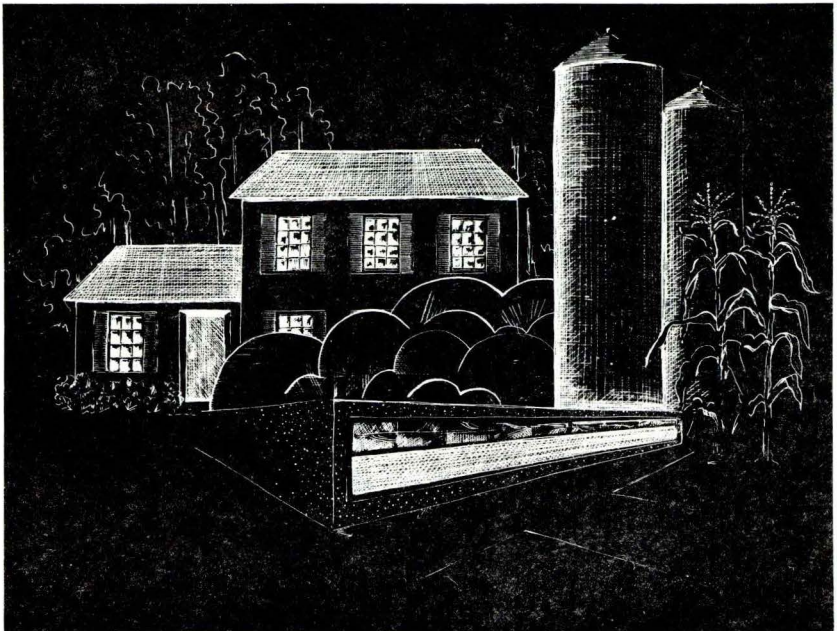


**HE  
356  
.J8  
A23  
1978**

**Relocation Assistance and  
Advisory Services**

# RELOCATION ASSISTANCE AND ADVISORY SERVICES



## **The Relocation Assistance Advisory Program**

Prepared by  
Relocation Assistance Section  
Office of Right of Way  
Highway Division  
Iowa Department of Transportation  
Ames, Iowa 50010  
515-296-1359

This program is offered by authority of Chapter 316 Code of Iowa 1975 and Public Law 91-646, 91st Congress, S.I. January 2, 1971.

## CONTENTS

	<b>Page</b>
<b>PREFACE</b>	
<b>SECTION I</b> -What Is Relocation Advisory Assistance? ...	2
<b>SECTION II</b> -What Are Supplemental Payments? .....	3
<b>SECTION III</b> -Who Is Eligible For Supplemental Payments?	9
<b>SECTION IV</b> -How To Apply For Relocation Assistance Payments .....	10
<b>SECTION V</b> -How To Have Your Claim Reviewed .....	11
<b>SECTION VI</b> -Definitions .....	12
<b>SECTION VII</b> -In Conclusion .....	16

## PREFACE

The Highway Division - Iowa Department of Transportation (D.O.T.) has prepared this brochure for those persons who are displaced as the result of the Highway Division's land acquisitions for highways.

The intent of the Highway Division's Relocation and Assistance Services is to insure that displaced individuals do not suffer disproportionately from highway programs designed for the whole public. The program helps owner-occupants and tenant-occupants in finding decent, safe, and sanitary housing. It offers payment to landowners, tenants, businesses, farm operations and non-profit organizations for moving expenses, and offers certain additional payments to displacees to help them obtain suitable replacement housing.

The program provides advisory assistance and relocation payments over and above the State's offer for your property. Full-time field Agents will assist you with your relocation problems. Assigned to your particular area, an Agent will always be available to answer your questions and to help you in obtaining full benefits from the program.

This brochure briefly outlines and summarizes the type of assistance and payments available, as well as eligibility requirements.





## SECTION I

### **What is Relocation Advisory Assistance?**

The Highway Division, Iowa Department of Transportation, intends to provide a Relocation Assistance Advisory Program for all eligible persons whenever it acquires real property for highways.

The Department of Transportation cooperates as much as possible with federal or local agencies to assure that eligible persons receive the maximum assistance available.

The Relocation Assistance Advisory Program includes services to:

1. Determine the needs of eligible persons for relocation assistance;
2. Provide current information on the availability, price and rental of comparable decent, safe and sanitary housing, and of commercial properties and locations suitable for displaced businesses;
3. Assure that within a reasonable length of time before displacement, decent, safe and sanitary housing will be available within the financial means of displaced persons;

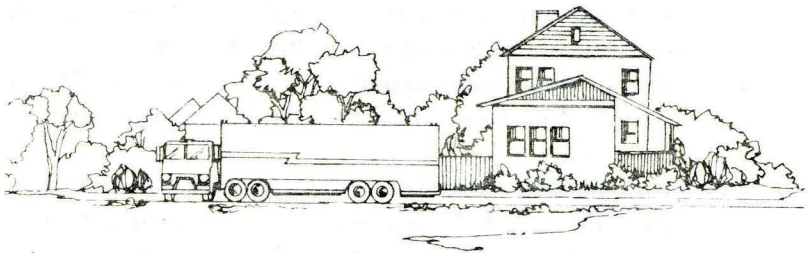
4. Help all eligible persons whose business or farm operation is being relocated to become established in a suitable replacement location;
5. Supply information on federal and state housing programs, as well as on other federal or state programs which offer assistance to eligible persons; and
6. Provide other advice--such as referral to social service agencies to minimize the adjustment to relocation.

No person who lawfully occupies real property has to relocate his home, business, or farm without at least 90 days written notice.

## SECTION II

### What Are Supplemental Payments?

There are **two** general types: (1) Moving expenses, and (2) Supplemental housing payments.



#### 1. Moving Expenses

##### a. Residential

The DOT will pay any individual or family, displaced by a highway project, the actual reasonable expenses for moving personal property 50 miles or less. In lieu of actual moving expenses the displaced person may elect to be paid a scheduled lump sum payment, not to exceed \$300, based on number of rooms plus a dislocation allowance of \$200.

## Schedule Moving Allowance

Number of Rooms	Occupant Owns Furniture	Occupant Does Not Own Furniture
1	\$ 75.00	\$30.00 for first room
2	140.00	plus \$12.00 for each
3	195.00	additional room
4	240.00	
5	275.00	
6	300.00	

If you choose the actual reasonable\* moving expense option, you are not eligible for the \$200 dislocation allowance.

### b. Business

If you are the owner-operator or tenant-operator of a business displaced for highway purposes and are in occupancy when negotiations start, you are eligible for payment of actual, reasonable expenses, which include:

- (1) Actual, reasonable expenses as a result of moving your business or other personal property;
- (2) Actual or direct losses of tangible personal property as a result of moving your business; and
- (3) Actual reasonable expenses not to exceed \$500 incurred while searching for a replacement location.

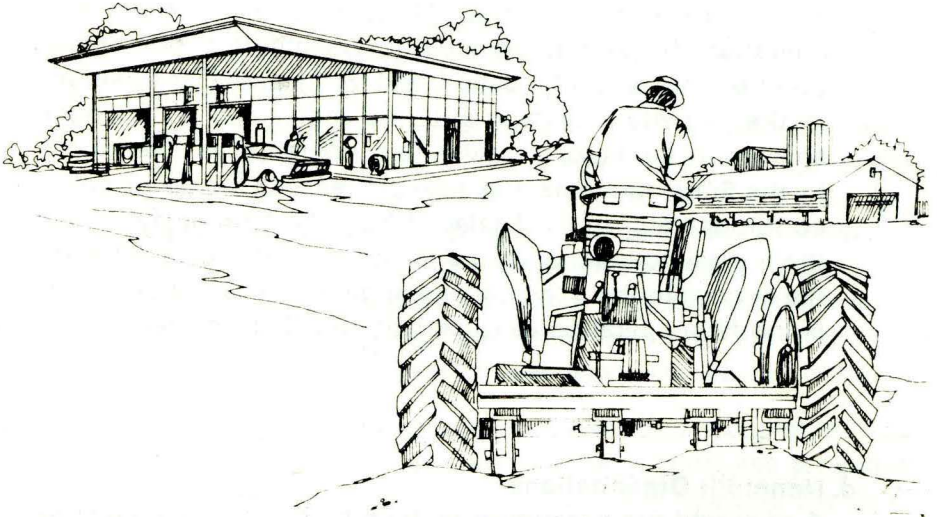
**In lieu of moving expenses**, if you are displaced from your business you may be eligible for a fixed payment to cover moving your business. This payment equals the average net earnings of the business based on your income tax returns during the two taxable years preceding the taxable year in which you must relocate. This payment shall not be less than \$2,500 nor more than \$10,000. Before making the payment the State of Iowa determines that the business (1) cannot be relocated without a substantial loss of business; (2) is not

---

\*Based on receipts; charges are either reimbursed or prearranged with vendors.



part of a commercial enterprise with one or more similar businesses not being acquired by the State or the United States; and (3) contributes materially to your income if it is a part-time business. If your part-time individual or family occupation in the home does not contribute materially to your income, you are not eligible for this payment.



### **c. Farms**

If you are the owner-operator or tenant-operator of a farm displaced for highway purposes and are in occupancy when negotiations start, you are eligible for payment of actual reasonable expenses, which include:

- (1) Actual reasonable expenses resulting from moving your farm or other personal property;
- (2) Actual or direct losses of tangible personal property resulting from moving your farm; and
- (3) Actual, reasonable expenses not to exceed \$500 incurred while searching for a replacement location.

**In lieu of moving expenses**, if you are displaced from your farm operation, you may be eligible for a fixed payment to cover moving your farm operation. This payment shall equal the average net earnings of the farm operation, based on copies of your income tax returns during the two taxable years preceding the taxable year in which you must relocate, or during another period determined to be more equitable for establishing average net earnings. This payment shall not be less than \$2,500 nor more than \$10,000. However, no payment shall be made until the State of Iowa is satisfied that the farm operation (1) has discontinued or relocated his farm operation from the present location; and (2) if a partial acquisition, (a) the property remaining after the acquisition is no longer an economic unit for the same farm operation as determined by the State during its appraisal process, (b) the taking caused the operator to be displaced from the farm operation on the remaining land, or (c) the taking caused such a substantial change in the principal operation or the nature of the existing farm operation as to constitute a displacement.

#### **d. Nonprofit Organizations**

A nonprofit organization displaced by a highway project is eligible to receive payments for actual reasonable moving expenses, direct losses of tangible personal property, and reasonable expenses not to exceed \$500 incurred while searching for a replacement site.

If the nonprofit organization is discontinued at its present location because of the highway project, it **may** be eligible for a fixed payment not to exceed \$2,500 in lieu of actual moving expenses if the State is convinced **that**:

- (1) Said organization cannot relocate without a substantial loss of its existing patronage; and
- (2) Said organization is not part of a commercial enterprise with one or more similar organizations not being acquired.

## 2. Supplemental Housing Payments

The amount of the replacement housing payment is determined by the amount needed to buy comparable, decent, safe and sanitary housing available on the open market when relocation becomes necessary. If comparable adequate housing is not available on the open market, the DOT may provide housing.

### A. Owner-occupants

An individual or family who has owned and occupied a dwelling for at least 180 days immediately prior to the start of negotiations for the property may be entitled to an additional payment to purchase replacement housing. The amount shall be the difference, if any, between the amount paid for the acquired dwelling by the State and the amount needed for a decent, safe and sanitary comparable replacement dwelling, which can accommodate the individual or family. **This payment may not exceed \$15,000, including the replacement housing supplement; increased interest cost on a new mortgage; and incidental expenses incurred in purchasing replacement housing,** such as the cost for obtaining evidence of title, recording fees and other closing costs.

An individual or family who has owned and occupied a dwelling for 90-180 days and who elects to purchase a replacement dwelling is eligible for a payment towards the down payment on a replacement dwelling. This payment would cover such incidentals as evidence of title, and recording fees. The full amount of the down payment and the eligible incidental expenses cannot exceed \$4,000. If the payment is more than \$2,000, the relocatee must contribute 50 percent of the amount in excess of \$2,000.

Any individual or family who has owned and occupied a dwelling for more than 90 days immediately before negotiations may also choose to rent a replacement. This displacee is eligible for a payment not to exceed \$4,000. This payment will be determined by the difference, if any, between the economic rent for the acquired dwelling and the amount necessary to rent a decent, safe and sanitary dwelling, which is adequate to accommodate the individual and his family.





#### **b. Renters**

An individual or family who has lawfully occupied a rental unit or sleeping room for at least 90 days before negotiations start for the acquisition of said dwelling is eligible for a rental replacement housing payment, not to exceed \$4,000, if the person or family chooses to rent replacement housing. The payment shall be determined by the difference between the amount necessary to rent a comparable dwelling for the next four years and the amount of rent presently paid.

An individual or family who has lawfully occupied a rental unit or sleeping room for at least 90 days before negotiations start for the dwelling, and chooses to purchase a replacement dwelling is eligible for a payment towards the down payment on a replacement dwelling. The payment will cover certain incidental expenses incurred in purchasing replacement housing, such as evidence of title, recording fees and other closing costs. The full amount of the down payment and the eligible incidental expenses cannot exceed \$4,000. If it is more than \$2,000 the relocatee must contribute 50 per cent of the amount in excess of \$2,000.



**c. Mobile Homes**

In general, the provisions for moving expenses and replacement housing payments in this brochure also apply to owners and tenants of mobile homes. A mobile home can serve as replacement housing if local authorities permit it.

If you own a mobile home and choose to move it to another location, you may use the following schedule instead of actual moving costs. If you use this schedule, you are eligible for an additional \$200 dislocation allowance.

<b>Mobile Homes</b>				
<b>Widths</b>	<b>8'</b>	<b>10'</b>	<b>12'</b>	<b>Over 12'</b>
<b>Miles</b>				
0-25	\$130	\$150	\$180	\$230
26-50	\$140	\$170	\$200	\$300

**SECTION III**

**Who Is Eligible For Supplemental Payments?**

An individual, family, business, farm operation or nonprofit organization displaced by a highway project may be entitled to a payment as follows:

1. Any individual, family, business, farm operation or nonprofit organization can receive payment for the reasonable expenses of moving his personal property if he is in occupancy when the first contact is made for negotiating the purchase of his property.
2. Any individual or family who has owned and occupied a home for at least 180 days before negotiations start may be eligible for:
  - a. Residential moving expenses;
  - b. Increased interest payments on replacement dwelling;
  - c. Closing costs in purchasing a replacement dwelling; and
  - d. Replacement housing payment.

3. Any individual or family who has owned and occupied a dwelling for less than 180 days but at least 90 days before negotiations start is eligible for:
  - a. Residential moving expenses;
  - b. Replacement housing payment for either renting replacement housing or towards the down payment for purchasing replacement housing; and
  - c. Closing costs incurred in purchasing replacement housing.
  
4. Any individual or family who has lawfully occupied a rental unit for at least 90 days before the start of negotiations may be eligible for:
  - a. Residential moving expenses;
  - b. Replacement housing payment for either renting replacement housing or towards the down payment for purchasing replacement housing; and
  - c. Closing costs incurred in purchasing a replacement dwelling.



## SECTION IV

### How To Apply For Relocation Assistance Payments

You need to apply in writing on forms provided by the State. To receive payment for any benefits, you:

1. Must have relocated into decent, safe and sanitary housing within one (1) year from the date you vacated the property acquired for highway purposes.
2. Must file a written claim for payment on forms furnished by the Highway Division, Iowa Department of Transportation within eighteen (18) months from the date you vacated the property acquired for highway purposes.
3. Must not move until negotiations have started for the acquisition of your property. A Relocation Agent will contact you to determine your eligibility and the amount of payment you will receive. After you have found a replacement dwelling, contact your Relocation Agent, who will inspect your selected dwelling to see if it meets the decent, safe and sanitary requirements. Failure to have this inspection could result in undue delay and/or denial of payment.
4. Are reminded that all replacement housing payments offered are conditional. Any replacement housing payment you claim can be considered only after the price paid by the State by the acquired dwelling is finally determined. Any changes in the original offer to purchase may likewise change your replacement housing payment.
5. Must, if you own or operate a business, farm operation or non-profit organization, contact your Relocation Agent before you move any personal property. Failure to do so may jeopardize your eligibility for moving cost payments.

## **SECTION V**

### **How To Have Your Claim Reviewed**

If you are dissatisfied with the determination as to your eligibility for payment or as to the amount of payment offered under the Relocation Assistance Program, you may have your application reviewed by the DOT.

If you want a review

1. Send a written statement requesting the review, and outlining the items in dispute to the Director, Highway Division, Iowa Department of Transportation, Ames, Iowa 50010.
2. Attach documentation to this statement to establish your lawful occupancy of the land acquired for the period of time necessary to show your eligibility. Copies of a deed, contract of purchase, a lease, rent receipts, or the like will satisfy this equipment.
3. State the amount or amounts you are claiming, if any, and include your reasons for feeling that you are entitled to the amount claimed.

Upon receipt of this written statement, the Director of Highways will appoint a review board and notify you when and where a hearing will be held. The hearing will be held in the Highway Division District where the acquired property is located and you will be given full opportunity to be heard. The review board will recommend a decision on your claim to the DOT. The Relocation Assistance Supervisor will notify you in writing of the DOT's decision within one week.

## SECTION VI

### Definitions

**Person:** Any individual, partnership, corporation or association.

**Family:** Two or more individuals, one of whom is head of household, plus all other individuals regardless of blood or legal ties who live with and are considered part of the family unit. If two or more individuals occupy the same dwelling with no identifiable head of household, they shall be treated as one family for replacement housing payment purposes.



**Displaced Person:** Any person who:

1. Is in occupancy when negotiations start for the acquisition of the real property in whole or in part; or
2. Is in occupancy when he receives written notice from the State, saying the State intends to acquire the property by a given date; or
3. Moves from the real property or moves his personal property from the real property after the earliest date established in 1 or 2 above; and
4. The real property is subsequently acquired.
5. If the move occurs after a written order to vacate is issued the occupant is eligible even though the property is not acquired.

**Comparable Dwelling:** A dwelling that is available on the market and substantially the same as the dwelling being acquired with respect to these criteria:

1. Decent, safe and sanitary condition;
2. Number of rooms;
3. Type of construction;
4. Age;
5. State of repair;
6. Fair housing.....open to all persons regardless of race, color, religion, sex or national origin;
7. Quality of location in regard to
  - a. Public utilities, and
  - b. Public and commercial facilities;
8. Accessibility to place of employment;
9. Ability to accommodate the relocatee(s);
10. Quality of neighborhood;
11. Availability on the market; and
12. Price as compared to the displaced family's or individual's financial means.

**Decent, Safe and Sanitary:** A decent, safe and sanitary dwelling:

1. Conforms to State and local housing codes and ordinances;
2. Has a continuing, adequate supply of safe drinking water;
3. Has a kitchen or kitchen use area with a sink which is in good working condition and connected to hot and cold water, and an adequate sewage system;
4. Has an adequate working heating system, which will maintain a minimum temperature of 70 F. in the living area;
5. Has well-lighted, ventilated bathroom which affords privacy to the user, and contains a lavatory basin and bathtub or stall shower properly connected to an adequate supply of hot and cold running water, and a toilet, all working and properly connected to a sewage disposal system;
6. Has an adequate, safe wiring system for lighting and other electrical services.
7. Is structurally sound, weathertight, in good repair and adequately maintained;
8. Has safe entrance and exit; and
9. Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) of habitable floor space for each additional occupant.

**Habitable Floor Space:** Space for sleeping, living, cooking or dining. Excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfurnished attics, foyers, storage spaces, cellars, and utility rooms.

**Dwelling:** A single-family house, single-family unit in a multi-family building, a condominium or cooperative housing unit, a mobile home, or other residential unit.

**Business:** Any lawful activity, except farming, conducted primarily:

1. For purchase, sale, lease and rental of personal and real property, or for manufacture, processing or marketing of products, commodities or any other personal property;
2. For the sale of public services; or
3. By a nonprofit organization.

**Nonprofit Organization:** A corporation, partnership, individual or other public or private entity, engaged in a business, professional or instructional activity on a nonprofit basis.

**Farm Operation:** Activity conducted solely or primarily for producing one or more agricultural products or commodities, customarily in enough quantity to contribute at least one-third of the operators income.

**Initiation of Negotiations:** The date on which the State makes the first contact to discuss an offer to purchase with the owner of the property to be acquired.

**IMPORTANT:** Do **NOT** purchase or rent replacement housing; move from your property; or move any of your personal property **prior** to the initiation of negotiations. Such a move could jeopardize your eligibility for benefits from the Relocation Assistance Program.

**Relocation assistance benefit payments are not considered income for either State or Federal income tax purposes.**

## **In Conclusion...**

We intend this brochure to acquaint you with benefits for which you are eligible under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Although we haven't supplied complete technical details, we hope the material in this booklet can provide you with useful information pertaining to Relocation Assistance benefits and eligibility requirements.

**If you have any questions, call or write:**

**Relocation Assistance Section  
Office of Right of Way  
Highway Division  
Iowa Department of Transportation  
Ames, Iowa 50010  
515-296-1359**

2-1-78



STATE LIBRARY OF IOWA



3 1723 02079 7361

June 1978