientos pendientes y otras prendas contra su propiedad. El Agente de Derecho de Paso le ayudará a remover los impedimentos de su título. No se puede hacer ningún pago hasta que se haya asentado en los registros apropiados del condado un documento que garantice el pago al estado de un título carente de defectos, gravámenes o condicionamientos.

Cuando la transferencia está disponible para ser registrada, se da autorización para preparar el cheque por su propiedad. Normalmente, cuando no hay ningún problema con el título, Ud. recibe el pago por su propiedad alrededor de cuatro semanas después de haber transferido la propiedad al Departamento.

Si se ha iniciado una acción de expropiación, la cantidad establecida por el Departamento como compensación justa será depositada en la corte para su distribución de acuerdo con el orden de la corte.

Usted tiene derecho a ser reembolsado por los gastos justos y razonables en que incurra como consecuencia del traspaso de su propiedad al Departamento. Tales gastos pueden ser, entre otros, multas por pago adelantado de alguna hipoteca registrada pre-existente relacionada con su propiedad, gastos de terminación de hipoteca, y la parte de los impuestos a la propiedad que le corresponde pagar al estado.

**Posesión**

Ud. no tiene que renunciar a la posesión de su propiedad hasta que se le haya pagado el precio de compra acordado o hasta que se haya depositado en la corte para su beneficio una cantidad igual a la estimación de compensación justa establecida por el Departamento.

Al comienzo de las negociaciones, tanto Ud. como cualquier inquilino que esté ocupando su propiedad, recibirá(n) una notificación escrita de la intención del Departamento de adquirir la propiedad. No se le pedirá que desaloje su hogar, granja, o negocio antes de 90 días a partir de la fecha de esa notificación o dentro de los 30 días siguientes a la fecha del pago, la fecha que resulte más tarde de las dos. Sin embargo, si la compra no requiere que Ud. se mueva, el acuerdo de compra de su propiedad puede requerir que Ud. entregue posesión de su propiedad en el momento del pago.

El Departamento es consciente de la necesidad de un tiempo razonable para la reubicación. Si su propiedad no se necesita por varios meses, se le puede permitir que continúe ocupándola por un corto plazo. La cantidad que el Departamento le cobrará a Ud. o a otros inquilinos en concepto de renta no puede exceder el valor de renta justo de la propiedad a un ocupante por corto plazo.

**Oficinas De Derecho De Paso**

Para su conveniencia, el Departamento mantiene Oficinas Regionales de Derecho de Paso en las siguientes ubicaciones:

- **Región 1**
  - 123 NW Flanders
  - Portland, Oregon 97209
  - No. De Teléfono 503-731-8400
  - Fax 503-731-8458

- **Región 2**
  - 455 Aeropuerto Rd SE
  - Salem, Oregon 97301-5397
  - No. De Teléfono 503-986-2601
  - Fax 503-986-2622

- **Región 3**
  - 3500 Stewart Parkway #164
  - Roseburg, Oregon 97470
  - No. De Teléfono 541-957-3559
  - Fax 541-957-3563

- **Región 4**
  - 63085 N Hwy 97 #102
  - Bend, Oregon 97701-9901
  - No. De Teléfono 541-388-6196
  - Fax 541-388-6381

- **Región 5**
  - 3012 Island Avenue
  - La Grande, Oregon 97850
  - No. De Teléfono 541-963-7552
  - Fax 541-962-8919

Form 734-3773S (11-2004)
Cuando se hacen mejoras a las carreteras, el Departamento de Transporte tiene que adquirir el derecho de paso. El objetivo y deseo del Departamento es obtener el derecho de paso en forma justa e igualitaria.

El Estado está facultado para adquirir propiedades privadas para uso público. Pero este poder viene también con la obligación de proteger los derechos de los propietarios. ... proteger a los individuos afectados por la adquisición de la tierra, y servir al público en forma eficiente y competente.

Las audiencias públicas, cuando son necesarias, tienen lugar durante las etapas de ubicación y diseño de un proyecto. Tales audiencias permiten la participación del público para asegurar que la ubicación y diseño de la carretera estén de acuerdo con los objetivos y metas del proyecto.

En el caso de que los partidos no lleguen a un acuerdo con respecto a la compensación, se llama a una mediación. Se trata de una reunión entre el propietario de la tierra y el Representante de Valoración del Departamento. El mediador facilita la comunicación y busca un acuerdo que sea justo y equitativo para todas las partes. Si no se llega a un acuerdo, o si el mediador no puede resolver la disputa, se llama a un proceso de expropiación legal para obtener el derecho de paso.

Compensación Justa
A los propietarios de terrenos necesarios para un proyecto de carreteras se les ofrece una Compensación Justa por los derechos de paso requeridos. La Compensación Justa incluye el valor justo del terreno, incluyendo cualquier mejoras permanentes, y cualquier daño que se produzca al resto de la propiedad.

Procedimiento de Adquisición
El Revisor de Valoración del Departamento controla que la estimación final de valor esté completa y exacta y establece la Compensación Justa. Además de esta estimación de Compensación Justa, el Departamento hace una oferta de compra del resto de toda propiedad si se determina que ésta no tiene valor residual para el propietario.

Cuando el Departamento adquiere una mejoría en su tierra, debe adquirir un interés igual en su otra propiedad. Si el propietario no acepta la oferta de compra, se ha de iniciar un proceso de expropiación legal para obtener el interés en la tierra. La mediación es un proceso no obligatorio donde todos los partidos llegan a un acuerdo.

Mejoras
Cuando se hacen mejoras a las carreteras, el Departamento de Transporte tiene que adquirir el derecho de paso en forma justa e igualitaria.
• How to Make a Purchase Request

• Write a brief explanation describing the nature of your interest in the property.

• Go to the courthouse in the county in which the property is located or to a title insurance company and obtain a quarter section map that shows the parcel. Clearly identify the parcel on the map.

• Obtain a copy of the vesting deed. The copy should allow the ownership passing to ODOT or another state agency.

• If the vesting deed shows ownership in a state agency other than the Oregon Department of Transportation, send your request, the map and the deed copy to:

Real Property Services Manager
Facilities Division
Dept. of Administrative Services
1225 Ferry Street SE
Salem, Oregon 97301-1561
Phone: 503-378-3418
Fax: 503-373-7643

• If the property is owned by ODOT, send your request, map and copy of the vesting deed to:

Property Management Unit
ODOT Right of Way Section
355 Capitol Street NE Rm. 411
Salem, Oregon 97301-3871
Phone: 503-986-3600
Fax: 503-986-3625

For property located in Multnomah, Washington, Clackamas, Columbia and Hood River counties, send your request, map and copy of the vesting deed to:

Property Management Unit
ODOT Right of Way Section
123 NW Flanders
Portland, Oregon 97209-4012
Phone: 503-731-8449
Fax: 503-731-8458

Oregon Department of Transportation

Acquiring Real Property from the Oregon Department of Transportation

POLICY STATEMENT

The Right of Way Section will sell real property deemed surplus to ODOT as quickly as possible, in a manner that will provide the maximum benefit to the Highway Trust Fund and the State of Oregon.

Form 734-2429 (11-2004)
The Oregon Department of Transportation (ODOT) sells property the department considers “surplus”. Proceeds from the sale of surplus property are deposited in the state highway trust fund.

- **Types of ODOT-Owned Property**

Property owned by ODOT can be divided into two categories.

**Project Property** is a part of an active highway construction or improvement project. Information about this type of property is available through regional Right of Way offices located in Portland, Salem, Roseburg, Bend and LaGrande.

**Non-Project Property** is not part of an active highway project. It falls into two classes:

- **Operating Property** is occupied by completed highway construction or improvement projects, such as roadways, or airports. It also may be the site of active stockpiles or quarries, or of maintenance, office or administrative structures. It is not for sale.

Sometimes, property may seem to be unused, but may be needed for future use such as road widening, intersection improvement, landslide correction and scenic setbacks. The department will not sell property needed for future transportation or public safety projects.

- **Non-operating (“excess”) property** may no longer be needed by ODOT. Once the department has determined property is no longer needed, it is classed as surplus property and can be sold.

- **Establishing the Value**

The minimum acceptable price of the property generally will be the higher of either the fair market value or ODOT’s fixed processing costs. Examples of fixed processing costs include appraisal and survey fees.

The price will be set using fixed processing costs when the property is small, irregularly shaped, not a building site and judged to have minimal value. In these cases, the value often does not cover the processing costs.

All surplus property sold by ODOT must be appraised. Appraisal fees range from $300 to $5,000, depending on the complexity of the appraisal.

Most property also must be surveyed if:

- It is not a legal Lot of Record
- Only a portion of the property acquired by ODOT is being sold.
- The purchase will involve creating or moving existing property boundaries.

- **Types of Sales**

The Oregon Department of Transportation sells property two ways:

**Auction Sales**

Most surplus property is sold through oral or sealed bid auctions.

**Direct Sales**

In certain cases, surplus property may be sold directly to a purchaser without going through an auction. These sales are either required by law, or are held when circumstances indicate a direct sale to be the most reasonable course. Direct sales occur when:

- It is required by law. Property purchases after 1973 by way of a court proceeding called “condemnation” must be used within 10 years of purchase. If not, the property must first be offered to the owner from whom it was purchased. The direct purchase price will be original purchase price plus seven percent simple interest per year of ODOT ownerships.

- Other government agencies have priority acquisition rights. State law grants federal, state, county and city government’s priority acquisition rights. Before offering property for sale to the public, ODOT must consider purchase offers from government agencies at fair market prices.

- No bids were received at auction. If no bids were received at an auction, the property must be sold direct. The direct sale must occur within one year of the date of auction.

- The purchaser is an adjoining land owner. Direct sales may be made to an adjoining landowner if the property has a market value of less than $5,000, only one adjoining land owner can or is willing to purchase the property, and the property cannot be recognized as a viable, legal and independent site.
Five Region Technical Centers, which includes Right of Way offices, are responsible for the acquisition of right of way in coordination with the construction program in each region. Liaison, appraisal, negotiation, relocation, and property management functions are carried out in the five regions under the direction of the Region Right of Way Managers.

**Region Offices**

**Region 1**
- **(Portland Metropolitan Area)**
  - 123 NW Flanders
  - Portland, OR  97209
  - Tel: 503-731-8400 or 888-769-7341
  - Fax: 503-731-8458

**Region 2**
- **(Willamette Valley, North and Central Coast, Western Cascades, Lane and Clatsop Counties)**
  - 455 Airport Road SE - Building A
  - Salem, OR  97301-5397
  - Tel: 503-986-2601 or 888-769-7342
  - Fax: 503-986-2622

**Region 3**
- **(Southwestern Oregon)**
  - 3500 NW Stewart Parkway - Suite 164
  - Roseburg, OR  97470
  - Tel: 541-957-3559 or 888-769-7343
  - Fax: 541-957-3563

**Region 4**
- **(Central Oregon)**
  - 63085 N Highway 97 - Suite 102
  - Bend, OR  97701-9901
  - Tel: 541-388-6196 or 888-769-7344
  - Fax: 541-388-6381

**Region 5**
- **(Eastern Oregon)**
  - 3012 Island Avenue
  - LaGrande, OR  97850
  - Tel: 541-963-7552 or 877-851-9097
  - Fax: 541-962-9819
The Highway Division is the Oregon Department of Transportation’s most visible arm, spread across Oregon with engineers, road crews and a wide array of other disciplines involved in the maintenance of the state’s highways, bridges and other parts of the transportation system. Various sections are a part of this Division.

The Right of Way Section provides expertise in real estate and other right of way matters to the Oregon Department of Transportation and other state and local agencies. In cooperation with the Federal Highway Administration, the Right of Way Section implements Public Law 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The Right of Way Section is responsible for the appraisal, acquisition and management of property acquired for public projects. The Right of Way Section assists people and businesses in relocating from the acquired rights of way.

The State Right of Way Manager is responsible for administering, directing and supervising the right of way acquisition, property management, and railroad and utility relocation programs of the Department of Transportation. The manager represents the Department in matters relating to right of way by appearing before legislative committees, various boards and commissions, as well as other State agencies.

The Right of Way Operations Unit Manager directs four major programs for the Right of Way Section which are essential to project delivery and to carry out the goals and objectives of the agency. The four program areas are: 1] Quality Assurance for the Right of Way land acquisition program; 2] Acquisition and Condemnation services; 3] Alternative Dispute Resolution and Condemnation Case liaison; and, 4] Local Public Agency program.

This position is responsible for development and implementation of the programs’ policies, procedures, performance measurement and priorities for determining the effective use of Section resources to meet agency goals in these program areas.

The Right of Way Program Management Unit Manager is responsible for administering, directing, and monitoring the functions of three major programs that are essential to carrying out the goals and objectives of the agency. They include: 1] Right of Way Property Management; 2] Outdoor Advertising Signs; and, 3] Right of Way database support. This position directs and coordinates all of the activities of these programs, including the quality of services provided on a statewide basis.

The Right of Way Project Administration Unit Manager directs four statewide programs for the Right of Way Section essential to project delivery and carrying out the goals of the agency. The four program areas are: 1] Relocation assistance and payments; 2] Appraisal review; 3] Railroad and Utility acquisition and coordination; and, 4] Local Public Agency program. These programs have statewide scope and represent areas of priority and risk for the Section. The position also is responsible for essential program and support functions including information, project authorization and coordination, agreements, budget and contract administration and payments.

This position directs, produces and monitors financial reports for the Department’s $10.8 million biennial Right of Way headquarters budget, and manages the Section support staff responsible for file maintenance, project support, executive/manager support and general office support.

The Mission of the Right of Way Section is timely and cost effective acquisition of real property necessary for the improvement of Oregon’s transportation system and to maximize the return on the Highway Trust Fund’s real property investment through management and sale of excess property.
Your Rights and Benefits as a Displaced Person Under the ODOT Relocation Assistance Program
Introduction

In a changing America, 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.

As a means of providing uniform and equitable treatment for those persons displaced, your government passed the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," and the "Uniform Relocation Act Amendments of 1987." These two laws are the foundation for the information discussed in this brochure.

The brochure provides general information regarding relocation assistance advisory services and relocation payments. Section I contains information important to persons displaced from residences. Section II provides information about relocation assistance advisory services. Section III contains information for displaced businesses, farms and nonprofit organizations. These policies and provisions are now contained in a governmentwide single rule published in the Federal Register of March 2, 1989 under 49 CFR Part 24. The rule provides the regulations for all Federal and federally-aided programs and projects.

If you are required to move as a result of a Federal or federally assisted program or project, a relocation counselor will contact you. The counselor will answer your specific questions and provide 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 Agency of any special requirements for assistance.
### Some Important Definitions...

<table>
<thead>
<tr>
<th>Term</th>
<th>Definition</th>
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</thead>
<tbody>
<tr>
<td><strong>Program or Project</strong></td>
<td>Any activity or series of activities undertaken by a Federal agency, or any activity undertaken by a State or local agency with Federal financial assistance in any phase of the activity.</td>
</tr>
<tr>
<td><strong>Agency</strong></td>
<td>In practically all States and Territories, relocation assistance advisory services and payments are administered at the local level by an Agency responsible for the acquisition of real property and/or the displacement of people from property to be used for a federally funded program or project. The Agency may be a Federal agency, a State agency, a local political subdivision such as a county or a city, or a person carrying out a program or project with Federal financial assistance. An Agency may also contract with a qualified individual or firm to administer the relocation program, but the Agency remains responsible for the program.</td>
</tr>
<tr>
<td><strong>Displaced Person</strong></td>
<td>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 of intent to acquire from the Agency, (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 the improvements(s), provided the displacement is permanent and the property is needed for a Federal or federally assisted program or project.</td>
</tr>
</tbody>
</table>
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 this Act, an outdoor advertising display or displays, when the display(s) must be moved as a result of the project. A "small business" is a business having not more than 500 employees working at a site which is the location of economic activity and:

1) the site will be acquired for a program or project, or
2) the business will be displaced by a program or project.

Farm

This does not include outdoor advertising signs, displays, or devices.

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.

Nonprofit Organization

A public or private entity that has established its nonprofit status under applicable Federal or State law.
Section I

Information for Persons Displaced from a Residence
If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained below.

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to assure your eligibility and prompt payment of moving expenses, you should contact the relocation counselor from the agency before you move.
You Can Choose Either:

- Actual Reasonable Moving Costs
  -OR-
  
  Fixed Moving Cost Schedule

Including

- Packing and Unpacking
- Temporary Storage
- Transportation
- Moving Insurance
- Other Related Costs

Established for your State of Residence
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.

All expenses must be considered necessary and reasonable by the Agency and supported by paid receipts or other evidence of expenses incurred.

Fixed Moving Or you may choose to be paid on the basis of a Cost Schedule fixed moving cost schedule established for your State of residence. The amount of the payment is based on the number of rooms in your dwelling. Your relocation counselor will be able to tell you the exact amount you will be eligible to receive if you select this option. The schedule is designed to include all of the expenses incurred in moving, including those services that must be purchased from others.

The owner of a displaced mobile home 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 (owners or tenants) 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 your relocation counselor.
Replacement Housing Payments
Replacement Housing Payments . . . Can be better understood if you become familiar with

Definition of the following terms

"Comparable"

"Decent, Safe, and Sanitary" (DSS)

These terms are explained on the following pages.
A comparable replacement dwelling must be decent, safe and sanitary, and functionally equivalent to your present dwelling. While not necessarily identical to your present dwelling, a comparable replacement dwelling should be capable of contributing to a comparable style of living and should contain amenities similar to those found in the dwelling from which you are being 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.

If you are a tenant and the portion of the monthly rent and utility costs you must continue to pay for a replacement dwelling unit, after receiving a rental assistance payment, does not exceed the monthly rent and utility costs that you paid for the displacement dwelling unit, or, if your portion of the payment for the replacement unit does not exceed 30% of your gross household monthly income, the replacement unit is considered to be within your financial means.
If you are a homeowner and you have received a purchase supplement (see page 15), and any additional amount that might be required under Housing of Last Resort (see pages 26 and 27), the replacement dwelling is considered to be within your financial means.

Replacement housing must be decent, safe, and sanitary, which means it meets all of the minimum requirements established by Federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- Be structurally sound, weathertight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and electrical appliances.
- Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) 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(s).
- 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 use of the dwelling in the case of a handicapped displaced person.

*Decent safe and sanitary is frequently abbreviated as DSS and will be so referenced for the remainder of this brochure*
Replacement Housing Payments Are Separated Into Three Basic Types:

- **Purchase Supplement**
- **Rental Assistance**
- **Downpayment**

The type of payment depends on whether you are an owner or a tenant, and how long you have lived in the property being acquired prior to negotiations.

<table>
<thead>
<tr>
<th><strong>Purchase Supplement</strong></th>
<th>For owner occupants of 180 days or more</th>
<th>see page 14</th>
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<tbody>
<tr>
<td><strong>Rental Assistance</strong></td>
<td>For owner occupants and tenants of 90 days or more</td>
<td>see page 18</td>
</tr>
<tr>
<td><strong>Downpayment</strong></td>
<td>For owner occupants of 90 to 179 days and tenants of 90 days or more</td>
<td>see page 22</td>
</tr>
</tbody>
</table>

complete details on length of occupancy requirements follow
The Two Basic Occupancy Time Periods and What You Are Entitled To

There are two basic length-of-occupancy requirements which determine the type of replacement housing payment you are entitled to. Length-of-occupancy simply means counting the number of days that you occupied the dwelling before the date of initiation of negotiations by the acquiring agency for the purchase of the property. The term "initiation of negotiations" means the date the acquiring agency makes the first personal contact with the owner of real property, or his/her representative, to provide a written offer for the property to be acquired.

Owners who were in occupancy 180 days or more prior to the initiation of negotiations may be eligible for a purchase supplement up to $22,500 or a rental assistance payment up to $5,250.

If you are a tenant who has been in occupancy for 90 days or more prior to the initiation of negotiations, you may be eligible for a rental assistance payment or a downpayment up to $5,250. If you are an owner who has been in occupancy from 90 days to 179 days prior to the initiation of negotiations, you may be eligible for a rental assistance payment or a downpayment up to $5,250, however, the downpayment cannot exceed the amount of the payment 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 will be considered a displaced person entitled to relocation assistance advisory services and moving payments. You may also be entitled to a rental assistance payment if comparable replacement rental housing is not available at a monthly rental rate of 30% or less of your gross monthly household income. If you are required to pay rent and utilities in excess of 30% for a comparable replacement dwelling unit, you may be eligible for a rental assistance payment under Housing of Last Resort because comparable replacement housing is not available within your financial means. If you do not meet the length-of-occupancy requirements you should meet with your relocation counselor for an explanation of the relocation benefits that you may be eligible to receive.
For Owner Occupants of 180 Days or More

If you are an owner and have occupied your home for 180 days or more immediately prior to the initiation of negotiations for the acquisition of your property, you may be eligible - in addition to the fair market value of your property - for a supplemental payment, not to exceed $22,500 for all costs necessary to purchase a comparable decent, safe, and sanitary replacement dwelling. The agency will compute the maximum payment you are eligible to receive. You must purchase and occupy a DSS replacement dwelling within 1 year.
The price differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. The price differential payment and the following payments are in addition to the acquisition price paid for your property.

<table>
<thead>
<tr>
<th>The Purchase Supplement Includes:</th>
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<tbody>
<tr>
<td><strong>Price Differential</strong></td>
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<tr>
<td>The price differential payment</td>
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<td>is the amount by which the cost of a replacement</td>
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<td>dwelling exceeds the acquisition cost of the</td>
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<td>displacement dwelling.</td>
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<tr>
<td>The price differential payment and the following</td>
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<tr>
<td>payments are in addition to the acquisition price</td>
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<tr>
<td>paid for your property.</td>
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<tr>
<td><strong>Increased Mortgage Interest Costs</strong></td>
</tr>
<tr>
<td>You may be reimbursed for increased mortgage</td>
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<tr>
<td>interest costs if the interest rate on your new</td>
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<tr>
<td>mortgage exceeds that of your present mortgage.</td>
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<tr>
<td>To be eligible your acquired dwelling must have</td>
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<tr>
<td>been encumbered by a bona fide mortgage which was a</td>
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<tr>
<td>valid lien for at least 180 days prior to the</td>
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<tr>
<td>initiation of negotiations.</td>
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<tr>
<td><strong>Incidental Expenses</strong></td>
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<td>You may also be reimbursed for other expenses such as</td>
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<tr>
<td>reasonable costs incurred for title search, recording</td>
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<tr>
<td>fees, and certain other closing costs, but not</td>
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<tr>
<td>including prepaid expenses such as real estate taxes</td>
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<tr>
<td>and property insurance.</td>
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</tbody>
</table>

The total amount of the purchase supplement cannot exceed $22,500, according to the law.
Example of A
Price Differential Payment Computation

Assume that the Agency purchases your property for $100,000. After a thorough study of the 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 eligible for a price differential payment of $16,500; see Example A.

If you purchase a DSS replacement property costing more than $116,500, you pay the difference as shown in Example B. If your purchase price is less than $116,500 the price differential payment will be based on your actual cost; see Example C.

The price differential payment you will receive depends on how much you actually spend on a replacement dwelling as shown in the following examples:

<table>
<thead>
<tr>
<th>Agency's Computation</th>
<th>Cost of Comparable Replacement</th>
<th>$116,500</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Acquisition Price of Your Property</td>
<td>-100,000</td>
</tr>
</tbody>
</table>

**Example A**

<table>
<thead>
<tr>
<th>Actual Cost of Replacement Property</th>
<th>$1 16,500</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Same Purchase Price as Comparable)</td>
<td></td>
</tr>
<tr>
<td>Acquisition Price of Your Property</td>
<td>-100,000</td>
</tr>
<tr>
<td><strong>Price Differential Payment</strong></td>
<td><strong>$ 16,500</strong></td>
</tr>
</tbody>
</table>

**Example B**

<table>
<thead>
<tr>
<th>Actual Cost of Replacement Property</th>
<th>$1 25,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition Price of Your Property</td>
<td>-100,000</td>
</tr>
<tr>
<td><strong>Difference</strong></td>
<td><strong>$ 25,000</strong></td>
</tr>
<tr>
<td><strong>Maximum Price Differential Payment</strong></td>
<td><strong>16,500</strong></td>
</tr>
<tr>
<td>You Are Responsible For This Amount</td>
<td>$ 8,500</td>
</tr>
</tbody>
</table>

**Example C**

<table>
<thead>
<tr>
<th>Actual Cost of Replacement Property</th>
<th>$114,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acquisition Price of Your Property</td>
<td>-100,000</td>
</tr>
<tr>
<td><strong>Your Price Differential Payment is</strong></td>
<td><strong>$ 14,000</strong></td>
</tr>
<tr>
<td>(Payment based on your actual cost)</td>
<td></td>
</tr>
</tbody>
</table>
Example...

Acquisition Cost $100,000

Displacement Property

Price Differential Payment may be any amount up to $16,500

Comparable Replacement $116,500

DSS Displacement Property

COMPARABLE
Rental Assistance

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 the initiation of negotiations for the acquisition of the property.

This payment was designed to enable you to rent a comparable decent, safe, and sanitary 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 have been paying, you may be eligible for a rental assistance payment up to $5,250.

The agency will determine the maximum payment you may be eligible to receive in accordance with established procedures. The rental assistance payment will be paid in a lump sum unless the agency determines that the payment should be paid in installments. You must rent and occupy a DSS replacement dwelling within 1 year to be eligible.
Displacement Property...not less than 90 days prior occupancy

DSS Displacement Property...Rented and occupied within one year

Present Rent and Utilities

Replacement Rent and Utilities

Difference Between

Total payment may be up to $5250 for a 42 month period.

COMPARABLE
Example...

Displacement Property

Total Rental Assistance Payment for 42 months is $5,040 (42 x $120)

DSS Displacement Property

Difference Between

Present Rent $500 plus $150 per month utilities ($650)

Replacement Rent $595 plus $175 per month utilities ($770)

COMPARABLE
For Instance... As an example of how a rental assistance computation is prepared by the Agency, let's assume that 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, (heat, light, water, and sewer). After a study of the rental market, the Agency determines that a replacement rental unit, which is DSS and comparable to your unit, is available for $595 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 $120 per month for a 42 month period, or a total of $5,040. The rental assistance payment computation always includes the cost of the four basic utilities, (heat, light, water and sewer), as well as the cost of the rent. If the rent include utilities a separate computation will not be necessary.

Option A
If you select a replacement dwelling unit that rents for $650 per month plus utilities, despite the availability of comparable DSS replacement rental units that rent for $595 per month plus utilities, you will still receive only the maximum amount computed by the Agency, or $5,040. In other words, you must pay the additional $55 per month yourself.

Option B
If you select a 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.

Owners
Displaced owners who are interested in renting a replacement property should contact the Agency for a complete explanation of this option since the computation is more complex.
**Downpayment**

**Owner Occupants of 90 to 179 Days and Tenants of 90 Days or More**

Tenants: Not less than 90 days occupancy.
Owners: Less than 180 days but more than 90 days occupancy.

Displacement Property

Up to $5,250 Downpayment

DSS Displacement Property

... purchased and occupied within 1 year
Owner-occupants of 90 to 179 days and tenants of 90 days or more may be eligible for a downpayment and incidental expenses, not to exceed $5,250. The Agency will determine the maximum downpayment you may be eligible to receive based on its computation for a rental assistance payment discussed on page 21, or a maximum of $5,250. However, the payment for a displaced owner occupant cannot exceed the amount of the payment that would be received by a 180 day owner for the same property as explained on page 15. The relocation counselor will be able to explain how the Agency determines the maximum downpayment assistance payment.

Incidental expenses include the reasonable costs of a 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 also be eligible for the reimbursement of loan origination or assumption fees, if such fees are normal to real estate transactions in your area and they do not represent prepaid interest. The combined amount of the downpayment and incidental expenses cannot exceed the maximum payment of $5,250.
# Downpayment Computation

<table>
<thead>
<tr>
<th></th>
<th>Example 1</th>
<th>Example 2</th>
<th>Example 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required Downpayment</td>
<td>$5,000</td>
<td>$5,000</td>
<td>$4,500</td>
</tr>
<tr>
<td>Closing &amp; Incidental Cost</td>
<td>+950</td>
<td>+950</td>
<td>+750</td>
</tr>
<tr>
<td>Total Amount Needed</td>
<td>$5,950</td>
<td>$5,950</td>
<td>$5,250</td>
</tr>
<tr>
<td>Agency Downpayment Payment</td>
<td>-4,800</td>
<td>-5,250</td>
<td>-5,250</td>
</tr>
<tr>
<td>Displaced Person Pays</td>
<td>$1,150</td>
<td>$700</td>
<td>$0</td>
</tr>
</tbody>
</table>
Explanation of Downpayment and Examples

If you are an owner-occupant of 90-179 days or a tenant of 90 days or more, you may be eligible for a downpayment up to $5,250. The amount of a downpayment you will receive depends upon agency policy. Many agencies will limit such assistance to the amount of the computed rental assistance payment for a tenant or an eligible homeowner, however, the maximum payment cannot exceed $5,250. This explains the difference in the agency payments depicted in the examples on page 24. Refer to page 21 for a detailed explanation of a rental assistance computation.

On the opposite page, in example 1, the total amount needed to purchase the property exceeded the Agency payment of $4,800, making it necessary for the displaced person to make up the difference of $1,150. In example 2, the displaced person must pay $700 in addition to the agency payment, but in example 3, the agency payment was sufficient to cover the total amount needed. It will not be unusual in today’s inflated real estate market to need more for downpayment and closing costs than the maximum payment established by law, however, the payment should be a great help if it enables a displaced tenant to become a homeowner.

The computation of a downpayment for an owner occupant of 90 to 179 days is limited to the amount an owner would have received if the payment were computed on the basis of a purchase supplement for a 180 day owner. See pages 15 and 16 for an explanation of the purchase supplement and sample computations if you are a short term owner of 90 to 179 days. Displaced owner occupants of 180 days or more are not eligible for downpayment assistance.
HOUSING OF LAST RESORT

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. When a housing shortage occurs, the Agency will solve the problem by the administrative process called Housing of Last Resort.

If comparable housing is not available, or it is not available within the maximum $5,250 or $22,500 payment limits, it must be provided before you are required to move.

The Agency may provide the necessary housing in a number of ways, such as:

1. Purchasing an existing comparable residential property and making it available to the displaced person in exchange for the displacement property.

2. The relocation and rehabilitation (if necessary) of a dwelling purchased from the project area by the Agency and making it available to the displaced person in exchange for the displacement property.

3. The purchase, rehabilitation and/or construction of additions to an existing dwelling to make it comparable to a particular displacement property.
4. The purchase of land and the construction of a new replacement dwelling comparable to a particular displacement property when comparables are not otherwise available.

5. The purchase of an existing dwelling, removal of barriers and/or rehabilitation of the structure to accommodate a handicapped displaced person when suitable comparable replacement dwellings are not available.

6. A replacement housing payment in excess of the maximum $5,250 or $22,500 payment limits.

7. A direct loan which will enable the displaced person to construct or contract for the construction of a decent, safe, and sanitary replacement dwelling.

All eligible displaced persons have a freedom of choice in the selection of replacement housing, and the Agency will not require any displaced person, without his/her written consent, to accept a replacement dwelling provided by the Agency. If a displaced person decides not to accept the replacement housing offered by the Agency, the displaced person may secure a replacement dwelling of his/her choice, providing it meets DSS housing standards.

If you are eligible for replacement housing under the Housing of Last Resort program, you will be so informed by the relocation counselor, who will thoroughly explain the program.
To All Persons Displaced From A Residence...

The most important thing to remember is that the replacement dwelling you select must meet the basic "decent, safe, and sanitary" standards. 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 does meet the basic standards. Please do not jeopardize your right to receive a replacement housing payment by moving into a substandard dwelling.
The Fair Housing Law (actually Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968) sets 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 most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given 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. This policy, however, does not require an acquiring agency to provide a displaced person with a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling outside of an area of minority concentration.
Section II
Information on Relocation Services
Any individual, family business or farm displaced by a Federal 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—they are there to help and advise you; be sure to make full use of their services. Do not hesitate to ask questions, and be sure you understand fully all of your rights and benefits.

Any individual who has a disability will be provided 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
A relocation counselor from the Agency will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you. When possible, comparable housing will be inspected prior to being made available to you in order to assure that it meets decent, safe, and sanitary standards.

In addition, if you desire, the relocation counselor will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or handicapped. The agency will also provide counseling or help you get assistance from other available sources as a means of minimizing hardships in adjusting to your new location.

You will also be provided with information concerning other Federal, State, and local housing programs offering assistance to displaced persons.

Business and Farm Assistance
The relocation counselor will maintain listings of commercial properties and farms whenever businesses and farms are displaced. Steps will be taken to minimize economic harm to displaced businesses and to increase the likelihood of their being able to relocate back into the affected community. The counselor will also explore and provide advice as to possible sources of funding and assistance from other local, State, and Federal agencies.
Your relocation counselor will be familiar with the services provided by other public and private agencies in your community. If you have special problems the counselor 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.
In addition to personal contacts by the relocation counselor, the Agency may establish a relocation office on or near a project. Project relocation offices are usually open during hours convenient to those persons being displaced, including evening hours when considered necessary by the Agency. The persons employed in the project relocation office will be happy to assist you. The office maintains a variety of information that should be helpful to you, such as:

- Listings of Available Replacement Properties
- Local Housing Ordinances
- Building Codes
- Social Services
- Security Deposits
- Interest Rates and Terms
- Typical Downpayments
- VA and EHA Loan Requirements
- Real Property Taxes
- Consumer Education Literature on Housing

Visit your relocation office if one has been established-you will be more than welcome.
Checklist
This check list is a summary of the relocation advisory assistance you may reasonably expect to receive if you are displaced by a Federal or federally assisted project. In addition to the services listed, the Agency is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

The Relocation Counselor Must Personally Interview Displaced Persons to:

- Determine their Needs and Preferences
- Explain Relocation Benefits
- Offer Assistance
- Offer Transportation if Necessary
- Assure the Availability of a Comparable Replacement Dwelling in Advance of Displacement
- Provide Current Listing of Comparable Properties
- Provide the Amount of the Replacement Housing Payment in Writing
- Inspect Houses for DSS Acceptability
- Supply Information on other Federal and State Programs Offering Assistance to Displaced Persons
- Provide Counseling to Minimize Hardships
No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954 or for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law (except for any Federal law providing low-income housing assistance).
Your Right of 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 eligibility for 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 recommend that you seek a judicial review.
Section III

Information for Businesses, Farms and Nonprofit Organizations
Owners or tenants may be paid on the basis of actual reasonable moving costs and related expenses or, under certain circumstances, a fixed payment.

A. Actual reasonable moving expenses may be paid when the move is performed by a professional mover or if you move yourself (page 41). Related expenses, such as personal property losses (page 42), expenses in finding a replacement site (page 43), and reestablishment expenses (page 44), may also be reimbursable.

B. Or, you may be eligible for a fixed payment of not less than $1,000 nor more than $20,000 in lieu of the payments listed in A above. The fixed payment is based on a two year average of the annual net earnings of a business or farm operation. To qualify for a fixed payment, certain conditions must be met. See page 45 for a detailed explanation of the fixed payment. If you represent a nonprofit organization, this payment is computed differently. Contact your relocation counselor for more details.

To assure your eligibility for relocation benefits and the prompt payment of relocation expenses, you should contact the relocation counselor from the Agency before you move.
Types of Payments

Actual Reasonable costs
Moving cost

Including

- Personal property losses
- Expenses in finding a Replacement location
- Reestabishment Expenses

OR

Fixed Payment in Lieu of Moving Costs, etc.

From

- $1,000 to $20,000
  Equal to Average Annual Net Earning
Two Ways to Move Your Enterprise

**Actual Cost Move.** You may be paid the actual, reasonable and necessary costs of your move when the move is performed by a professional mover or when you elect to move yourself under this option, however all of 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 also 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 also be reimbursable. This is not intended to be an all inclusive list of moving related expenses. Your relocation counselor 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 business or farm 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 the fact that it relieves the displaced business or farm operator from documenting all moving expenses. The Agency may make the payment without additional documentation as long as the payment is limited to the amount of the lowest acceptable bid or estimate.
Direct Losses 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 will be based upon 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, whichever is the lesser. Your relocation counselor will explain this procedure in detail if you are faced with this problem.
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; fees paid to real estate agents, brokers, or consultants; and other expenses determined to be reasonable and necessary by the acquiring agency.

Related Eligible Expenses

In addition to the moving expenses listed above, costs for the following 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 site’s suitability for the displaced persons operation.

• Impact fees or one time assessments for heavy utility usage as determined necessary by the Agency.
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 have not more than 500 employees working at the site being affected who will be displaced by a program or project.

Reestablishment expenses may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property required by Federal, State or local laws, codes or ordinances.
2. Modifications to the replacement real property to make the structure(s) suitable for the business operation.
3. Construction and installation of exterior advertising signs.
4. Redecoration or replacement such as painting, wallpapering, paneling and carpeting when required by the condition of the replacement site.
5. The cost of license fees and permits when not covered as a moving expense.
6. Advertising the new business location.
7. The 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)
8. Other items that the Agency considers essential for the reestablishment of the business or farm.
Displace businesses, farms and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property loses, searching expense, and reestablishmnet 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:

1. The business owns or rents personal property that must be moved due to the displacement.
2. The business cannot be relocated without a substantial loss of its existing patronage.
3. The 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.
4. The 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 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. If you are interested in a fixed payment please consult your relocation counselor for additional information if you are being displaced from a farm or you represent a nonprofit organization.
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.*

Example:

<table>
<thead>
<tr>
<th>Year</th>
<th>Annual Net Earnings</th>
</tr>
</thead>
<tbody>
<tr>
<td>1994</td>
<td>$16,500</td>
</tr>
<tr>
<td>1995</td>
<td>$18,500</td>
</tr>
<tr>
<td>1996</td>
<td></td>
</tr>
</tbody>
</table>

AVERAGE:

\[ \frac{16,500 + 18,500}{2} = 17,500 \]

$17,500 - Fixed Payment

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 above.

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.

* Or that two year period deemed more representative by the agency.

Publication Date: 12/2006