

# Relocation Assistance Program for Residential Properties



Department of Transportation  
State of Colorado

# COLORADO STATE CAPITOL – DENVER



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# Declaration of Policy

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Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

## Sec. 201 Declaration of Policy

“The purpose of this title is to establish a uniform policy for fair and equitable treatment of persons displaced as a result of federal and federally assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.”



Region 5  
Telluride Sidewalks  
Transportation  
Enhancement for a  
Local Agency

# Important Terms Used in This Brochure

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## ACQUIRING AGENCY OR AGENCY

A State Agency, which has the authority to acquire property by eminent domain under State law, and a State Agency or person which does not have such authority. For purposes of this brochure, this includes the Colorado Department of Transportation (CDOT) or a local agency conducting business in a Right of Way (ROW) project. For purposes of this brochure, "Agency" shall refer to CDOT or to any local governmental or non-governmental organization or private party using federal financial assistance for a program or project that acquires real property or displaces a person.

## ALIEN NOT LAWFULLY PRESENT

An alien present in the United States who has not been admitted or paroled into the United States pursuant to the Immigration and Nationality Act (8 USC 1101 et seq.) and whose stay in the United States has not been authorized by the United States Attorney General; and an alien who is present in the United States after the expiration of the period of stay authorized by the United States Attorney General or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States. Public Law 105-117 prohibits any person who is not lawfully present in the United States from receiving any relocation benefits or assistance.

## COMPARABLE REPLACEMENT DWELLING

A dwelling that is decent, safe, sanitary and functionally equivalent to the existing dwelling. The dwelling must be adequate in size to accommodate the displaced person(s) and in a similar neighborhood. It must be available on the private market and within the financial means of the displaced person(s).

## DECENT, SAFE AND SANITARY (DSS) DWELLING

A dwelling that meets all applicable housing and occupancy codes and the following minimum standards:

- structurally sound;

- weather tight and in good repair;
- containing adequate and safe electrical wiring;
- safe drinking water;
- plumbing, heating and sewage disposal systems - all in proper working order;
- adequate in size to accommodate the person and/or family with a functional kitchen area; and
- has a separate, fully equipped, ventilated bathroom.

#### DISPLACED PERSON

A person who must permanently move or who must move personal property from real property as a direct result of a written Notice of Intent to Acquire or the Initiation of Negotiations for the acquisition of real property for a federal or federal-aid program or project.

#### FINANCIAL MEANS

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

For a tenant, the monthly rent and estimated average monthly utility cost for a comparable replacement dwelling is considered to be within financial means if, after receiving rental assistance, this amount does not exceed the base monthly rent for the dwelling from which the tenant is displaced.

The Agency may need to calculate the base monthly rent using 30% of the displaced tenant's total monthly gross household income, if that income qualifies as low income in accordance with established low income amounts determined by the U.S. Department of Housing and Urban Development (HUD).

The Agency will also evaluate the amounts designated for shelter and utilities for a tenant who receives government assistance. The rental assistance payment will be computed using the lesser of the three (rent and average

monthly utility cost; or 30% of the total monthly gross household income for a qualified low income tenant; or the total amount designated for shelter and utilities for a tenant receiving government assistance).

#### FUNCTIONALLY EQUIVALENT

The term functionally equivalent means that the comparable replacement dwelling performs the same function and provides the same utility as the acquired dwelling. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present.

#### INITIATION OF NEGOTIATIONS

The date on which the Agency delivers or presents to a property owner or their representative the Agency's first written offer of just compensation to purchase real property for a project.

#### NEGOTIATION

The process used by acquiring agencies to reach an amicable agreement with a property owner for the acquisition of needed property. An offer is made for the purchase of property in person or by mail, and the offer is discussed with the owner.

#### NOTICE OF ELIGIBILITY FOR RELOCATION ASSISTANCE

A written notice furnished to a person to be displaced that establishes eligibility for relocation benefits before the initiation of negotiations to acquire real property for a program or a project.

#### PROGRAM OR PROJECT

Any activity or series of activities undertaken by a federal agency or by an Agency using federal financial assistance in any phase of an undertaking in accordance with the federal funding agency guidelines.

## Residential Relocation Assistance and Advisory Services

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A relocation agent will contact you and offer relocation assistance and advisory services if it is determined that you are an eligible displaced person. Any individual or family displaced by a federal or federally-assisted program shall be offered relocation assistance services for the purpose of locating a suitable replacement property.

Relocation services are provided by qualified staff or contract relocation agents. It is their goal and desire to serve and assist you in any way possible to help you successfully relocate. Your relocation agent is there to help and advise you, so please be sure to make full use of their services. Do not hesitate to ask questions and be sure you fully understand all your rights and benefits.

Individuals with disabilities will be provided the assistance needed to locate and move to a replacement dwelling or site. You should notify your relocation agent of any special requirements for assistance.

Once the acquisition and relocation process begins for the property that you now occupy, you will receive a notice from your relocation agent giving assurance that you will not have to move for at least 90 days. A final notice to vacate will be issued at least 30 days prior to the date you will be required to move.

### **Residential Assistance**

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

You will be provided with a current listing of comparable properties. You will also be provided a written determination of the amount of replacement housing payment for which you qualify.



If necessary, transportation will be offered to inspect replacement housing. Your relocation agent will provide information or help you get assistance from other sources as a means of minimizing hardships in adjusting to your new location.

You will not be required to move unless at least one comparable decent, safe, and sanitary (DSS) replacement dwelling is made available to you.

Please do not sign a sales contract or lease agreement for a new home until your relocation agent has inspected it and assured that it meets DSS standards.



Region 1  
U.S. Hwy. 6  
Clear Creek  
Canyon: rock  
fall mitigation

# Residential Relocation Payment Program

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The Relocation Payment Program is designed to help pay the expenses encountered in relocating. Two different kinds of payments are involved:

## 1. Moving Expenses

Most owners and tenants of homes or mobile homes displaced by a project will be eligible to receive payment for their actual and reasonable expenses in moving themselves and their family, or their personal property.

## 2. Replacement Housing Payments

### a. Replacement Housing Supplements

Home-owner occupants who are unable to purchase comparable replacement housing at price levels equal to what they received from the Agency for their home may be eligible to receive a *Supplemental Payment*.

### b. Rent Assistance Program

Tenants and owner-occupants of residential units who are unable to rent comparable residential units at price levels equal to the rent they are paying at the time they move may be eligible to receive a *Supplemental Payment*.



## Relocation Payments Not Considered Income

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You do not have to pay income taxes on relocation payments. Relocation payments for displaced persons are not considered as income for the purpose of the Internal Revenue Code of 1954, which has been re-designated as the Internal Revenue Code of 1986 (Title 26, US Code). No relocation payment received will be considered income for the purposes of determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 US Code 301 et seq.) or any other federal law, except for any federal law providing low income housing assistance.

The following pages explain these payments in greater detail. If you have any questions not covered here, please ask your relocation agent.



## **Residential Moving Cost Reimbursement**

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The Agency will reimburse the actual, reasonable and necessary costs incurred to move persons or personal property from property that has been acquired for a transportation program or project.

With the Agency's prior approval, you may receive payment for other related costs, such as transportation to the new location, moving insurance, and storage of personal property. Displaced persons may choose to use a "Commercial Mover" or perform one of two available "Self Move" options. Regardless of which option you choose, be sure to discuss it with your relocation agent.

### **Commercial Mover**

You may hire a commercial moving company to handle the entire move. An inventory of all personal property must be taken before the move begins (pre-inventory) and after the move is complete (post-inventory). You must sign the inventory certifying that it is true and correct. Move estimates must be obtained. Based on the complexity of a move the Agency will require one or two estimates. In cases where two estimates are obtained, reimbursement will be limited to the amount of the lower bid. You may choose a mover other than the one with the lower estimate, but the Agency's reimbursement payment will be based on the lower estimate. Other related costs incurred during your move that were not considered within the estimate may be reimbursed if approved by the Agency. You must show proof of these costs by saving all receipts and other documentation to submit when you file a claim with the Agency. Also, in this brochure there is a listing of eligible and ineligible moving expenses for your review. Your relocation agent can explain these to you.

### **Self Move Option 1 - Fixed Move Cost Schedule**

The schedule is a pre-calculated moving expense determination, developed by the Federal Highway Administration, based on the number of rooms of personal

property that must be moved. The Agency may allow an increase in a room count when a room contains sufficient items to constitute an additional room. The reimbursement amount will be based on the number of rooms in your current dwelling. If you choose the fixed payment you will not be required to prepare inventories, obtain move cost estimates, or provide documentation of expenditures, unless a modification to the room count has been made. Other related costs, such as storage, transportation to the new site, insurance, etc., are not eligible under the fixed payment schedule.

### Fixed Payment Allowance Schedule

OCCUPANT OWNS FURNITURE								
Number of Rooms of Furniture								
1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	Each Add'l Room
\$675	\$895	\$1,115	\$1,270	\$1,425	\$1,580	\$1,735	\$1,890	\$155
OCCUPANT DOES NOT OWN FURNITURE								
1 Room Not Furnished					Each Add'l Room/Not Furnished			
\$385					\$55			
Occupant of Dormitory - \$100								

\* Payment shown is current as of 2015 but may adjust pursuant to Federal Rule.

### Self Move Option 2 – Actual Move Cost

You may conduct a move yourself, keeping all receipts, invoices, truck rental expenses, etc., as documentation to file a claim for reimbursement of the actual expenses incurred. If a reimbursement claim is determined to be unreasonable the Agency may obtain estimates, based on a pre-move inventory, from licensed qualified movers. The payment for the self-move will be the lesser of the move cost estimate or the documented actual expenses incurred. Pre-move and post-move inventories must be taken and

signed by you and the relocation agent. Note: If the occupants of the residence are not displaced, but there is personal property in the area being acquired that must be moved, the move cost may be reimbursed based only on self documented expenses or either a commercial estimate or the Agency's estimate.

### **Reimbursable Moving Costs**

The following move expenses may be reimbursable if they are the actual, reasonable, and necessary moving costs incurred when using a commercial moving company, or performing a self-move based on the actual, documented expenses:

- Transporting residential displacees and personal property for a distance of no more than 50 miles to the replacement site (in special circumstances the Agency may approve a move of more than 50 miles);
- Packing, crating, unpacking, and uncrating of the personal property;
- Disconnecting, dismantling, removing, reassembling, and reinstalling household appliances and other personal property;
- Storage of personal property for up to twelve (12) months at the Agency's discretion, if immediate occupancy of the replacement site is not possible through no fault of the displaced owner or tenant;
- Insurance for the replacement value of the property in connection with the commercial move;
- Actual, reasonable costs of meals and lodging when determined necessary by the Agency when immediate occupancy of the replacement dwelling is not possible; and
- Other moving related expenses as determined by the Agency.

## **Non-Reimbursable Moving Costs**

- Cost of moving structures, improvements, or other real property purchased by the Agency, but retained by the displaced person;
- Interest on loans to cover moving expenses;
- Personal injury;
- Any legal fee or other cost for preparing a claim for a relocation payment or for legal representation during a relocation appeal;
- Expenses for searching for a replacement dwelling;
- Costs of storage of personal property on real property already owned or leased by the displaced person; and
- Refundable utility and security deposits.

# Replacement Housing Payments

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Replacement Housing Payments are separated into three basic types:

- 1) Purchase Supplement
- 2) Rent Supplement, and
- 3) Down Payment Supplement.

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

To be eligible for any of the payments described in this section, you must occupy a replacement dwelling within one year of vacating the dwelling acquired by the Agency for the program or project.

Before making a commitment to purchase or rent a dwelling, ask your relocation agent to do a housing inspection to ensure the replacement dwelling is decent, safe and sanitary (DSS).

Owners and tenants of mobile homes, with some limitations, qualify for the same basic entitlements as persons displaced from conventional dwellings.

Replacement Housing Payments are explained below:

## **Owner-Occupants**

Owners who have occupied the residence to be acquired for at least 90 days before the initiation of negotiations may be eligible for the following payments:

- 1) Purchase Supplement

If you elect to purchase replacement housing, you may receive payment of up to \$31,000 for all costs necessary to purchase a comparable replacement dwelling. The total amount of this payment must be applied towards the purchase of a decent, safe and sanitary replacement dwelling.



- a. Price Differential Payment - This payment is for the difference, if any, between the acquisition price paid for the acquired dwelling vs. the reasonable cost to purchase a comparable replacement, or the actual cost of the replacement dwelling, whichever is less. Before you move, your relocation agent must determine the reasonable cost of purchasing a comparable dwelling and notify you of this amount.
- b. Increased Mortgage Interest Costs - You may be reimbursed for increased mortgage interest costs if the interest rate on your new mortgage exceeds that of your present mortgage.
- c. Incidental Expense Payment - This payment is to reimburse you for the necessary and reasonable costs actually incurred by you incidental to the purchase of your replacement dwelling, and which are customarily paid by the buyer, including closing costs, fees for title search/insurance, fees (recording, lender, appraisal, loan origination, etc.), and other related costs, but not prepaid expenses for taxes or insurance.

## 2) Rent Supplement

If you elect to rent replacement housing, you may receive a rent supplement payment if the rental rate of your replacement dwelling exceeds the fair market rental rate of the acquired dwelling. The amount of this payment is limited to \$7,200, the amount of the eligible purchase supplement as computed under (1) of this section, or the actual difference in base monthly rent due for the period of 42 months, whichever is less.

## **Tenants and Other Occupants**

Tenants who have occupied the dwelling to be acquired for at least 90 days prior to the initiation of negotiations may be eligible for the following payments:

## 2) Rent Supplement

If you elect to rent replacement housing, you may receive payment of up to \$7,200. The payment, if any, is

determined by subtracting the base monthly rent paid at the acquired dwelling (talk to your agent about this calculation) from the lesser of either:

a. the reasonable cost of renting a comparable DSS replacement dwelling (rent + estimated average utilities)

or:

b. the actual DSS replacement rent + estimated average utilities

If the result of this calculation is more than \$-0-, the Rent Supplement Payment = Calculated Monthly Differential x 42 (not to exceed \$7,200).

Before you move, your relocation agent must determine the reasonable cost of renting a comparable dwelling and notify you of this amount.

### 3) Down-payment Supplement

If you elect to purchase replacement housing instead of renting, you may receive a payment of at least the amount computed under (1) above, or, at the Agency's discretion, an amount up to \$7,200 towards the purchase of replacement housing.

The total amount of the payment must be applied to the purchase and/or related incidental expenses of a decent, safe and sanitary replacement dwelling. Payment may be made to an escrow account prior to closure of the loan provided the loan agency agrees to return the payment should the sale not be consummated.

### **Housing of Last Resort**

When such housing cannot be provided under the provisions for replacement housing payments, the Uniform Act provides for Housing of Last Resort. Housing of Last Resort involves the use of payments in excess of statutory maximums or the use of other unusual methods of providing comparable housing. Your relocation agent can explain this process.

## Filing a Relocation Claim

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You should file a relocation claim as soon as possible after the move and expenses have been incurred. The relocation agent will assist you with additional information, provide advisory services and provide the necessary forms and assistance for you to file a claim. If you are an owner you are allowed up to 18 months from the date that you move or 18 months from the date of the final acquisition payment, to file your claim for moving expenses. However, you are encouraged to submit your claim as soon as possible. You should receive payment within 30 days after your claim is approved.

## Right to Appeal

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You may file a written appeal with the Agency if you believe that the Agency has failed to properly determine eligibility for, or the amount of, a relocation payment. Payment limitations that have statutory maximums such as site search expenses or reestablishment expenses cannot be appealed.

If you submit an appeal, you will be given a prompt and full opportunity to be heard. You will also have the right to be represented by legal counsel or other representation in connection with the appeal, but solely at your own expense. Your relocation agent will provide assistance as needed in completing the appeal form and will explain the appeal process to you.

A written appeal must be submitted to the relocation agent, and the Agency will conduct an informal review of the case.

The appeal must be filed no later than 60 days from the date you received written notification of the Agency's determination.

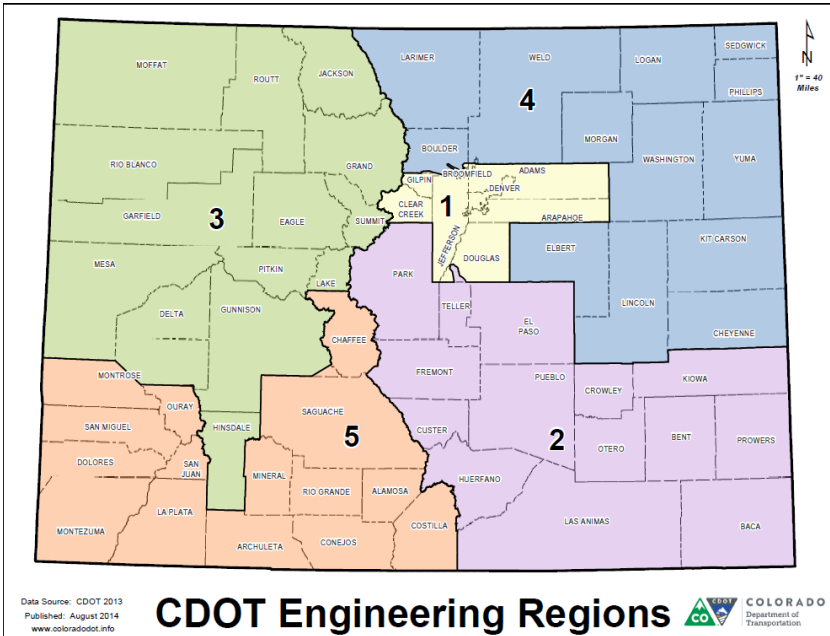
If the appeal is denied, a written appeal must be submitted to:

Chief Engineer  
CDOT  
4201 East Arkansas Avenue  
Denver, Colorado 80222



Region 5  
U.S. Hwy. 160  
west of Wolf  
Creek Pass

# Region Map and Contact Information



<p><b>CDOT Headquarters</b> 4201 E. Arkansas Ave. 4<sup>th</sup> Floor Denver, CO 80222 303-757-9331</p>	<p>The Headquarters ROW Office in Denver is responsible for facilitating the provisions of statewide policies and guidelines, conducting quality assurance, providing training and development and technical assistance to the Regions in support of their responsibilities for transportation program delivery.</p>
<p><b>CDOT Region 1</b> 2000 S. Holly St. Denver, CO 80222 303-757-9212</p>	<p>Counties: Adams, Arapahoe, portions of Boulder and Broomfield, Clear Creek, Douglas (majority), Gilpin, Jefferson.</p>
<p><b>CDOT Region 2</b> 905 Erie Ave. PO Box 536 Pueblo, CO 81002 719-546-5400</p>	<p>Counties: Baca, Bent, Crowley, Custer, Douglas (minority), El Paso, Fremont, Huerfano, Kiowa, Las Animas, Otero, Park, Prowers, Pueblo, Teller.</p>
<p><b>CDOT Region 3</b> 222 South Sixth St., Rm 317 Grand Junction, CO 81501 970-683-6230</p>	<p>Counties: Delta, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, Lake, Mesa, Moffat, Montrose (portion), Pitkin, Rio Blanco, Routt, Summit.</p>
<p><b>CDOT Region 4</b> 1420 2nd St. Greeley, CO 80631 970-350-2152</p>	<p>Counties: Boulder (majority), Broomfield (portion), Cheyenne, Elbert, Kit Carson, Larimer, Lincoln, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma.</p>
<p><b>CDOT Region 5</b> 3803 N. Main Ave., Ste. 300 Durango, CO 81301 970-385-1400</p>	<p>Counties: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Dolores, La Plata, Mineral, Montrose (portion), Montezuma, Ouray, Rio Grande, Saguache, San Juan, San Miguel.</p>















**COLORADO**

Department of  
Transportation