

Relocation Assistance Program for Residential Properties



State of Colorado
Department of Transportation

A Message from the Chief Engineer

Dear Fellow Coloradan,

Colorado's roads and streets are the basic framework of our transportation system, and will continue to be even though modes of transportation may change as our state and country continue to progress.

Like any other facility that receives heavy usage, roads and streets need modernization as conditions change.

In many cases highway projects require right of way for construction and to allow for incorporation of the latest safety features into the construction. At this point the property owner or tenant is contacted by the highway right of way representative.

This booklet will explain your rights as an owner or tenant, and show how the Department of Transportation will help you protect your interests. Since there are so many and complex variations in the relocation program, this brochure is intended to provide a general explanation of the provisions. You will be contacted by your relocation agent who will answer questions, explain details, and assist you in every way possible.

Very truly yours,

Pamela Hutton
COLORADO DEPARTMENT OF TRANSPORTATION
Chief Engineer

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US 6
Clear Creek
Canyon: rock
fall mitigation

Declaration of Policy

Uniform Relocation Assistance and Real Property Acquisition Policies of 1970, as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987.

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."



Important Terms Found in This Brochure

AGENCY

For purposes of this brochure, "Agency" shall refer to the Colorado Department of Transportation (CDOT) primarily, but the requirements apply to any governmental or nongovernmental 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 a separate, fully equipped, ventilated bathroom.

DISPLACED PERSON

A person who must permanently move or 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 that receives government assistance. The rental assistance payment will be computed using the lesser of the three (rent and average monthly utility cost; 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. 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 first written offer of just compensation to purchase real property for a project is delivered to an 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.

PROGRAM OR PROJECT

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

Residential Relocation Assistance and Advisory Services

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 relocation agents. It is their goal and desire to be of service to you, and assist in any way possible to help you successfully relocate.

Remember, 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 an 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 contact and 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.**

Residential Relocation Payment Program

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 (R.H.P.)

a. Replacement Housing Supplements

Long term owner-occupants of homes, unable to purchase comparable replacement housing at price levels equal to what they received from the Agency for their homes, may be eligible to receive a *Supplemental Payment*.

b. Rent Supplements

Tenants and short-term owner-occupants of residential units, 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

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. 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 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

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

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
\$500	\$700	\$900	\$1,050	\$1,200	\$1,350	\$1,500	\$1,650	\$150
OCCUPANT DOES NOT OWN FURNITURE								
1 Room Not Furnished				Each Add'l Room/Not Furnished				
\$300				\$50				
Occupant of Dormitory - \$100								

* Payment shown is current as of 2008 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 (in special circumstances, the Agency may approve a move of more than 50 miles) to the replacement site up to 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

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.

Long Term Owners

Owners who have occupied the residence to be acquired for at least 180 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 a payment up to \$22,500 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 received for the acquired dwelling and 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 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 \$22,500, 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/Other Occupants

Tenants who have occupied the dwelling to be acquired for at least 90 days and owners who have occupied the dwelling for between 90 and 180 days prior to the initiation of negotiations are eligible for the following payments:

1) Rent Supplement

If you elect to rent replacement housing, you may receive a payment of up to \$5,250. The payment is based on the difference, if any, between the rent paid at the acquired dwelling and the reasonable cost of renting a comparable replacement dwelling, or the actual replacement rent (for a period of 42 months), whichever is less. Before you move, your relocation agent must determine the reasonable cost of renting a comparable dwelling and notify you of this amount.

2) Down-payment Supplement

If you elect to purchase replacement housing, you may receive a payment of up to \$5,250 or the amount computed under (1) above, whichever is less, 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.

An owner's payment is limited to the amount that the owner would be eligible to receive as a long term owner under the purchase supplement had the 180 day eligibility criterion been met. A long term owner is not eligible for the down-payment supplement. Owners and tenants of mobile homes, with some limitations, qualify for the same basic entitlements as persons displaced from conventional dwellings. You must occupy a replacement dwelling within one year of vacating the acquired property to be eligible for any payment under this section. 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.

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

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

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

If you have a grievance, you will be given a prompt and full opportunity to be heard. You will also have the right to be represented by legal counsel or other 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.

Filing an appeal is a two-step process as follows:

- A written appeal must be submitted to the Agency who 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 initial determination.

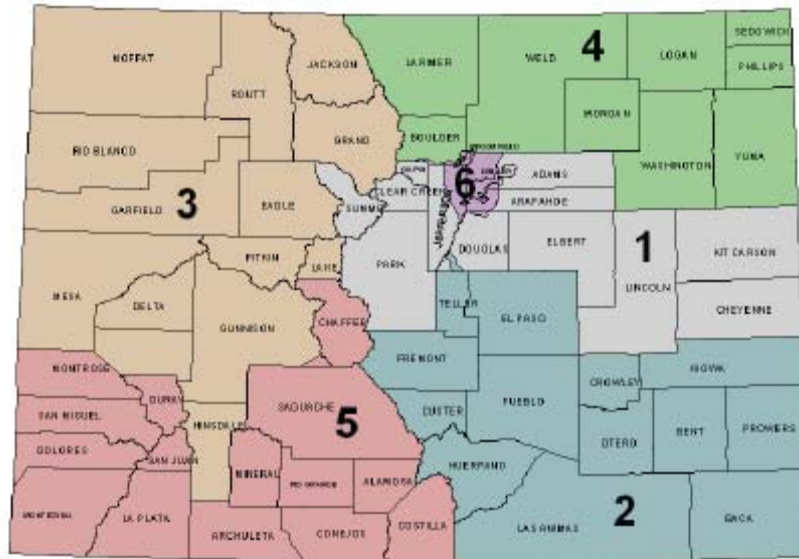
If the appeal is denied:

- A written appeal must be submitted to the Chief Engineer, CDOT, 4201 East Arkansas Avenue, Denver, Colorado 80222.



CDOT
Headquarters
Building in
Denver

Region Map and Contact Information



<p>Headquarters Central Office 4201 E. Arkansas Ave. 4th Floor Denver, CO 80222 303-757-9331</p>	<p>The Headquarters Central Office, located 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 program delivery.</p>
<p>Region 1 18500 E. Colfax Ave. Aurora, CO 80011 303-757-9114</p>	<p>Counties: Adams (Portion), Arapahoe (Portion), Boulder (Portion), Broomfield (Portion), Cheyenne (Portion), Clear Creek, Douglas (Portion), Elbert, Gilpin, Jefferson (Portion), Kit Carson, Lincoln, Park (Portion), Summit.</p>
<p>Region 2 905 Erie Ave. PO Box 536 Pueblo, CO 81002 719-546-5400</p>	<p>Counties: Baca, Bent, Cheyenne (Portion), Crowley, Custer, Douglas (Portion), El Paso, Fremont (Portion), Huerfano, Kiowa, Las Animas, Otero, Park (Portion), Prowers, Pueblo, Teller.</p>
<p>Region 3 222 South Sixth St. Room 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.</p>
<p>Region 4 1420 2nd St. Greeley, CO 80631 970-350-2152</p>	<p>Counties: Boulder (Portion), Broomfield (Portion), Larimer, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, Yuma.</p>
<p>Region 5 3803 N. Main Ave. Suite 300 Durango, CO 81301 970-385-1400</p>	<p>Counties: Alamosa, Archuleta, Chaffee, Conejos, Costilla, Dolores, Fremont (Portion), La Plata, Mineral, Montrose (Portion), Montezuma, Ouray, Rio Grande, Saguache, San Juan, San Miguel.</p>
<p>Region 6 2000 S. Holly St. Denver, CO 80222 303-757-9212</p>	<p>Adams (Portion), Arapahoe (Portion), Boulder (Portion), Broomfield (Portion), Denver, Douglas (Portion), Jefferson (Portion).</p>

Attach CDOT Business Card
Here



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

