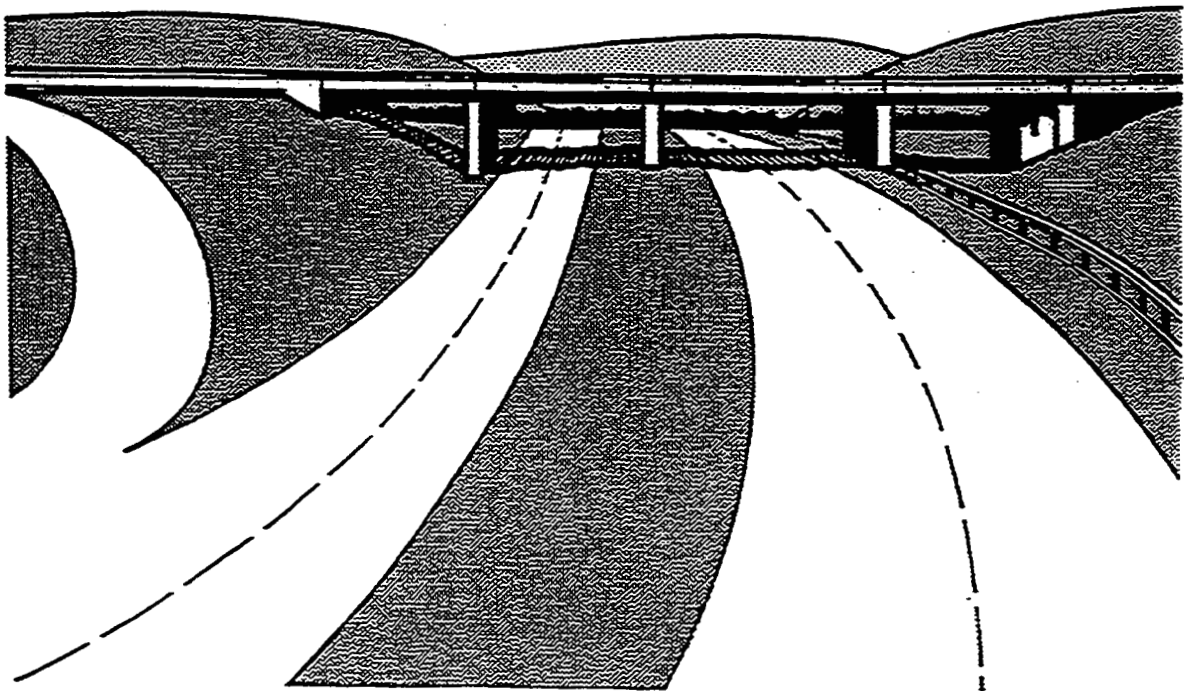
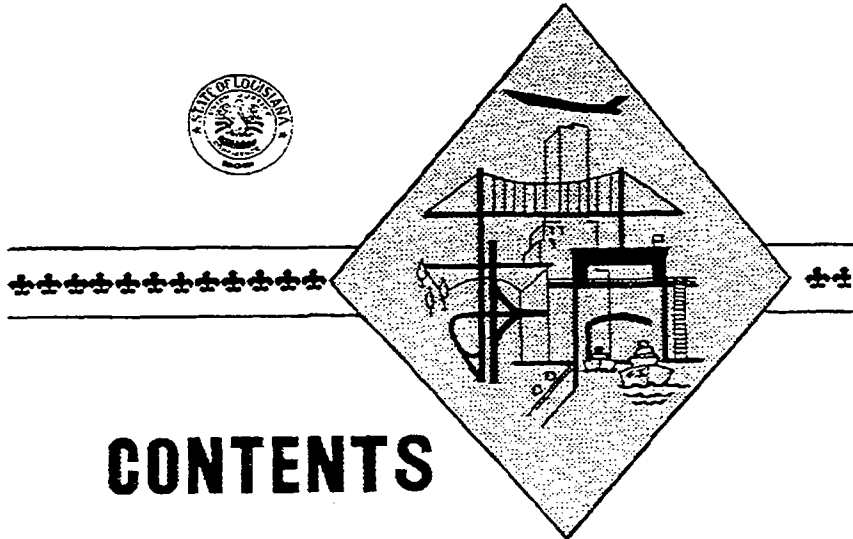




Louisiana
Department of Transportation
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Development

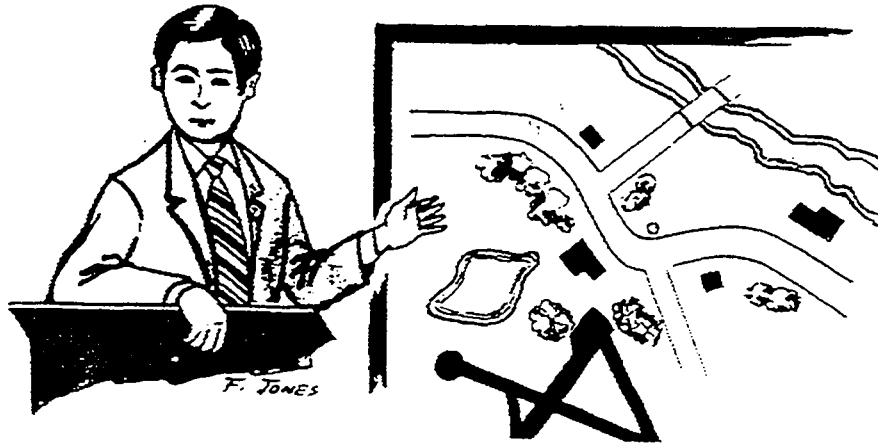
**ACQUISITION OF RIGHT OF WAY
AND
RELOCATION ASSISTANCE**





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INTRODUCTION

Modern transportation requires much more than a route to get from one place to another. Modern highways eliminate the sources of accidents, such as sharp curves, intersecting grade crossings, dangerous grade crossings, dangerous shoulders, obstacles at the roadside, and most of all, the likelihood of head-on collisions. In addition to highway transportation, modern transportation operations include aviation, mass transit, and water navigations.

All transportation needs are determined by a continuing series of studies. As studies progress through the Environmental, Engineering Survey, Design and Public Hearing Phases, conclusions are drawn which materialize into right of way acquisition and construction. The studies, design, right of way acquisition, and construction of the modern transportation facility require five to nine years to complete.

Depending upon the type of transportation facility, the cost of construction is supported by general taxes, taxes on gasoline and petroleum products, and other sources related to transportation.

The State of Louisiana, through the Department of Transportation and Development, provides funds for the cost of construction.

Construction cost may be partially shared by the Federal Government on those projects approved for Federal Aid. The Federal Aid sharing funds vary from 50% to 100% depending on the class and type of facility constructed.

NON-DISCRIMINATION POLICY

It is the policy of the Department of Transportation and Development to abide by Title VI of the Civil Rights Act and Title 23 USC, Section 324, which provides in part, that

"No person in the United States shall, on the ground of race, color, sex, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Any person who feels that because of his or her race, color, sex, or national origin, he or she has been excluded from participation in any federally-assisted program or activity being administered by the Louisiana Department of Transportation and Development or who feels that he or she has been denied any benefits provided by such program or activity, or who feels he or she has been unfairly treated in connection with such program or activity, is asked to contact:

Real Estate Directorate

**LA DOTD
P.O. Box 94245
Baton Rouge, LA 70804-9245
Telephone: (225) 237-1214**

or

**The Civil Rights Section
LA DOTD
P. O. Box 94245
Baton Rouge, Louisiana 70804-9245
Telephone: (225) 379-1382**

The State of Louisiana through the Department of Transportation and Development (DOTD) acquires right of way by three (3) procedures:

- 1. Donation**
- 2. Purchase**
- 3. Expropriation**

The need for right of way is established by the design of the project. The design is the result of extensive information developed by studies of traffic and land-use trends, aerial photographs, and engineering surveys coordinated by designers, traffic engineers and planning personnel to determine the route or the necessary improvement which will accomplish the greatest public good.

The final route selected or extent of improvement determined represents the meeting of many minds on (1) the public good, (2) the most feasible approach from engineering and economics standpoints and (3) the approach that causes the least amount of injury or inconvenience to the public and environment. After the design has been approved, right of way plans are prepared showing the new or additional right of way required to construct the project.

The right of way plans show the name of each property owner whose property is affected by construction of the project. The plans also show the area required from each ownership.

DESCRIPTION OF PROPERTY

The description of the property to be purchased by the Department is made from the information on the project right of way plans. All descriptions must conform to the plans. The property to be purchased is known as the required area.

The names of the owners of the properties along the project as shown on the Right of Way Plans are researched in the land transfer records in each parish courthouse.

PROPERTY VALUE OR APPRAISAL

The Real Estate Directorate includes an Appraisal Division staffed by qualified Real Estate Appraisers. The value of every parcel to be acquired for the right of way is established by gathering market data in the general area of the project and is based on a compensation waiver estimate of value, or one or more appraisals made by qualified and competent Appraisers.

DONATION OF LAND

The property owner has the right to receive full cash value for any property required by the Department. The property owner may, however, donate the property to the Department if he/she so chooses. The deed describes the project and the conditions under which the property is donated. The deed is a contract between the Department and the property owner. It describes the obligations of the Department, including the Department's obligations to construct the project according to the construction plans.

IMPROVEMENTS ON DONATED LAND

Generally the Department constructs new barbed wire or mesh and barbed wire fences along the newly donated right of way to replace existing barbed wire or mesh and barbed wire fences.

The Department will offer to purchase ornamental fences such as wood fence, metal security fence, and electrical fence or, by agreement with the property owner, replace same.

Approaches, driveways, and cattle guards will also be constructed to replace those destroyed during construction. Structures such as barns, residences, out buildings, foundations, and improvements such as water wells, headlands, rice sluices and canals, levees and any other man-made facility may either be purchased, or where feasible, relocated or replaced outside the right of way.

PURCHASE OF LAND

If the property for the new right of way is to be purchased, the Department prepares, at no expense to the property owners, an Act of Sale for purchase of the property by the State of Louisiana. The Act of Sale as prepared by the Department is in all respects consistent with the legal requirements for the conveyance of ownership of real property in Louisiana.

The ownership of the property is identified from the information in the public records kept in the respective parish courthouse for the parish in which the land is located. When it is determined that the ownership of a property is different from that described in the official records, the Department's Real Estate Agent visits all interested parties, and gathers information to confirm correct and current ownership of the property.

PURCHASE OF IMPROVEMENTS

Based on design and construction features, the Department will construct new barbed wire or mesh and barbed wire fences along the new right of way line to replace existing barbed wire, or mesh and barbed wire fences. The Department will offer to

purchase ornamental fences such as wood fence, metal security fence, and electric fence, or by agreement with the property owner, replace same.

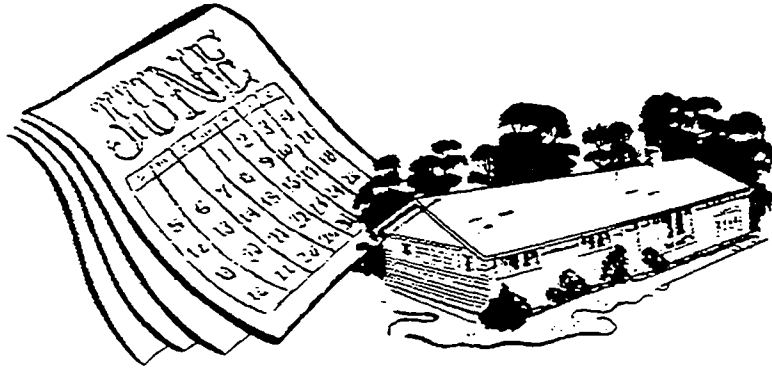
Approaches, driveways, and cattle guards will also be constructed to replace those destroyed during construction.

Structures such as barns, residences, outbuildings and foundations, and improvements such as roads, water wells, headlands, rice sluices and canals, levees and any other man-made facility are purchased or, if feasible, relocated or replaced outside the right of way by agreement with the property owner.

PAYMENT FOR DAMAGES

Just as the Department is obligated to pay the full cash value for all property purchased, it is also obligated to pay any damages to the property owner's remaining property. The question of damages to a remainder property is considered by the Department during the appraisal process. Remainders which have little or no utility or value to the owner are appraised and may be acquired by the Department.

PROPERTY OWNER'S NOTICE OF PROJECT



Probably the first direct notice of a proposed project to the property owner is the request by the Department for permission to make engineering surveys on his/her property.

Before a property owner is presented with the Department's offer to acquire his/her property, extensive engineering studies and surveys are made. When considered to be in the best interest of the public, open hearings are held and all interested parties invited. The public hearings are advertised in local newspapers.

After the property surveys are completed and the Right of Way map is drawn, property owners will receive a notice from the Real Estate Appraisers that they are ready to appraise the property. The notice will give the date of the inspection and will offer the owner the opportunity to accompany the appraisers during their inspection.

On certain projects where the valuation problem is uncomplicated and the land value is estimated at \$10,000.00 or less, the Department may utilize a Compensation Estimate of value. In that case property owners may not receive a notice from the Real Estate Appraisers.

The Appraiser will not negotiate or discuss values with the property owner, and in fact, is specifically prohibited from doing so.

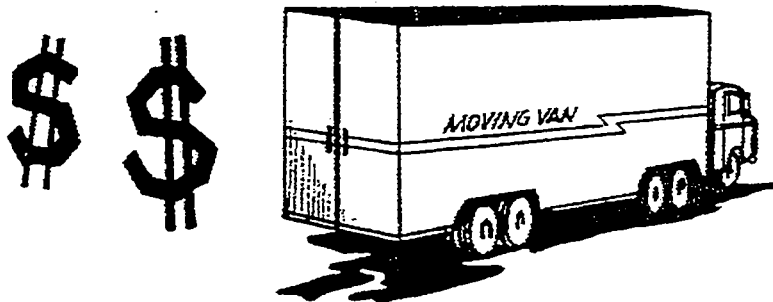
The completed appraisal is submitted to the Department for review. A separate appraisal is prepared for each parcel of land, and in some cases a second or third appraisal may be made.

Using the appraisal or appraisals as a guide, the Department estimates the amount due the property owner then prepares the offer for presentation.

The Department's Real Estate Agent, who is familiar with the project, arranges to meet with the property owner, presents the Offer of Just Compensation and explains in detail the Department's offer to purchase. The Relocation Assistance benefits to which the property owner may be entitled will be discussed at this time.

COST OF RELOCATION AND MOVING

The purpose of the Relocation Assistance Program is to provide the orderly, timely, and efficient relocation of persons and businesses within the required right of way and to supply information of services and payments that are available.



This assistance includes relocation services and payments for eligible costs incidental to relocation, as described in the portion of this brochure under the heading "Relocation Assistance". Relocation payments are in addition to the payment for land, damages, and improvements.

The Department has qualified Real Estate Representatives in nine District Offices throughout the State, as well as at the Headquarters Office Building in Baton Rouge who are available to discuss and provide relocation services and payments.

Each District Office has continuously updated lists of available replacement dwellings, lots, commercial locations, facilities and farms.

QUESTIONS AND ANSWERS

1. HOW MUCH TIME DO I HAVE TO CONSIDER THE OFFER BEFORE I MUST DECIDE TO SELL?

The Real Estate Agent who presents the Department's offer will explain the proposed construction schedule. Except in emergencies, and consistent with the construction schedule, a reasonable time will be allowed for study of the proposal before a definite answer must be given. The Real Estate Agent can set a definite time for a reply. Generally, three (3) weeks is considered sufficient time.

2. MAY I OBTAIN AND KEEP A DRAFT OF THE ACT OF SALE AND A COPY OF THE RIGHT OF WAY PLAN TO STUDY BEFORE I GIVE MY REPLY?

Yes.

3. WILL I HAVE TIME TO SELECT ANOTHER HOME AFTER THE DEPARTMENT BUYS MY PROPERTY?

The time necessary for vacating property, except in emergencies, is a major consideration for establishing the schedule of construction. Properties with improvements, including farms, are the first to receive notice of the intention to acquire the property.

At the time the Department's offer is presented, the Real Estate Agent will explain the construction schedule and advise when it is necessary for the Department to take possession of the property. Notice to vacate will include the 90-day notice and where circumstances permit, additional 30-day notices may be issued.

4. WILL I RECEIVE ASSISTANCE IN FINDING A NEW LOCATION?

Yes. The Department's Real Estate Agent will furnish all information available concerning available replacement housing. Please refer to the section "Relocation Assistance" for additional information.

5. WILL I BE PAID MOVING COSTS?

Actual moving costs can be approved. These payments are described in the Relocation Assistance Section of this brochure and allow costs of moving up to a distance of 50 miles.

6. HOW SOON WILL I BE PAID?

Payment for land, damages, and improvements is due when title to the property described in the Act of Sale is found to be free and clear of all debt.

7. CAN I RECEIVE ANY PART OF THE VALUE OF MY PROPERTY IF I DISAGREE WITH THE DEPARTMENT'S OFFER AND WISH TO GO TO COURT?

The total amount of the offer is deposited in court for the use and benefit of the property owner. The property owner must apply to the Clerk of Court in order to withdraw these funds.

8. WHAT HAPPENS IF I REFUSE TO ACCEPT THE DEPARTMENT'S OFFER?

As a matter of practice the Department makes every reasonable effort to reach an agreement with the property owner so that court action is unnecessary; however, honest differences of opinion are bound to occur occasionally. When it is not possible for the Department and the property owner to agree on a settlement, the Department places the matter before the court in a legal proceeding by which the Department exercises its constitutional right to acquire the property. This legal proceeding is known as expropriation.

- a. The Department will prepare and file a Petition of Expropriation prescribed by law in the District Court of the parish in which the required property is located. Additionally filed is a Certificate of Estimate of Just Compensation signed by those appraisers who determined the full extent of the property owner's loss, showing the**

capacity in which they acted and the date on which the certificate was signed.

- b. When the money for the property is deposited in court, the owner has the right to claim the deposit after the Clerk of Court issues a notice to the property owner that the property described in the petition has been expropriated. This notice is delivered by the Clerk to the proper Sheriff for service on each defendant owner named in the suit.**
- c. Under certain expropriation procedures, such as those for Highway purposes, the Department is entitled to enter upon and take possession of the property immediately after depositing the estimated value with the Clerk of Court unless occupied buildings are located wholly or partially upon the property described in the petition. Where occupied buildings are involved, the court postpones the right of the Department to enter upon the property for a period not to exceed thirty (30) days from the date on which the last of any defendants in the suit was served with notice.**
- d. Where the entire lot, block, or tract of land is acquired through the courts, the property owner must answer the Department's petition within 90 days. Where only a portion of a lot, block, or tract of land is acquired through the courts, the property owner has one (1) year after the Department has notified the owner, in writing, of the completion of the project.**
- e. Additional information regarding expropriation may be obtained from the Department's representative who contacts you.**

9. WHAT SHOULD I DO ABOUT MOVING IN CASE I DO NOT ACCEPT THE DEPARTMENT'S OFFER?

After suit is filed, the court will inform you by means of the Order of Expropriation of the date by which you must vacate.

10. WHAT ABOUT LIENS, MORTGAGES OR UNPAID TAXES ON MY PROPERTY?

It is the responsibility of the Property owner to clear any mortgages, judgments, liens or other encumbrances, which may be attached to the property.

In some cases, the Department will reimburse certain costs incurred by the property owner to clear these mortgages or liens.

11. CAN MY TENANTS OR I CONTINUE TO OCCUPY THE PROPERTY AFTER THE DEPARTMENT TAKES TITLE?

All occupants are given notice that the property must be vacated within ninety (90) days from the date that the letter of eligibility is delivered. Owner-occupants and tenants who wish to continue to occupy the property following acquisition shall be required to sign a rental agreement with the Department effective the first day of the second month following the acquisition. In the case of expropriation, such date shall be the first day of the second month following the date of deposit of Just Compensation in the Court.

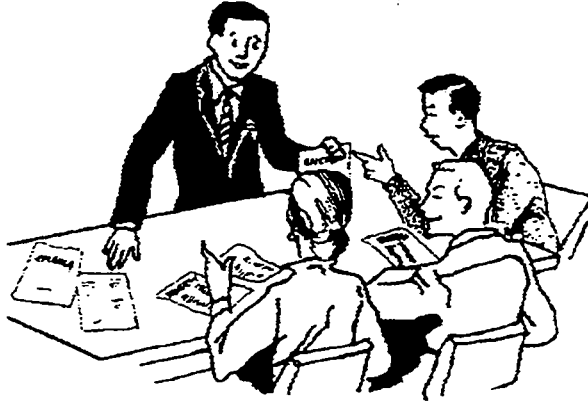
RELOCATION ASSISTANCE

The Relocation Assistance Program is administered under the provisions of Louisiana Rev. Statute 38:3101 - 3109, which allows compliance with Public Law 91 - 646, dated January 2, 1971, entitled "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970".

The purpose of the Relocation Assistance Program is to provide the orderly, timely, and efficient relocation of persons and businesses within the required right of way and to supply information about services and payments that are available through the Department or other agencies.

The payments and services discussed in this section are in addition to payments made by the Department for the purchase of private property for project purposes. These payments and services will be available and provided on all state and federal-aid projects without regard to race, color, religion, sex or national origin. More detailed information may be obtained from the Department's District Offices, the addresses of which are shown on later in this brochure.

RELOCATION NOTICES



It is the policy of the Department that to the greatest extent practicable no person lawfully occupying real property shall be required to move from his/her home, farm, business, or nonprofit organization location without at least 90 days written notice. Replacement housing that is decent, safe, and sanitary shall be made available within the general area of the project, within a reasonable time prior to the scheduled move.

Replacement housing must be within the occupant's financial means.

This replacement housing is FAIR and OPEN housing which means that it will be open to and will be offered to all persons regardless of race, color, religion, sex, or national origin.

*******NOTICE*******

IF YOU MOVE OR PURCHASE REPLACEMENT HOUSING BEFORE YOU HAVE BEEN AUTHORIZED TO DO SO BY ONE OF THE DEPARTMENT'S DISTRICT OFFICES, YOU COULD LOSE ALL POSSIBLE BENEFITS PROVIDED BY THE RELOCATION ASSISTANCE PROGRAM. THE ADDRESSES AND TELEPHONE NUMBERS OF THESE DISTRICT OFFICES ARE ELSEWHERE IN THIS BROCHURE.

*******NOTICE*******

EXPLANATION OF TERMS USED IN THE RELOCATION ASSISTANCE PROGRAM

- 1. PERSON:** The term "person" means (a) any individual, partnership, corporation or association which is the owner of a business; (b) any owner, tenant or sharecropper operating a farm; (c) an individual who is the head of a family; or (d) an individual not otherwise defined.

- 2. FAMILY:** The term "family" means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.

- 3. DISPLACED PERSON:** A displaced person is anyone required to move from real property or move his personal property from real property because of the acquisition of real property for project purposes. Said person must be in occupancy either at the initiation of negotiations or at the time a written notice was given of the intent of the Department to acquire the property. If the move occurs after a written order to vacate is issued, the occupant is eligible even though the property is not acquired.

- 4. DISPLACEE:** The term "displacee" means any person who meets the definition of a displaced person.

- 5. BUSINESS:** "Business" shall mean any lawful activity, excepting farm operation, conducted primarily (a) for the purchase, sale, lease and rental of personal or real property, and/or for the manufacture, processing, or marketing of products, commodities or any other personal property; (b) for the sale of services to the public; (c) by a nonprofit organization.

- 6. FARM OPERATION:** The term "farm operation" shall mean any activity conducted solely or primarily for the production of one or more agricultural products or commodities including timber, for sale or home use, and customarily producing such

products or commodities in sufficient quantity to be capable of contributing materially to the operator's support, as identified by the Department.

- 7. MADE AVAILABLE:** The term "made available" means that the displacee has either independently obtained and has the right of possession of replacement housing, or that the Department has offered the displacee safe, decent, and sanitary housing within his/her financial means which is available for purchase or rent.
- 8. OWNER OF DWELLING:** A person is considered to have met the requirement to own a dwelling if the person purchases or holds any of the following interests in the property: (1) fee title, a life estate, a land contract, a 99-year lease, or a lease including any options for extension with at least 50 years to run from the date of acquisition; or (2) an interest in a cooperative housing project which includes the right to occupy a dwelling; or (3) a contract to purchase any of the interests or estates described in (1) and (2) above; or (4) any other interest, including a partial interest, which in the judgment of the Department warrants consideration as ownership.
- 9. INITIATION OF NEGOTIATIONS:** The term "initiation of negotiations" for a parcel means the delivery of the initial written offer of just compensation by the Department to the owner or his/her representative to purchase the real property for the project. However, if the Department issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the "initiation of negotiations" means the actual move of the person from the property.
- 10. COMPARABLE REPLACEMENT DWELLING:** A "comparable replacement dwelling" is a dwelling which is:
 - a. compact.
 - b. decent, safe, and sanitary;
 - c. functionally equivalent to the displacement dwelling with particular attention to the number of rooms and living space.

- d. Functionally equivalent means that it must perform the same function, provide the same utility, and be capable of contributing to a comparable style of living as the displacement dwelling.**
- e. adequate in size to accommodate the occupants;**
- f. in an area that is not subject to unreasonable adverse environmental conditions, is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment;**
- g. on a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools, and greenhouses;**
- h. currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance;**
- i. within the financial means of the displaced person;**
 - i. a replacement dwelling purchased by a homeowner in occupancy for at least 180 days prior to initiation of negotiations (180-day homeowner) is considered to be within the homeowner's financial means if the homeowner is paid the full differential, all increased mortgage interest costs, and all incidental expenses.**
 - ii. a replacement dwelling rented by a displaced 90-Day Occupant (Owner of between 90 and 180 days or Tenant of at least 90 Days) is considered to be within his or her financial means if after receiving rental assistance under this part, the person's monthly rent and utility costs for the displacement dwelling do not exceed the person's base monthly rental for the**

displacement site. The base monthly rental for the displacement site is the lesser of:

- 1. the average monthly cost for rent and utilities at the displacement dwelling, as determined by the Department; or**
- 2. thirty (30) percent of the person's average gross household income. (If the person refuses to provide appropriate evidence of income or is a dependent, the base monthly rental shall be established by the criteria in 1. above.)**

iii. For a displaced person who is not eligible to receive a replacement housing payment because of the person's failure to meet length-of-occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if the Department pays that portion of the monthly housing costs of a comparable dwelling which exceeds thirty (30) percent of such person's gross monthly household income, for a period of 42 months.

iv. To the extent feasible, comparable replacement dwellings shall be selected from the neighborhood in which the displacement dwelling is located or if that is not possible, in nearby or similar neighborhoods where housing costs are generally the same or higher.

11. MORTGAGE: "Mortgage" shall mean such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State of Louisiana, together with the credit instrument, if any, secured thereby.

12. DWELLING: The term "dwelling" means any single family house, a single family unit in a multi-family building, a unit of a condominium or cooperative housing project, a mobile home, or

any other residential unit being the place of permanent or customary and usual abode.

- 13. NONPROFIT ORGANIZATION:** Any organization that is incorporated under the applicable laws of the state as a nonprofit organization and is exempt from paying Federal Income Taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501).
- 14. DECENT, SAFE, AND SANITARY STANDARDS:** All replacement housing considered and/or utilized in connection with the Relocation Assistance Program must be decent, safe, and sanitary. A decent, safe, and sanitary dwelling unit is one which conforms to all applicable provisions for existing structures that have been established under local codes, ordinances or regulations in the area of the given dwelling unit. If such codes, ordinances or regulations do not exist in the given area or are less restrictive than the standards set forth below, the following minimum standards shall apply:

MINIMUM STANDARDS:

Decent, safe, and sanitary dwelling. The term "decent, safe, and sanitary dwelling" means a dwelling which meets applicable housing and occupancy codes. However, if any of the following standards are not met by an applicable code, such following standards shall apply, unless waived for good cause by the Federal agency funding the project. The dwelling shall:

- a. Be structurally sound, weathertight, and in good repair.**
- b. Contain a safe electrical wiring system adequate for lighting and other electrical devices.**
- c. Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system.**
- d. A space heating unit is acceptable provided that it conforms with the manufacturer's specifications and at a minimum has:**

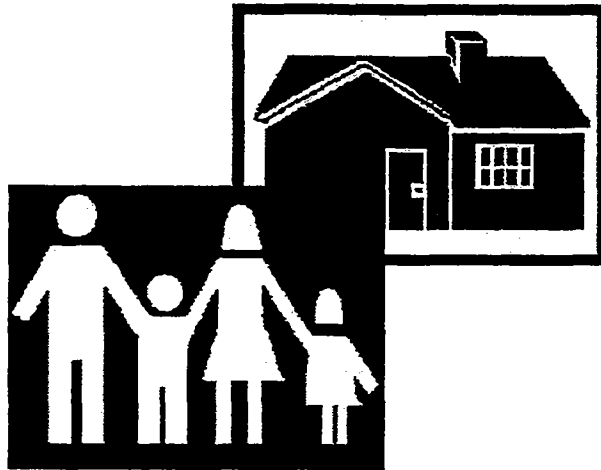
- **A fully enclosed burner preventing anyone from touching the flame.**
 - **An automatic oxygen depletion cut-off valve.**
 - **An automatic gas interruption cut-off valve.**
 - **A self-contained electronic spark lighter.**
 - **Venting to the outside, unless the unit is designed to be unvented.**
 - **Approval by the Underwriters Laboratories (UL) or the American Gas Association (AGA).**
- e. Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person(s). There shall be a separate well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.**
- f. Contains unobstructed egress to safe open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.**
- g. For a handicapped displacee, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by a displaced person who is handicapped.**

15. AVERAGE ANNUAL NET EARNINGS: The term "average annual net earnings" means one-half (1/2) of any net earnings of the business before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which the business is relocated. "Average annual net

earnings" include any compensation paid by the business to the owner, his/her spouse, or his/her dependents during the two-year period. Such earnings and compensations may be established by Federal Income Tax Returns filed by the business and its owner, his/her spouse and his/her dependents during the two-year period. In the case of a corporate owner of a business, earnings shall include compensation paid to the spouse or dependents of majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife, and their dependent children shall be treated as one unit.

- 16. NOTICE OF INTENT TO ACQUIRE OR NOTICE OF ELIGIBILITY FOR RELOCATION BENEFITS: Written notice furnished a person to be displaced that establishes eligibility for relocation benefits prior to the initiation of negotiations and/or prior to the commitment of Federal financial assistance.**
- 17. SMALL BUSINESS: A small business is a business having no more than 500 employees working at the displacement site.**

RELOCATION ADVISORY ASSISTANCE



A Relocation Assistance Office will be designated and a representative of the Department will be assigned for each project.

Through this office and representative, the Department will provide assistance to displacees.

This assistance consists of locating decent, safe and sanitary replacement housing for residential displacees which is within the financial means of the dislocated individual or family. Assistance as used here also includes help in securing loans, public housing accommodations, moving bids, etc. Assistance will also be given to businesses, farming operations and nonprofit organizations in finding and relocating into replacement quarters.

The two types of payments for which relocatees may be eligible are: (1) moving costs, and (2) replacement housing. Housing costs may also include incidental payments in buying replacement property and increased interest costs. Details about these payments and the eligibility requirements for each are outlined in this brochure.

Each District Relocation Assistance Office will maintain and provide current and continuously updated lists of replacement dwellings, lots, commercial locations and facilities, and farms. These lists shall include available information about the price, size and condition of properties on the market. Current data about costs such as security deposits for utilities, damages,

and leases; closing costs; typical down payments; and interest rates and terms shall also be available. Maps showing the location of schools, parks, playgrounds, shopping and public transportation routes in the area; schedules and costs of public transportation; and other information about replacement housing will also be provided if available. The Department will maintain contact and exchange information with other agencies rendering services useful to displaced persons, businesses, farms and nonprofit organizations. A representative of this office will assist you at every stage of your move and will remain in continual personal contact until your relocation has been successfully completed.

A displacee should plan his/her move with the Department's Real Estate Representative so as to avoid taking any action which might disqualify him for assistance or payment. At least one or more representatives whose primary responsibility will be to provide such assistance will be assigned to each project.

QUESTIONS FREQUENTLY ASKED ABOUT RELOCATION ADVISORY SERVICES

1. WHO IS ELIGIBLE TO RECEIVE RELOCATION ADVISORY SERVICES?

Relocation Assistance Advisory Services shall be offered to:

- **All persons occupying property to be acquired.**
- **All persons occupying property adjacent to the real property acquired when the Department determines that such persons are caused substantial economic injury because of the acquisition.**
- **All persons who, because of the acquisition of real property used for a business or farm operation, move from other real property used for a dwelling or move their personal property from such other real property.**

2. AS A "DISPLACED PERSON", WHAT RELOCATION ASSISTANCE ADVISORY SERVICES WILL BE OFFERED ME?

The Department's Real Estate Representative assigned to the project will:

- **give you a Real Estate Brochure;**
- **determine your need, if any, for relocation assistance;**
- **discuss and explain the services available, relocation payments and the eligibility requirements, and assist you in completing any applications or other forms required;**
- **provide current information on the availability, prices, and rentals of comparable, decent, safe, and sanitary housing, and of comparable commercial properties and locations for displaced businesses;**
- **assist you, if your business or farm is displaced, in obtaining and becoming established in a suitable replacement location;**
- **supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State**

- **programs offering assistance to displaced persons;**
- **provide other advisory services in order to minimize hardships in adjusting to a new location.**

3. AS A RESIDENTIAL "DISPLACED PERSON", WHAT WRITTEN NOTICES WILL I RECEIVE?

Depending on your ownership and occupancy status, you will receive the following in writing:

- a. Owner-occupants of more than 180 days.**
 - i. At the initiation of negotiations for your property, you shall be furnished: A Real Estate Brochure which gives an explanation of the eligibility requirements to receive payments for replacement housing, increased interest cost, incidental expenses, and of your option to rent replacement housing. The brochure will also contain adequate explanation of relocation services available and where they may be obtained.**
 - ii. The amount of the replacement housing payment, and the pertinent eligibility requirements. The replacement housing payment offer will normally be made to you at the initiation of negotiations, but may be made when you are actively searching for replacement housing or as soon as possible after you request the amount of the offer.**
 - iii. A 90-day written notice to vacate is incorporated into the written notice of eligibility, which specifies the earliest date by which the property shall have to be vacated. If that date is fewer than 30 days from the date the Department acquires the property, you shall be issued an additional notice which specifies the new vacate date, which shall be 30 days from the acquisition date.**
- b. Owner-occupants of less than 180 days but not less than 90 days.**

disconnecting, crating, loading, insuring, temporary storage (not to exceed 12 months), transporting, unloading, reconnection, and necessary temporary lodging and transportation of eligible persons. Moving expenses do not include any additions, improvements, alterations or other physical changes in or to any structure in connection with moving personal property.

You are cautioned to not move from the property you now occupy without first contacting the Department's District Office to determine your eligibility.

RESIDENTIAL MOVING PAYMENTS

A displaced individual or family who moves is entitled to receive a payment for moving his personal property by A. actual reasonable expense or B. fixed rate schedule.

A. ACTUAL REASONABLE EXPENSE METHOD

Any residential displaced person is entitled to payment of his actual reasonable moving and related expenses, as determined by the Department. An actual cost move may be performed either by a commercial mover or it may be a self-move.

Eligible actual expenses may include:

- Transportation of personal property up to 50 miles. Reimbursement for travel in excess of 50 miles may be eligible if deemed necessary by the Department.**
- Packing, crating, unpacking and uncrating of personal property.**
- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances, and other personal property.**

The following costs may also be eligible:

- Cost of transportation of individuals and families to the new location. Such costs may be on a mileage basis, not to exceed 20 cents per mile, or reasonable actual fees if commercial transportation is used, and may include**

special services, such as charges for an ambulance to transport invalid displacees. The actual reasonable costs of meals and lodging, when the Department determines that such costs are required because of practical necessities or unforeseen circumstances.

- **Storage of personal property when PRIOR AUTHORIZATION is obtained. Payment for storage on the property acquired or on other property owned by the displacee is not allowed. The amount paid for storage shall not exceed twelve (12) months. Insurance premiums to cover loss and damage of personal property while in storage or in transit.**

Before an actual cost move, the Department's agent must make an inventory of all property to be moved. Following the move, copies of receipted bills must be presented before payment will be made.

Reimbursement under the actual cost option is limited only to costs actually incurred that are necessary and reasonable for the move.

Commercial Moves

If the displacee wishes to move commercially, the Department's Agent will obtain two bids from commercial moving companies. The lower of the two bids shall establish the moving expense.

The Department may contract with independent movers on a schedule basis and furnish the displaced person with a list of movers from which to choose. In such instances the Department will pay the mover directly.

Mobile Homes

Reimbursement for moving mobile homes will be made on an actual cost basis. In addition to the payment for eligible actual costs, an owner-occupant of a mobile home is also eligible to receive payment for securing and packing personal property on the basis of \$40 for the first room and \$15 for each additional room.

B. FIXED RATE SCHEDULE METHOD

Instead of an actual cost move, a displacee may choose a moving expense payment based on the Moving Expense Schedule.

The Schedule payment is based on the number of rooms in the acquired dwelling. By using this method, the displacee may move by any means available to him with no accounting of expenses incurred.

Displacees From One-Room Dormitory Units

The payment to a person sharing a one-room dormitory unit with two or more persons is limited to \$50.00.

LOUISIANA RESIDENTIAL EXPENSE & DISLOCATION ALLOWANCE SCHEDULE								
A. UNFURNISHED UNITS (Furniture Owned by Occupant)								
Number of Rooms								
1	2	3	4	5	6	7	8	Each Extra
\$250	\$350	\$450	\$550	\$625	\$700	\$775	\$850	\$75
B. FURNISHED UNITS (Furniture Not Owned by Occupant)								
First Room		Each Additional Room						
\$200		\$25						
EXCEPTIONS:								
1. Move of Mobile Home: Actual costs, plus a payment for packing and securing personal property, on the basis for \$25 ^{\$40} for the first room and \$10 for each additional room.								
2. The occupant of a dormitory-style room shared by two or more other unrelated persons is limited to a moving payment of \$50.								

BUSINESS MOVING PAYMENTS

The owner of a displaced business is entitled to reimbursement for moving expenses by actual reasonable expense or in lieu payment.

A. ACTUAL REASONABLE EXPENSE METHOD

Any business or farm operation which qualifies as displaced is entitled to payment for such actual moving and related expenses as the Department determines to be reasonable and necessary.

There are four basic kinds of actual expense moves: commercial move, self-move based on the lower of two bids, self-move based on actual costs, and self-move based on an estimate (finding).

1. Commercial Move:

If the business owner wishes to move commercially, the Agent will obtain two acceptable bids or estimates from moving companies. The lower of the two bids will set the amount of the payment. Following a commercial move, the business owner must supply copies of receipted bills from the mover, as well as an inventory of the items moved.

2. Self-Move Based On The Lower Of Two Bids:

If the business owner wishes to move himself, the amount of the payment may be established as the lower of two acceptable bids or estimates from qualified moving firms and/or specialists. Following the move, the owner must supply a list of items actually moved.

3. Self-Move Based On Actual Costs:

If the business owner wishes to move himself, he may be paid the actual reasonable expenses of moving the business, supported by receipted bills or other evidence of costs incurred. The Department's Agent will advise you about what expenses are eligible under this option.

4. Self-Move Based On Estimate (Finding):

Estimates or "findings" for low-cost (less than \$5,000), uncomplicated self-moves may be prepared by Department Agent(s) familiar with moving costs in the area. The owner must submit an inventory of movables in advance, and following the move must submit a list of the items actually moved.

B. ACTUAL REASONABLE EXPENSES IN SEARCHING FOR A REPLACEMENT BUSINESS

In addition, the owner of a displaced business can be reimbursed up to \$1,000.00 for actual reasonable expenses incurred in searching for a replacement site. Such expenses may include transportation expenses, meals, lodging away from home, and reasonable value of time actually spent in search, including the fees of real estate agents or real estate brokers, but excluding real estate commissions. All expenses claimed must be supported. Mileage and time must be documented by a log showing dates, purposes of trips, hours and mileage. Payment for the time actually spent in search shall be based on a reasonable hourly wage rate for the person conducting the search. A certified statement of the time spent in search and hourly wage rate shall accompany the claim. All other claims must be supported by receipts.

C. ACTUAL DIRECT LOSS OF TANGIBLE PERSONAL PROPERTY

Occasionally, the owner of a business may find that it is better to sell or otherwise dispose of obsolete equipment rather than to move it. The payment for the disposed equipment will be the lower of: (a) the fair market value for continued use of the equipment minus the proceeds of its sale, or (b) the cost of moving the equipment. The business owner will also be reimbursed the costs of advertising the sale of the item. The owner must make a good faith effort to sell the equipment unless the Department determines that it is unsellable.

D. PURCHASE OF SUBSTITUTE PERSONAL PROPERTY

This item is similar to the actual direct loss provision, except that the item of personal property is not moved but instead is

promptly replaced with a substitute item that performs a comparable function at the replacement site. The payment for the replaced item shall be the lesser of: (a) the cost of the substitute item (or a comparable item if the substitute represents a significant upgrade) plus installation costs, minus the proceeds from the sales or trade-in of the replaced item; or (b) the cost of moving the item.

E. REESTABLISHMENT EXPENSES

A small business, farm or nonprofit organization may also be eligible for a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing itself.

Eligible Expenses

Eligible expenses, as determined by the Department, include but are not limited to the following:

- repairs or improvements to the replacement property as required by the Federal, State or local law, ordinance or code; modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business; construction and installation costs for exterior signing to advertise the business; provision of utilities from right-of-way to improvements on the replacement site; redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting; licenses, fees and permits when not paid as part of moving expenses; feasibility surveys, soil testing and marketing studies; advertisement of replacement location;**
- professional services in connection with the purchase or lease of a replacement site; estimated increased costs of operation during the first two years at the replacement site for such items as lease or rental charges, personal or real property taxes, insurance premiums and utility charges (excluding impact fees); impact fees or one-time assessments for anticipated heavy utility usage; and**

other items that the Department considers essential to the reestablishment of the business.

Ineligible Expenses

Items not eligible as reestablishment expenses include but are not limited to the following: purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures; purchase of manufacturing materials, production supplies, product inventory production supplies, product inventory or other items used in the normal course of the business operation; interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as described in the list of eligible expenses; interest on money borrowed to make the move or purchase the replacement property.

Businesses Excluded from Receiving Reestablishment Expenses

A part-time business in the home which does not contribute materially to the household income is excluded from receiving reestablishment expenses.

F. IN LIEU OF ACTUAL MOVING EXPENSES PAYMENT METHOD

In lieu of the moving cost payments described in (A), (B), (C), (D) and (E) above, an owner of a discontinued or relocated business may be eligible for a payment equal to its average annual net earnings. This payment cannot be less than \$1,000 or more than \$20,000, and can only be made if the following requirements are met as determined by the Department:

- 1. The business owns or rents personal property that must be moved in connection with such displacement and for which an expense would be incurred in such move; and the business vacates or relocates from its displacement site.**
- 2. The business cannot be relocated without substantial loss of its existing patronage; and the business is not part of a commercial enterprise having more than three other entities which are not being acquired by the**

Department, and which are under the same ownership and engaged in the same or similar business activities.

- 3. The business is not operated at a displacement dwelling/site solely for the purpose of renting such dwelling or site to others.**
- 4. The business contributed materially to the income of the displaced person during the 2 taxable years prior to displacement.**

G. FARM MOVING PAYMENTS

The owner of a displaced farm operation is eligible for moving costs as outlined for a business as follows:

**ACTUAL REASONABLE EXPENSE METHOD
(Same as for Business)**

**ACTUAL REASONABLE SEARCHING AND
REESTABLISHMENT EXPENSES
(Same as for Business)**

**ACTUAL DIRECT LOSS OF TANGIBLE PERSONAL PROPERTY
(Same as for Business)**

IN LIEU OF ACTUAL MOVING EXPENSE

This move is the same as for business except that the farm must be either discontinued or relocated in its entirety from the present location, and in the case of a partial taking, the Department determines that:

The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or the partial acquisition caused a substantial change in the nature of the farm operation.

H. NONPROFIT ORGANIZATION MOVING PAYMENTS

This is computed in the same way as the business moving payment, except that when qualified for the in lieu of payment, the amount of the payment is the average of 2 years annual gross revenues less administrative expenses.

QUESTIONS FREQUENTLY ASKED ABOUT MOVING EXPENSE PAYMENTS

1. IS THERE A TIME LIMIT ON FILING A CLAIM FOR MOVING EXPENSES?

There is a time limit of 18 months after you move within which you must file a claim for moving expense payments. However, you should file your claim as soon as possible after you have moved.

2. HOW SOON WILL I RECEIVE PAYMENT?

As soon as your fully executed claim is received by the Department, it will be processed and a check will be issued to you, normally within thirty (30) days.

3. IS THERE A MOVING COST LIMIT ON DISTANCE MOVED?

The Department will participate only in the cost of moving up to fifty (50) miles. Exceptions may be made for business concerns or farms when it is determined that relocation cannot be accomplished within the 50-mile area, but such exceptions will be allowed only to the nearest adequate and available site.

4. IN A HARDSHIP CASE, CAN I BE PAID FOR MY MOVE IN ADVANCE?

Yes, in hardship cases arrangements may be made to pay you for moving expenses in advance.

5. WHAT ABOUT THE COST OF MOVING MY DWELLING?

When you retain your dwelling through the owner retention process the cost of moving it onto remainder or replacement land is part of your replacement housing payment instead of your moving expense payment. However, you may be eligible for a payment for moving any items that must be removed from the dwelling for the move.

Such payment may be made on an actual cost or schedule basis. In order to be eligible for a schedule move, the rooms must be substantially emptied of their contents. The displaced may also be eligible for temporary storage costs of personal property while the dwelling is being moved, with prior approval.

6. AS AN OWNER-OCCUPANT OF A MULTI-FAMILY DWELLING, HOW WILL I BE PAID?

For the unit of the multi-family dwelling that you occupy, you will be treated as outlined in this brochure under "Residential Moving Payments". In addition, you will be eligible to receive a moving expense payment for those units of the multi-family dwelling you do not occupy, as provided under "Business Moving Payments". Average annual net earnings may be based on a different period of time when the Department determines it to be more equitable.

7. WHAT ABOUT IN LIEU PAYMENT FOR A BUSINESS OR FARM OPERATION LESS THAN TWO YEARS OLD?

If the business or farm operation can show that it was in business, had income during such period, and is otherwise eligible, the owner may be eligible to receive the In Lieu payment. Where your business or farm was not in operation during the entire two (2) preceding taxable years, your payment will be computed by dividing your net earnings by the number of months your business or farm operation was operated and multiplying by twelve (12). This figure is the amount of the In Lieu payment, within the \$1,000 - \$20,000 limits. A taxable year is defined as any 12-month period used by the business or farm operation in filing income tax returns.

8. MAY I BE REIMBURSED IF I HAVE TO HIRE AN ELECTRICIAN OR PLUMBER TO REMOVE AND REINSTALL SOME OF MY PERSONAL PROPERTY?

If the move is on an actual cost basis, the expenses for removal, reinstallation and reestablishment of machinery, equipment, appliances, and other items which are not acquired, including reconnections of such items to utilities,

which do not constitute an improvement to the replacement site, are eligible for reimbursement. Such costs are not applicable to items classified by the Department as real property and retained by the owner through the owner retention process. Prior to payment of any expenses for removal and reinstallation of such property, the owner and the Department shall agree in writing that the property is personal and that the Department is released from any payment for the property as realty.

9. WHAT ABOUT THE NONOCCUPANT OWNER OF A MOBILE HOME?

The non-occupant owner of a mobile home or house trailer which is considered to be personal property is entitled to receive a payment for actual reasonable expenses of moving the mobile home or house trailer, including the cost of detaching and reattaching fixtures and appliances when necessary.

10. MAY I BE REIMBURSED FOR MORE THAN ONE MOVE?

The Department will only participate in one move of a displaced person. However, if you move on an actual cost basis and storage charges are approved, you can be paid to move your personal property into storage, and then to move it to your replacement site.

11. WHAT ABOUT MOVING EXPENSE PAYMENTS WHERE A BUILDING IS USED FOR BOTH A RESIDENCE AND BUSINESS?

Where displaced individuals or families occupy living quarters on the same premises as a displaced business, farm or nonprofit organization, such individuals or families are separate displaced persons for the purpose of determining entitlement to relocation payments.

12. ARE THERE SOME MOVING EXPENSES AND LOSSES FOR WHICH A DISPLACEE IS NOT ELIGIBLE FOR REIMBURSEMENT?

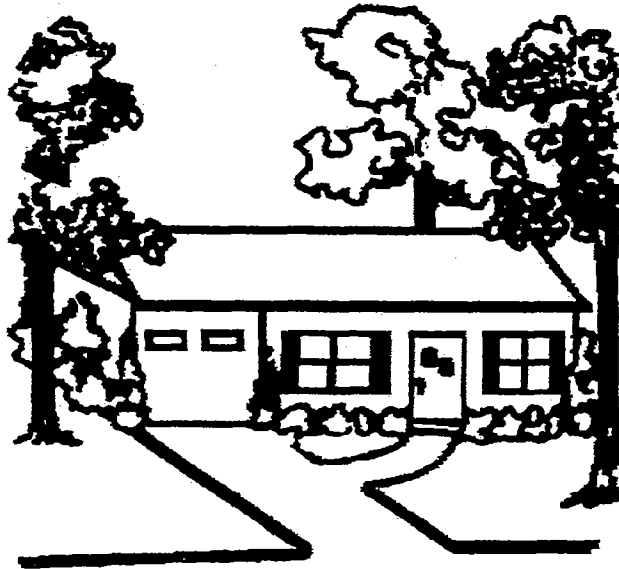
The following expenses are not eligible for reimbursement as "actual moving expenses":

- **additional expenses incurred because of living in a new location.**
- **cost of moving structures, improvements or other real property in which the displaced person reserved ownership.**
- **improvements to a residential replacement site.**
- **for a business,**
 - **loss of good will.**
 - **loss of business and/or profits.**
 - **loss of trained employees.**
 - **personal injury.**
 - **cost of preparing the application for moving and related expenses.**

13. MAY I BE REIMBURSED FOR MOVING MY PERSONAL PROPERTY FROM THE PROPOSED RIGHT OF WAY TO MY REMAINING LAND?

Yes, the Department will reimburse a displacee forced to move personal property onto remaining or other lands owned by the displacee or his landlord. In some instances modifications to the personal property necessary to adapt it to the replacement structure may be reimbursable.

REPLACEMENT HOUSING PAYMENTS



In addition to payment for the purchase of real property, the Department may pay the occupant of an acquired dwelling a replacement housing payment to purchase or rent a comparable, decent, safe and sanitary replacement dwelling.

SUPPLEMENT TO OWNER-OCCUPANTS

A. Owner-Occupants of 180 Days or More Who Purchase.

1. An owner-occupant is eligible for replacement housing, increased interest costs, and incidental expense payments when he/she meets the definition of a "displaced person" and has owned and occupied his/her dwelling for at least 180 consecutive days prior to the initiation of negotiations. These payments, not to exceed \$22,500, are for the additional costs necessary to purchase replacement housing, to compensate for the loss of favorable financing, and to reimburse the owner-occupant for incidental expenses incurred in the purchase of replacement housing. The replacement dwelling must be decent, safe and sanitary and must be purchased within a specified time. (See questions and answers at the end of this section.)
2. The increased interest payment is provided to compensate a displaced owner-occupant for the increased interest he/she is required to pay for financing

a replacement dwelling. To be eligible for the interest payment, the acquired dwelling must have been encumbered by a valid lien for at least 180 consecutive days prior to the initiation of negotiations. In addition, the owner must have been required to cancel his/her old mortgage, and secure a new mortgage on his replacement dwelling at a higher rate of interest. Added to the increased interest payment may be the amount actually paid as points on the amount of the original mortgage balance refinanced and any origination or service fees on the refinanced balance, if such fees are normal to real estate transactions in the area. (Note: You will be required to furnish the Department's agents with copies of all papers pertaining to the old loan as well as the new loan for computing these payments.)

- 3. The incidental expenses payment is the reimbursement for actual incidental expenses incurred in the purchase of the replacement dwelling. Items that can be allowed are legal, closing and related costs, appraisal fee, credit report, surveys, plat preparation fee, title insurance, recordation fee, and notary fee. No fee is reimbursable which is a part of a finance or debt service charge or any prepaid expenses.**
- 4. If any owner-occupant decides to retain, move, and occupy his/her dwelling, the actual cost for replacement housing is the cost of a replacement homesite, the cost of retaining and moving the dwelling plus the cost of making it decent, safe, and sanitary. The amount of the payment will be as described under (1) above.**

B. Owner-Occupants of 180 Days or More Who Rent

An owner-occupant who elects to rent rather than purchase may be eligible for a rental supplement payment not to exceed \$5,250, with the following limitations:

- 1. the payment will be paid in accordance with 2. Supplement to Tenant Occupants A, (1).**
- 2. economic rent plus average utilities on the acquired dwelling will be used to figure the rent supplement payment.**

3. if an owner changes his/her mind within one year and purchases, the combined payments will not exceed the amount determined under A.1. above.

C. Owner-Occupants of at Least Ninety (90) Days, but Less Than 180 Days Who Purchase

The displaced 90-Day Owner-Occupant may receive a payment for use as a down payment to purchase a replacement dwelling, not to exceed \$5,250. A down payment will be based on conventional financing, including incidental expenses, including the amount the purchaser is required to pay as points and/or an origination or loan service fee, if such charges are normal to real estate transactions in the area.

The following conditions are applicable to the down payment procedure under this section.

1. The full amount of the down payment must be applied to the purchase and/or closing costs of a replacement dwelling. These amounts must be shown in the closing statement and a copy must be given to the Department.
2. The down payment supplement to a 90-day homeowner shall not exceed the amount the owner would receive as a purchase supplement if he/she met the 180-day owner requirement, described in A. 1.
3. If the displaced owner previously received a rental payment as set forth in D below, the rental payment will be deducted from the down payment and the combined payments shall not exceed \$5,250. Status of the relocation must have changed from renter to purchaser within one year of original move.

D. Owner-Occupants of at Least Ninety (90) Days, but Less Than 180 Days Who Rent

A displaced 90-Day Owner-Occupant who elects to rent a replacement dwelling may be eligible for a rent supplement. The payment will be computed and disbursed as described in

(2)., Supplement to Tenant Occupants, A, (1), except that economic rent plus average utilities will be used in computing the payment.

SUPPLEMENT TO TENANT OCCUPANTS

A. Tenant-Occupants for at Least Ninety (90) Days Who Rent

A displaced 90-Day Tenant may be eligible to receive a rent supplement not to exceed \$5,250 when: he/she is eligible as a "displaced person", has been in occupancy for at least ninety (90) consecutive days prior to the initiation of negotiations, the property is subsequently acquired by the Department, and he/she rents and occupies a decent, safe, and sanitary dwelling within the one year specified.

1. The payment will be computed by subtracting the *base monthly rental** of the displacement dwelling from the lesser of (a) the monthly rent and estimated average monthly cost of utilities for a comparable dwelling, or (b) the monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary dwelling actually occupied by the displaced person, and multiplying the difference by 42.

2. The rental supplement payment will be paid in lump sum.

❖ The *base monthly rental* of the displaced dwelling is the lesser of (a) the average monthly cost for rent and utilities at the displacement dwelling for six (6) months prior to displacement, or (b) thirty (30) percent of the person's average gross household income. If the person refuses to provide appropriate evidence of income or is a dependent, the base monthly rental shall be computed using the criteria in (a).

B. Tenant-Occupants for at Least Ninety (90) Days Who Purchase

A displaced tenant who elects to become a homeowner may be eligible for a down payment supplement. The payment, not

to exceed \$5,250, must be applied as a down payment on a decent, safe, and sanitary comparable dwelling. The payment will be computed the same as in 1., C. Owner-Occupants of at Least Ninety (90) Days but Less Than 180 Days Who Purchase.

C. Occupants of Less Than Ninety (90) Days (Short-Term Occupants)

A short-term occupant is eligible to receive a rental supplement if the rent of the decent, safe and sanitary replacement dwelling actually occupied (or the comparable replacement dwelling, if less) exceeds thirty (30) percent of the person's gross monthly household income. The supplement will be computed as the amount of the monthly rent and estimated utilities in excess of 30 percent of the gross monthly household income multiplied by 42.

D. Tenant-Occupant of a Sleeping Room for at Least Ninety (90) Days

A displaced tenant of a sleeping room is eligible for a rental or down payment supplement as outlined in A. 1. and 2.. The rental supplement will be computed on a comparable sleeping room.

MOBILE HOMES

The provisions of replacement housing payments are generally applicable to occupants of mobile homes. However, the basis for the payment is affected by who owns or rents the site upon which the mobile home rests and who owns the mobile home. In some instances, the type of replacement dwelling obtained is a factor in determining the payment. The Department's District Real Estate Representative will provide mobile home displacees with full details about the payments applicable in their particular situation.

A SPECIAL WORD OF CAUTION: BEFORE MOVING OR PURCHASING REPLACEMENT HOUSING, CONTACT THE DEPARTMENT TO ASSURE YOUR ELIGIBILITY AND THE PROMPT PAYMENT OF YOUR RELOCATION BENEFITS. IF YOU MOVE WITHOUT PRIOR NOTIFICATION TO THE DEPARTMENT, YOU RISK LOSING ALL POSSIBLE BENEFITS PROVIDED BY THE RELOCATION ASSISTANCE PROGRAM.

RELOCATION BENEFITS ARE TAX FREE



No payment received as described herein shall be considered as income for the purpose of the State Income Tax or the Internal Revenue Code of 1954, which has been redesignated the Internal Revenue Code of 1986, or for the purpose of determining the eligibility or the extent of eligibility of any person for any public assistance or assistance under the Social Security Act or any other Federal Law.

QUESTIONS FREQUENTLY ASKED ABOUT REPLACEMENT HOUSING PAYMENTS

1. IF I OWN MY HOME NOW, CAN I ELECT TO RENT REPLACEMENT HOUSING?

Yes.

2. IS THERE ANY TIME LIMIT ON MY RELOCATION OFFER?

The displaced owner is eligible for the appropriate payments when he/she relocates and occupies a decent, safe, and sanitary dwelling within a one-year period beginning on the latter of the following dates:

- A. the date on which the owner received from the Department final payment for all costs of the acquired dwelling in negotiated settlements; or in the case of condemnation, the date on which the Department deposits the required amount in court for the benefit of the owner.**
- B. the date on which he/she is required to move by the Department's written notice to vacate, or the date on which he/she moves, if earlier than the date on which he/she is required to move.**

A displaced person who has entered into a contract for the construction or rehabilitation of a replacement dwelling, and for reasons beyond his reasonable control, cannot occupy the replacement dwelling within the time period shown above shall be considered to have purchased and occupied the dwelling as of the date of such contract. The replacement housing payments under these conditions will be deferred until actual occupancy is accomplished.

3. HOW DOES THE DEPARTMENT DETERMINE IF MY HOUSE IS DECENT, SAFE, AND SANITARY?

Before making payment to the displacee, the Department must inspect the replacement dwelling and determine that it meets

the standards for decent, safe, and sanitary housing. The Department may utilize the services of any public agency ordinarily engaged in housing inspection to make the inspection.

Such determination by the Department that a dwelling meets the standards for decent, safe, and sanitary housing is made solely for the purpose of determining the eligibility of relocated individuals and families for payments and is not a representation for any other purpose.

4. MAY I BORROW MONEY ON MY REPLACEMENT HOUSING PAYMENT OFFER?

The Department, after inspecting the proposed dwelling and finding that it meets the standards set forth for decent, safe, and sanitary dwellings, shall upon the qualified displacee's request, state to any interested party, financial institution or lending agency, that the displacee will be eligible for the payment of a specified sum provided he/she purchases and occupies the inspected dwelling within the time limits specified.

5. WHAT IF THE DEPARTMENT TAKES MY RESIDENCE AND ONLY A PORTION OF MY LOT?

Where a dwelling is located on a tract normal for residential use in the area, the maximum replacement housing payment shall be determined by subtracting the Department's acquisition price of the property from the estimated selling price of a comparable dwelling on a lot typical for the area. Where a dwelling is located on a tract larger in size than typical for residential use in the area, the maximum replacement housing payment is the probable selling price of a comparable dwelling upon a tract typical in size for residential use in the area, less the Department's acquisition price of the acquired dwelling and less the acquisition price of that portion of the acquired land representing a tract typical in size for residential use in the area.

6. WHAT IF MY LAND IS APPRAISED AS COMMERCIAL RATHER THAN AS RESIDENTIAL?

The appraisal of the land as commercial rather than as residential will have no bearing on the method of computing the maximum payment.

7. WHAT IF TWO FAMILIES OCCUPY THE SAME DWELLING?

If two or more eligible families occupy the same single family dwelling unit, each family may be eligible for a replacement housing payment if they relocate to separate dwelling units. Such eligibility will be determined by the Department. If two or more eligible individuals with no identifiable head of household occupy the same single family dwelling unit, they will be considered one "family" for replacement housing purposes. When all individuals do not relocate to decent, safe, and sanitary housing, the Department shall determine and pay those individuals who do relocate into decent, safe, and sanitary housing a pro-rata share of the appropriate payment that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

8. WHAT IF MY BUSINESS AND DWELLING ARE IN THE SAME BUILDING?

Where displaced individuals or families occupy living quarters on the same premises as a displaced business, farm operation or nonprofit organization, such individuals or families are separate displaced persons for purposes of determining entitlement to relocation payments.

9. IF I PURCHASE A REPLACEMENT DWELLING PRIOR TO DISPLACEMENT, WILL I BE ELIGIBLE FOR A REPLACEMENT HOUSING PAYMENT?

If you have obtained legal ownership of a replacement dwelling prior to being displaced and you occupy the replacement dwelling after being displaced and within the specified time limit, you may be eligible for replacement housing payment, if the dwelling is decent, safe, and sanitary. However, if you have purchased and occupied a replacement

dwelling prior to the initiation of negotiations you are not eligible for a replacement housing payment.

10. WHEN MUST I VACATE MY PROPERTY?

A written notice will normally be given and shall include a statement that you will not be required to move from your dwelling or to move your business or farm operation before ninety (90) days from the date of the notice. Such notice shall inform you of the date by which your property must be vacated. The 90-day notice shall be given as soon as feasible.

11. WHAT IF I AM UNABLE TO MOVE BY THE TIME I AM REQUIRED BY THE 90-DAY NOTICE?

If for circumstances beyond your reasonable control, you are unable to move by the date specified in the 90-day notice, you may request a 30-day extension. The request must be in writing, stating the reasons for your request and submitted to the Department's District Officer for the area in which you are located.

12. IF I NEED MORE INFORMATION ABOUT RELOCATION ASSISTANCE, WHERE MAY I OBTAIN IT?

There will be a Real Estate Agent assigned to the project who will explain the Relocation Assistance Program in detail as it pertains to you. He/she will make sure you have a Relocation Assistance Brochure and advise you how he may be contacted. If you need additional information or help, you may write or call the Department's District Office for the area in which the project is located.

13. IF I AM NOT SATISFIED WITH MY RELOCATION ASSISTANCE PAYMENT OFFER, DO I HAVE THE RIGHT TO APPEAL?

Yes, you have the right of appeal, if you are dissatisfied with the determination made as to your eligibility for payments or the amount of the payments. The appeal must be made in writing, either in a letter addressed to the Department, or on the appeal form available from the Department. At your

request, the Department agent assigned to the project will assist you in filling out the appeal form. Each applicant will be given an opportunity to be heard, and a determination of his/her claim will be made promptly with the reasons given if the appeal is rejected. In the event the appeal is denied you have the right to seek judicial review. Application forms for appeals and copies of the Department's Relocation Assistance Program regulations can be obtained from any District Office or from the Relocation Assistance Officer, P.O. Box 94245, Baton Rouge, Louisiana 70804-9245.

14. WHEN CAN I RECEIVE MY REPLACEMENT HOUSING PAYMENT IF I DECIDE NOT TO ACCEPT THE FULL CASH VALUE FOR MY PROPERTY AND GO TO COURT?

If you decide to go to court, a replacement housing offer will still be made to you on the basis of the appraised fair market value of your property. You may make a claim on this offer when you actually occupy a decent, safe and sanitary replacement dwelling. Following final adjudication of your case by the court, a reevaluation will be made as to the amount of your replacement housing eligibility. If the final award for the acquired property and dwelling is in excess of the original appraised value, your replacement housing offer may be decreased, and you may be required to refund the Department the overage.

15. WHAT HAPPENS IF THE \$22,500 AND \$5,250 LIMITATIONS ON SUPPLEMENTS TO OWNER-OCCUPANTS AND TENANTS ARE INADEQUATE?

The Relocation Assistance Program provides whatever financial assistance is required to insure the availability of comparable purchase or rental replacement housing. The Department's District Relocation Assistance representative will discuss with you the provisions of "Last Resort Housing" should it become necessary.

RELOCATION ASSISTANCE OFFICES

The Department has personnel familiar with Relocation Assistance assigned to each of the Department of Transportation and Development District Offices. If you require additional information you should contact the District Office in which the project is located.

DISTRICT 02:

**District Relocation Assistance Office
Department of Transportation and Development
3108 Williams Blvd.
Kenner, LA 70065
Phone: (504) 465-3468**

DISTRICT 03:

**District Relocation Assistance Office
Department of Transportation and Development
US Highway 90 East
Lafayette, LA 70501
Phone: (337) 262-6251**

DISTRICT 04:

**District Relocation Assistance Office
Department of Transportation and Development
3339 Industrial Drive
Bossier City, LA 71112
Phone: (318) 549-8455**

DISTRICT 05

**District Relocation Assistance Office
Department of Transportation and Development
8010 Desiard Street
Monroe, LA 71203
Phone: (318) 342-0250**

DISTRICT 07:

**District Relocation Assistance Office Department of
Transportation and Development
5827 Highway 90
Lake Charles, Louisiana 70616 Phone: (337) 437-9251**

DISTRICT 08:

**District Relocation Assistance Office
Department of Transportation and Development
3300 MacArthur Drive
Alexandria, Louisiana 71301
Phone: (318) 561-5250**

DISTRICT 58:

**District Relocation Assistance Office
Department of Transportation and Development
Highway 15 South
Chase, Louisiana 71324
Phone: (318) 412-3250**

DISTRICT 61:

**District Relocation Assistance Office
Department of Transportation and Development
10495 Old Hammond Highway
Baton Rouge, LA 70816
Phone: (225) 922-0785**

DISTRICT 62:

**District Relocation Assistance Office
Department of Transportation and Development
685 North Morrison
Hammond, Louisiana 70401
Phone: (504) 375-0250**

For additional information write:

**Relocation Assistance Office
Real Estate Section
Department of Transportation and Development
P. O. Box 94245
Baton Rouge, Louisiana 70804-9245**