

Replacement Housing

A family or individual who has owned and occupied a dwelling for at least 180 days immediately prior to the initiation of acquisition for the property may be eligible for additional payments, the combined total of which may not exceed \$22,500.

The replacement housing payment covers the difference, if any, between (1) the amount for which the county acquired the dwelling and (2) either the actual cost the owner pays for a decent, safe, and sanitary replacement dwelling or the amount determined by the county 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 required for the purchase of replacement housing.

A family or individual who has owned and occupied a dwelling for at least 90 days, but less than 180 days, or a tenant-occupant of 90 days or more, immediately prior to initiation of acquisition for the property may be eligible for additional payments, the combined total of which may not exceed \$5,250. This amount is intended to cover the down payment and actual closing costs required to purchase a replacement dwelling. Necessary deposits for taxes and insurance are not considered as closing costs. In those cases where an owner-occupant of 90 days, 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 a payment to rent a decent, safe, and sanitary replacement dwelling.

This payment is intended to cover either the increase in rent necessary to rent a comparable dwelling for 42 months or the amount determined by the county as necessary to rent a comparable dwelling for 42 months, whichever is less.

To be eligible for these benefits, the displaced household must occupy a decent, safe, and sanitary replacement dwelling within one year after the required or actual date of displacement, whichever is later.

Claims for housing additives and rent supplements must be made in writing on an approved form supplied for this purpose. Claims must be filed with the Department no later than 18 months after the date of displacement or six months after final determination by a court of a condemnation case.

Before payments for any replacement dwelling benefits can be made, the replacement dwelling must be checked by Department of Land Use and Transportation personnel to see that it meets the decent, safe, and sanitary standards established by the Federal Department of Transportation. It is recommended that this inspection be conducted before making a commitment to rent or buy a replacement dwelling. The decent, safe, and sanitary inspection of the replacement dwelling by department personnel is done only to determine a household's eligibility for a relocation payment.

Possession

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

Also, the displaced household will be notified 30 days or more 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 relocated person may appeal any ruling on his or her eligibility or claim for any relocation benefit payment. Appeal forms can be secured from the Right-of-Way Agent handling the property acquisition. Appeals must be filed with the Department of Land Use and Transportation, Right-of-Way Section, within 90 days after the county acts on a claim or denies eligibility for a benefit.

Any person who makes an appeal will be given the opportunity to be heard at an appeal hearing arranged to examine his or her complaint. The person will receive a written copy of the decision, with the reasons given for the decision.

Right-of-Way Section

The Right-of-Way Section of the Department of Land Use and Transportation is located in the Walnut Street Center at 1400 SW Walnut Street, Hillsboro, Oregon, 97123-5625. The telephone number is 503-846-7870. You can find information on our website at www.co.washington.or.us

Moving Because of Highway or Public Projects?

*A description of the
Washington County
Department of Land
Use and Transportation
Relocation Assistance
Program*



Department of Land Use & Transportation
Right-of-Way Section
1400 SW Walnut Street, MS 18
Hillsboro, OR 97123-5625
www.co.washington.or.us

*Washington County Department of
Land Use & Transportation*

It is the policy of the Department of Land Use and Transportation that no person will be required to leave their home due to a public improvement project until they have found, or been offered, comparable replacement housing.

All replacement housing offered through the Department's Relocation Program will be fair housing open to all persons regardless of race, color, religion, sex, or national origin.

The county has the authority by law to acquire private property for public use. With this authority comes the obligation to protect the rights of individual property owners. The Department thus has a dual responsibility –to recognize and protect the individuals affected by acquisition of land and to manage public resources competently and efficiently while providing essential transportation services. Your Right-of-Way Agent is trained to uphold these obligations.

Eligibility

It is important to know that you must receive a written notice of eligibility from the county in order to qualify to receive any of the benefits discussed in this brochure. The Right-of-Way Agent assigned to acquire the property will give relocated persons information regarding their eligibility for benefits.

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."

Federal Department of Transportation Order No. 5620.1 has established the same requirement for federally assisted projects.

Laws guiding relocation, because of the complex variety of issues with which they must deal, are rather difficult to understand. For the benefit of those who are affected by Department of Land Use and Transportation property acquisitions, this leaflet summarizes the main points regarding relocation services and benefits. Persons reading this leaflet are urged not to form advance opinions about benefits and amounts to which they may be entitled.

Public Law 91-646, Title II, Section 216, states as follows: "No payment received under this title" (relocation payments) "shall be considered as income for the purposes of the Internal Revenue Code of 1954; 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."

Relocation Services

The county can provide current lists of available replacement dwellings, businesses, and farms for displaced persons, as well as current information regarding required deposits for utilities, closing costs, typical down payments, interest rates, and FHA and VA requirements. The county has maps showing the location of schools, parks, playgrounds, shopping areas, and public transportation routes. Transit schedules and fare information are also available. Experienced Right-of-Way Agents are available to help. They do not expect, and will not accept, any payment for their services.

General Moving Expenses

Service charges for reconnecting utilities are reimbursable except under scheduled move procedures, which are explained more fully in the next section of this pamphlet.

Individual and Family Moving Expenses

Any individual or family having to move due to a Department of Land Use and Transportation project is entitled to receive a payment for reasonable expenses involved in moving personal property to the nearest available, adequate site, not to exceed a distance of 50 miles.

In order to obtain a moving expense payment, a displaced person must file, within 18 months after moving, a written claim with the Department on a form provided for that purpose. In some cases, where it is to the benefit of the displaced person, a written arrangement with the Department will allow the person to present an unpaid commercial moving bill, and the Department will make payment directly to the mover. Costs may be reimbursed according to the number of rooms of furniture to be moved, as described in the following schedule:

Unfurnished-Relocatee owns furniture
\$400 (1 room) \$750 (3 rooms)
\$550 (2 rooms) \$950 (4 rooms)
plus \$175 for each additional room

Furnished-Relocatee does not own furniture
\$350 for first room plus \$100/each additional room

Payments for Business, Farm and Nonprofit Organizations Reestablishment Payment

Displaced small businesses, farms and non-profit organizations may receive a payment not to exceed \$10,000 for expenses actually incurred to relocate and reestablish themselves at a replacement site. Eligible expenses can include repairs and improvements required by law, replacement of soiled and worn surfaces at the new site, and other modifications. Also included are exterior signing (not to exceed \$1,500), advertisement of the replacement location (not to exceed \$1,500), and estimated increased cost of operation for the first two years (not to exceed \$5,000).

Moving Expenses

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

Another method is used to determine moving expenses in the case of a self-move. A business, farm, or nonprofit organization may be paid an amount no more than the lower of two estimates secured by the Department of Land Use and Transportation from qualified moving companies.

Under certain conditions, businesses, farms, and nonprofit organizations may receive payments for the direct loss of tangible personal property as a result of having to move.

A displaced or discontinued business or farm operation (except advertising sign owners) may, under certain conditions, choose to receive a single fixed payment. The amount of the fixed payment will be equal to the average annual net earnings of the business or farm operation during the two tax years immediately preceding the year in which it 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. The duration of the storage period may not exceed twelve months, except in unusual circumstances. It should be clearly understood that those who accept reimbursement for a move on a per-room or fixed-payment basis are not eligible to receive the storage expense benefit.