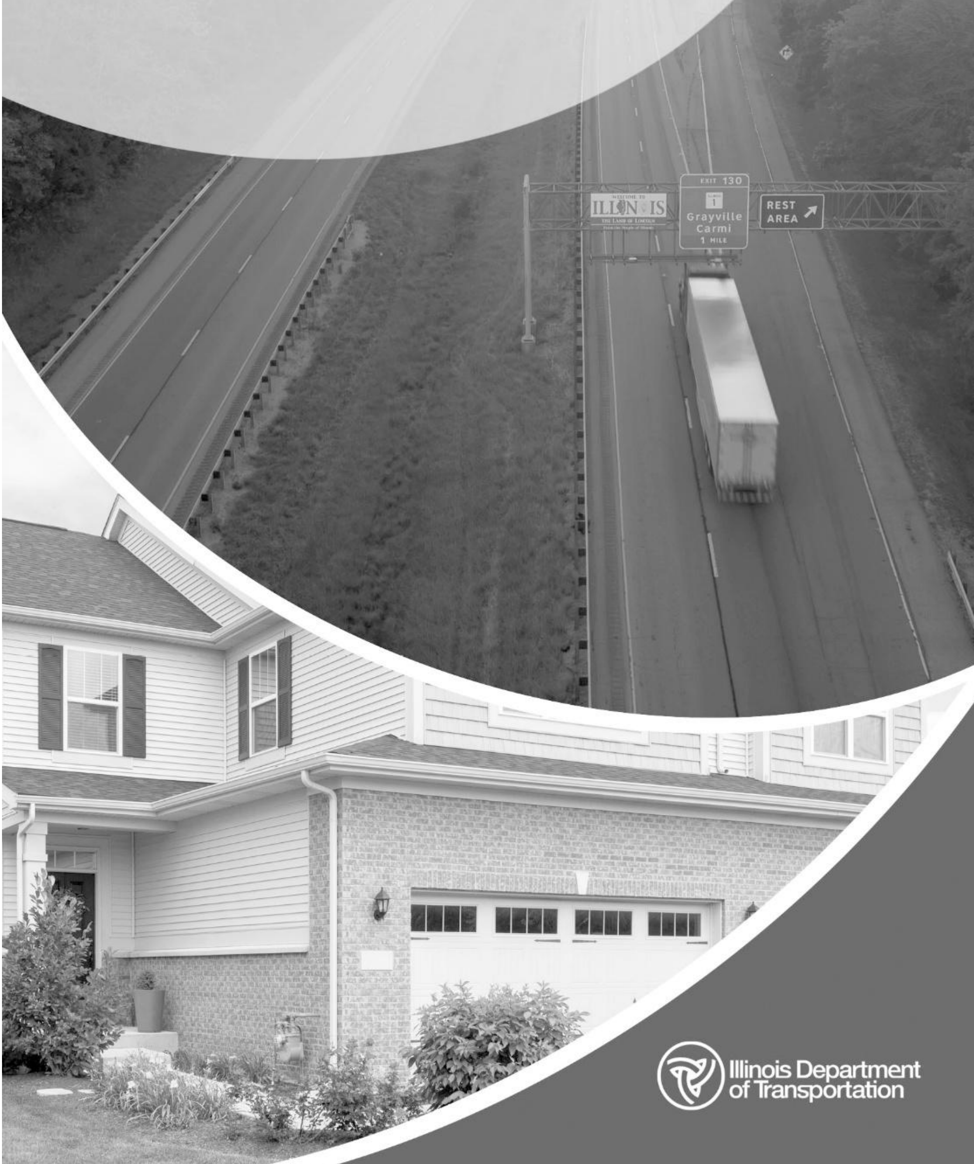
Your Rights & Benefits

as a Displaced Person Under the Federal Relocation Assistance Program



Illinois Department of Transportation

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INTRODUCTION

Government programs designed to benefit the public as a whole often result in the acquisition of private property, and sometimes in the displacement of people from their residences, businesses, farms, or non-profit organizations.

To provide fair, consistent, and equitable treatment for persons displaced, Congress passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amended it in 1987. This law, called the Uniform Act, is the foundation for the information discussed in this brochure.

Acquisition and relocation policies and provisions for all federal and federally assisted programs and projects are contained in the government-wide rule published in the Federal Register May 3, 2024. The rules are reprinted each year in the Code of Federal Regulations (CFR), Title 49, Part 24. All federal, state, local government agencies, and others receiving federal financial assistance for public programs and projects that require the acquisition of real property must comply with the policies and provisions set forth in the Uniform Act and the regulation.

The acquisition itself does not need to be federally funded for the rules to apply. If federal funds are used in any phase of the program or project, the rules of the Uniform Act apply.

If you are required to move as a result of a federal or federally assisted program or project, a relocation agent will contact you. The agent will answer your specific questions and provide any additional information you may need. If you have a disability that prevents you from reading or understanding this brochure, you will be provided appropriate assistance. You should notify the sponsoring Agency if you have special requirements for assistance.

This brochure explains your rights as a displaced owner or tenant of real property to be acquired for a federally funded program or project, and the various types of relocation payments for which you may be eligible to receive.

SECTION 1 - GENERAL INFORMATION

The requirements related to the acquisition of property are explained in two other brochures entitled:

- Highway and Railroad Improvement Projects & Property Rights
- A Land Owner's Guide to Land Acquisition by the Illinois Department of Transportation and Eminent Domain

IMPORTANT TERMS USED IN THIS BROCHURE

Agency

The federal agency, state agency, or local public agency (e.g., a county or city) utilizing federal funds or federal financial assistance for a project or program that acquires real property or displaces a person. The Agency may contract with a qualified individual or firm to act as a relocation agent and administer the relocation program. However, the Agency remains responsible for the program and for complying with federal requirements.

Alien Not Lawfully Present in the United States

An alien who is not lawfully present in the United States as defined in 8 CFR 103.12 and includes 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 U.S.C. 1101 et seq.) and whose stay in the United States has not been authorized by the U.S. Secretary of Homeland Security, and an alien who is present in the United States after the expiration of the period-of-stay authorized by the U.S. Secretary of Homeland Security or who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States.

The law provides that if a displaced person is an alien not lawfully present in the United States, such person is not eligible for relocation payments or assistance under the Uniform Act, unless the person can demonstrate to the Agency's satisfaction that the denial of relocation assistance would result in an exceptional and extremely unusual hardship to the person's spouse, parent or child, who is a citizen of the United States, or an alien lawfully admitted for permanent residence in the United States. The phrase ''exceptional and extremely unusual hardship'' focuses on significant and demonstrable impacts on health, safety, or family cohesion. This phrase is intended to allow judgment on the part of the Agency and does not lend itself to an absolute standard applicable in all situations.

In computing relocation payments, if any member of a household or owner of an unincorporated business, farm, or non-profit organization is determined to be ineligible because of a failure to be lawfully present in the United States, no relocation payments may be made to them. However, any payment(s) for which such household or unincorporated business, farm, or non-profit organization would otherwise be eligible, shall be computed:

- For the household, based on the number of eligible household members, and
- For the unincorporated business, farm, or non-profit organization, based on the ratio of ownership between eligible and ineligible owners.

Business

Any lawful activity, except a farm, that is conducted:

- Primarily for the purchase, sale, lease, or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property;
- Primarily for the sale of services to the public;
- Primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or
- By a non-profit organization that has established its non-profit status under applicable federal or state law.

Displaced Person

Any person (individual, family, partnership, association or corporation) who permanently moves from real property, or moves their personal property from the real property as a direct result of.

- A written notice of intent to acquire, rehabilitate, and/or demolish, the initiation of negotiations for, or the acquisition of such real property in whole or in part for a project;
- Rehabilitation or demolition for a project; or

- A written notice of intent to acquire, or the acquisition, rehabilitation or demolition of, in whole or in part, other real property on which the person conducts a business or farm operation, for a project. However, eligibility for such a person under this paragraph applies only for purposes of obtaining relocation assistance advisory services and moving expenses.

Dwelling

The place of permanent or customary and usual residence of a person, according to local custom or law, includes a single-family house; a single-family unit in a two-family, multi-family, or multi-purpose property; a unit of a condominium or cooperative housing project; a mobile home; or any other residential unit.

Farm

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Initiation of Negotiations

The term initiation of negotiations means the following:

- Whenever the displacement results from acquisition of the real property, the initiation of negotiations means the delivery of the initial written offer of just compensation by the Agency to the owner or the owner's representative to purchase the real property for the project. However, if the Agency issues a notice of its intent to acquire, rehabilitate, or demolish 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.
- Whenever the displacement is caused by rehabilitation or demolition of the real property (and there is no related acquisition), the initiation of negotiations means the written notice to the person that he or she will be displaced by the project or, if there is no notice, the actual move of the person from the property.

- In the case of a permanent relocation of a tenant as a result of a voluntary acquisition of real property, the tenant is not eligible for relocation assistance until there is a binding written agreement between the Agency and the owner that obligates the Agency to purchase the real property.

A person who moves before the initiation of negotiations does not qualify as a displaced person unless the Agency determines that the person was displaced as a direct result of the project.

Mobile Home

Includes manufactured homes and recreational vehicles used as residences. A recreational vehicle that is capable of providing living accommodations may be considered a replacement dwelling if:

- It is purchased and occupied as the primary place of residence;
- It is located on a purchased or leased site and connected to or has available all necessary utilities for functioning as a housing unit on the date of the Agency's inspection; and
- The dwelling, as sited, meets all local, state and federal requirements for a decent, safe and sanitary dwelling. The regulations of some local jurisdictions will not permit the consideration of these vehicles as decent, safe and sanitary dwellings. In those cases, the recreational vehicle will not qualify as a replacement dwelling.

Non-Profit Organization

An organization that is incorporated under the applicable laws of a state as a non-profit organization, and exempt from paying federal income taxes under Section 501 of the Internal Revenue Code (26 U.S.C. 501).

Person Required to Move Temporarily

A person who is required to move, or moves their personal property from the real property, as a direct result of a project but not required to move permanently. Such determination shall be made by the Agency in accordance with any requirements, policy, or guidance established by the federal agency funding the project. At a minimum, for persons required to move on a temporary basis, Agencies must ensure that required services and assistance are provided.

Personal Property

A right or interest in things of a temporary or moveable nature; anything not classed as real property.

Program or Project

An activity or series of activities undertaken by a federal agency, or an activity undertaken by a state or local agency with federal financial assistance in any phase of the activity.

Reverse Mortgage

A first mortgage which provides for future payments to the homeowner based on accumulated equity and which a housing creditor is authorized to make under any federal or state law or regulation. Reverse mortgages are generally available to persons 62 years of age or older, do not require a monthly mortgage payment, and can be used to access a home's equity. The reverse mortgage becomes due when none of the original borrowers live in the house, if taxes or insurance become delinquent, or if the property falls into disrepair. (a.k.a. Home Equity Conversion Mortgage)

Small Business

A business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. A site occupied solely by outdoor advertising signs, displays or devices does not qualify as a business for purposes of the re-establishment expense benefit.

SECTION 2 - RELOCATION ADVISORY SERVICES

GENERAL

Any displaced individual, family, business, farm, or non-profit organization must be offered relocation assistance advisory services for the purpose of locating a suitable replacement property. Any person required to move temporarily by the project, as determined by the Agency, will also be offered relocation advisory services in accordance with program regulations.

These services are provided by qualified relocation agents employed by the Agency. 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.

If desired, you may designate a representative to receive relocation notifications and documents on your behalf. Your relocation agent will supply you with a form to document the representative's name and contact information, as well as what notices or documents the representative is authorized to receive.

All relocation notices will be written in plain understandable language. Persons who are unable to read and understand the notice will be provided with appropriate translation and counseling. Each notice will indicate the name and telephone number of your agent who may be contacted for answers to questions or other assistance.

An individual with a disability will be provided the assistance needed to locate and move to a replacement dwelling or site. The individual should notify the Agency of any special requirements for assistance.

Social Services Provided by Other Agencies

Your relocation agent will be familiar with the services provided by other public and private agencies in your community. If you have special problems, the agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Make your needs known in order that you may receive the help you need.

SECTION 2 - RELOCATION ADVISORY SERVICES

RESIDENTIAL ASSISTANCE

A relocation agent will contact and interview you to determine your housing needs and desires, as well as your need(s) for assistance. The relocation payments and other assistance for which you may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance will also be explained.

Based upon the information collected from the interview, the relocation agent will offer assistance and provide a current listing of comparable replacement properties. You will be provided a written determination of the amount of replacement housing payment for which you qualify. The agent can supply information on federal, state and other housing programs, disaster and other loans, and other programs offering assistance to displaced persons and technical help in applying for such assistance.

Transportation will be offered to inspect housing referrals. The Agency will provide counseling or help you get assistance from other sources as a means of minimizing hardships in adjusting to your new location.

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

Please let your agent know if you identify a potential replacement dwelling so that it can be inspected to assure it meets the DSS standards.

BUSINESS, FARM, AND NON-PROFIT ORGANIZATION ASSISTANCE

A relocation agent will contact and interview you to find out your needs, replacement site requirements, and estimate the time needed to accomplish the move. Relocation services and payments will be explained in accordance with your eligibility. It is important to explain to the agent any anticipated problems. During the initial interview the relocation agent will ask many questions to determine your financial ability to accomplish the move, including lease terms and other obligations.

SECTION 2 - RELOCATION ADVISORY SERVICES

The agent will help determine the need for outside specialists to plan, move, and reinstall personal property. The agent will identify and resolve any issues regarding what is real estate and what is personal property to be relocated. The agent will explore and provide advice as to possible sources of funding and assistance from other local, state, and federal agencies. In addition, as needed, the relocation agent will maintain listings of commercial properties and farms.

The goal is to achieve a successful relocation back into the community.

MOVING COST REIMBURSEMENT

If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related moving expenses. Displaced individuals and families may choose to be paid either on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. To assure your eligibility and prompt payment of moving expenses, you should contact the relocation agent from the Agency before you move.

Actual, Reasonable Moving Costs and Related Expenses

You may be reimbursed for your actual, reasonable moving costs incurred by hiring a professional mover plus related expenses, or you may move yourself. Reimbursement will be limited to a 50-mile distance in most cases. Related expenses involved in the move may include:

- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.
- Transfer of telephone service and other similar utility reconnections.
- Other expenses considered eligible by the Agency.

All expenses must be considered necessary and reasonable by the Agency and supported by paid receipts or other evidence that the expenses were incurred.

Fixed Residential Moving Cost Schedule

As an alternative to being reimbursed for actual, reasonable moving costs and related expenses, you may choose to be paid on the basis of a fixed residential moving cost schedule. The amount of the payment is based on the number of rooms in your dwelling. Your relocation agent will be able to tell you the exact amount you will be eligible to receive if you select this option. The schedule is designed to include all of the expenses incurred in moving, including those services that must be purchased from others.

SECTION 3 - INDIVIDUALS AND FAMILIES

If you are the owner of a displaced mobile home, you may be entitled to a payment for the cost of moving the mobile home to a replacement site on an actual cost basis. Displaced mobile home occupants (owners or tenants) may also be eligible for a payment for moving personal property from the mobile home such as furniture, appliances and clothing on an actual cost basis, or on the basis of a moving cost schedule. For a complete explanation of all moving cost options involving a mobile home, please discuss the matter with your relocation agent.

REPLACEMENT HOUSING

There are three types of replacement housing payments: purchase supplement, rental assistance, and down payment. To understand replacement housing payments, you first need to become familiar with the terms: **Comparable; Financial Means; Decent, Safe, and Sanitary (DSS); and Housing of Last Resort**.

Comparable

A comparable replacement dwelling must be DSS and functionally equivalent to your present dwelling. While not necessarily identical to your present dwelling, a comparable replacement dwelling should provide for the same utility and function as the dwelling from which you are being displaced. In addition, a comparable replacement dwelling should be:

- Adequate in size to accommodate the occupants (e.g., you and your family).
- Located in an area that is not subject to unreasonable adverse environmental conditions.
- Located in an area that is generally not less desirable than your present location with respect to public utilities and commercial and public facilities.
- Reasonably accessible to your place of employment.
- Located on a site that is typical in size for residential development with normal site improvements, including customary landscaping.
- Currently available on the private market.
- Within your financial means.

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 (electricity, gas, other heating and cooking fuels, water and sewer) 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 (including average monthly utility cost) 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). To ensure the maximum benefit, it is important to provide the Agency appropriate evidence of total monthly household income when asked. There are some amounts that are not included as monthly household income, including income earned by dependents. The Agency will explain this procedure in greater detail.

Decent, Safe, and Sanitary (DSS)

The DSS standard means the replacement dwelling meets the minimum requirements established by federal regulations and conforms to applicable local housing and occupancy codes. The dwelling shall:

- Be structurally sound, weather tight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.

- Contain a heating system capable of sustaining a healthful temperature (approximately 70 degrees Fahrenheit) except in those areas where local climatic conditions do not require such a system.
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate you and your family (if applicable).
- Contain a separate, well-lighted and ventilated bathroom providing privacy to the user and containing a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system.
- Contain a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, with adequate space and utility connections for a stove and refrigerator.
- Have unobstructed egress to safe, open space at ground level.
- For a displaced person with a disability, be free of any barriers which prevent reasonable ingress, egress or use of the dwelling by such person.

IMPORTANT NOTICE: Please understand that the replacement dwelling inspection for decent, safe, and sanitary requirements is conducted by Agency personnel for the sole purpose of determining your eligibility for a relocation payment. Therefore, you must not interpret the Agency's approval of a dwelling to provide any assurance or guarantee that there are no deficiencies in the dwelling or in its fixtures and equipment that may be discovered at a later date. It is your responsibility to protect your best interest and investment in the purchase or rental of your replacement property and you must clearly understand that the Agency will assume no responsibility if structural, mechanical, legal, or other unforeseen problems are discovered after the inspection has been conducted.

Housing of Last Resort

The term Housing of Last Resort is an administrative procedure authorized by law to address those times when comparable replacement housing is not available under the statutory limits. The Agency must provide comparable replacement housing, that is DSS and within your financial means, before you are required to move. Under Housing of Last Resort procedures, the Agency may provide the necessary housing in a number of ways, such as:

- Making a replacement housing payment in excess of the maximum statutory limits: $9,570 (if you choose to rent) or $41,200 (if you choose to purchase).
- Purchasing an existing comparable residential dwelling and making it available to you in exchange for your dwelling.
- Moving and rehabilitating a dwelling and making it available to you in exchange for your property.
- Purchasing, rehabilitating or reconstructing an existing dwelling to make it comparable to your property.
- Purchasing land and constructing a new replacement dwelling comparable to your dwelling when comparables are not otherwise available.
- Purchasing an existing dwelling, removing barriers or rehabilitating the structure to accommodate a handicapped displaced person when a suitable comparable replacement dwelling is not available.
- Providing a direct loan which will enable you to construct or contract for the construction of a decent, safe, and sanitary replacement dwelling.

Freedom of Choice

All eligible displaced persons have freedom of choice in the selection of a replacement dwelling. The Agency will not require you, without your written consent, to accept a replacement dwelling provided by the Agency. If you decide not to accept the replacement housing offered by the Agency, you may secure a replacement dwelling of your choice but it must meet the DSS standard.

If you are eligible for Last Resort Housing, your relocation agent will thoroughly explain the program to you.

Length of Occupancy - Basic Occupancy Requirements

The type of payment you are eligible for 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. “Length of occupancy” simply means counting the number of days that you occupied the dwelling before the date of initiation of negotiations by the Agency for the purchase of the property.

The term “initiation of negotiations” is usually the date the Agency makes the first personal contact with the owner of real property, or his/her representative, to provide a written offer to purchase the property being acquired.

Owners who were in occupancy 90 days or more prior to the initiation of negotiations may be eligible for a purchase supplement or a rental assistance payment.

Tenants who were in occupancy 90 days or more prior to the initiation of negotiations may be eligible for a rental assistance payment or down payment assistance.

If you were in occupancy at the time of the initiation of negotiations, but less than 90 days prior to that date, you are considered a displaced person entitled to relocation assistance advisory services and reimbursement of your moving costs and related expenses. You may also be entitled to a rental assistance payment if comparable replacement rental housing is not available within your financial means. The Agency will use the financial means test described earlier in this brochure. This involves checking to see if you qualify as low income using the HUD definition. If so, and you are required to pay rent and utilities in excess of 30% of your average monthly gross household income for a comparable replacement dwelling unit, but you may be eligible for a rental assistance payment under Housing of Last Resort because comparable replacement housing is not available within your financial means. You should meet with your relocation agent for an explanation of the relocation benefits that you may be eligible to receive.

REPLACEMENT HOUSING - PURCHASE SUPPLEMENT

90-Day Owner-Occupants

If you are an owner and occupied your home for 90 days or more immediately prior to the initiation of negotiations for your property, you may be eligible to receive - in addition to the fair market value of your property - a supplemental payment for costs necessary to purchase a comparable DSS replacement dwelling. The Agency will compute the maximum payment you are eligible to receive. You must purchase and occupy a DSS replacement dwelling within one year.

The purchase supplement payment has three components: a price differential, an amount for increased mortgage interest, and incidental expenses.

Price Differential

The price differential component of the payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. To qualify for the full amount of the price differential, you must spend this additional amount in securing replacement housing.

Increased Mortgage Interest

You may be reimbursed for increased mortgage interest costs if the interest rate on your new mortgage exceeds that of your present mortgage. To be eligible your acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

Incidental Expenses

You may be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees, and certain other closing costs, but not for prepaid expenses such as real estate taxes and property insurance.

Examples - Price Differential Computation

Example A: Assume the Agency purchases your property for $200,000. After a thorough study of available comparable residential properties on the open market, the Agency determines that a comparable replacement property will cost $216,500. If you purchase a DSS replacement property for $216,500, you will be eligible for a price differential payment of $16,500.

Example B: If you purchase a DSS replacement property costing more than $216,500, you must pay the difference as shown in the Example B calculation shown in the table below.

Example C: If your purchase price is less than $216,500, the price differential payment will be based on your actual cost.

Agency Computation of Maximum Price Differential Payment	Cost of Comparable Replacement Acquisition Price of Your Property **Maximum Price Differential Payment**	$216,500 - 200,000 **$ 16,500**
Example A	Actual Cost of Replacement Property (Same Purchase Price as Comparable) Acquisition Price of Your Property **Price Differential Payment**	$216,500 - 200,000 **$ 16,500**
Example B	Actual Cost of Replacement Property Acquisition Price of Your Property Difference **Maximum Price Differential Payment** You are Responsible for this Amount	$225,000 - 200,000 $ 25,000 **$ 16,500** $ 8,500
Example C	Actual Cost of Replacement Property Acquisition Price of Your Property **Price Differential Payment** Payment is Based on Your Actual Cost	$214,000 - 200,000 $ 14,000

REPLACEMENT HOUSING – RENTAL ASSISTANCE

90-Day Owner-Occupants Who Elect to Rent

A 90-day owner-occupant who could be eligible to receive a replacement housing payment, but elects to rent a replacement dwelling, is eligible for a rental assistance payment. The payment will be computed by the Agency based on a determination of the fair market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference will be multiplied by 42. Under no circumstances will the rental assistance payment exceed the amount the owner would have received had they elected to purchase and occupy a replacement dwelling.

90-Day Tenants

Tenants may be eligible for a rental assistance payment if they have been in occupancy at least 90 days immediately preceding the initiation of negotiations for the acquisition of the property.

This payment is designed to enable you to rent a comparable DSS replacement dwelling for a 42-month period. If you choose to rent a replacement dwelling and the cost of rent and utilities are higher than you were paying, you may be eligible for a rental assistance payment. The Agency will determine the maximum payment you may be eligible to receive in accordance with established procedures.

The rental assistance payment will be paid in a lump sum unless the Agency determines that the payment should be paid in installments. You must rent and occupy a DSS replacement dwelling within one year to be eligible.

Examples - Rental Assistance Computation

Assume you have been paying $600 per month rent for the dwelling unit occupied by you and purchased by the Agency. You also pay $200 per month for utilities (electricity, gas, other heating and cooking fuels, water, and sewer). The rental assistance payment computation always includes the cost of basic utilities (electricity, gas, other heating and cooking fuels, water, and sewer), as well as the cost of rent. If rent includes utilities, a separate computation is not necessary.

After a study of the rental market, the Agency determines that a replacement rental unit, that is DSS and comparable to your unit, is available for $750 per month. It is estimated that average monthly utility costs for the replacement unit will be $210 per month. The maximum rental assistance payment you can receive is $160 per month for a 42-month period, or a total of $6,720 (see the calculation in the table on the following page).

Example A: If you select a DSS replacement dwelling unit that rents for $800 per month plus $250 for utilities, despite the availability of comparable DSS replacement rental units that rent for $750 per month plus $210 for utilities, you will receive the maximum amount computed by the Agency, or $6,720. You will be required to pay the additional $90 per month yourself.

Example B: If you select a DSS replacement dwelling unit that rents for more than your present unit, but less than amount determined by the Agency as necessary to rent a comparable unit, your payment will be based on actual cost. For example, assume you select a replacement dwelling unit that rents for $725 per month plus $175 for utilities. On the basis of actual cost, you will be eligible for a payment of $100 per month for 42 months, or $4,200.

Agency Computation of Maximum Rental Assistance Payment	Rent You are Currently Paying Cost of Utilities You are Paying Total Rent for a Comparable DSS Dwelling Estimated Cost for Utilities Total Difference ($960 - $800 = $160) x 42 months **Maximum Rental Assistance Payment**	$ 600 + 200 $ 800 $ 750 + 210 $ 960 $ 6,720 **$ 6,720**
Example A	Actual Rent for DSS Replacement Property Estimated Cost for Utilities Total Difference ($1,050 - $800 = $250) x 42 months **Rental Assistance Payment**	$ 800 + 250 $ 1,050 $10,500 **$ 6,720**
Example B	Actual Rent for DSS Replacement Property Plus Estimated Cost for Utilities Total Difference ($900 - $800 = $100) x 42 months **Rental Assistance Payment**	$ 725 + 175 $ 900 $ 4,200 **$ 4,200**

REPLACEMENT HOUSING - DOWN PAYMENT ASSITANCE

Owner-Occupants, Less than 90 Days

An owner who has occupied the acquired dwelling less than 90 days prior to the initiation of negotiations, may use their computed rent supplement eligibility as a down payment for the purchase of a replacement dwelling. A 90-day owner-occupant is not eligible to receive this payment.

Tenants of 90 Days or More

A tenant who has occupied the acquired dwelling for 90 days or more may be eligible for a down payment assistance payment. The Agency will determine the maximum down payment you may be eligible to receive based on its computation for a rental assistance payment.

Eligibility

To be eligible for the full amount of the down payment assistance payment, the entire payment must be used to purchase a DSS replacement dwelling. The payment may be utilized for a down payment toward the purchase price and/or eligible incidental expenses. Incidental expenses include the reasonable costs of title search, recording fees, and certain other closing costs but do not include prepaid expenses such as real estate taxes and property insurance. You may be eligible for the reimbursement of loan origination or loan assumption fees if such fees are normal to real estate transactions in your area and do not represent prepaid interest. The combined amount of the down payment and incidental expenses cannot exceed the amount the Agency computed as your maximum rental assistance payment.

The relocation agent will explain how the Agency determines the maximum down payment assistance payment.

> **DSS REMINDER:** It is very important to remember that the replacement dwelling you select must meet the basic DSS standard. Do not execute a sales contract or a lease agreement until a representative from the Agency has inspected and certified in writing that the dwelling you propose to purchase or rent meets the DSS standard. Please do not jeopardize your right to receive a replacement housing payment by moving into a substandard dwelling.

FEDERAL AND STATE FAIR HOUSING LAWS (CIVIL RIGHTS)

In order to affirmatively implement established state and federal laws regulating the sale or rental of housing, the Agency will:

- Assist displaced persons as required, and to the extent possible, in ensuring against discriminatory practices in the sale or rental of housing;
- Fully inform displaced persons of their fair housing rights and options in selecting replacement housing in areas of their choice,

and the assistance available from the state in ensuring displaced persons that their rights will be protected in accordance with Title VIII of the Civil Rights Act of 1968 (i.e., the Fair Housing Act), as amended (42 U.S.C. 3601 et seq), and the Illinois Human Rights Act (775 ILCS 5);

- Provide copies of state and federal publications dealing with fair housing;
- Advise displaced persons of the name and address of the state agency responsible for receiving and processing housing discrimination complaints; and
- Develop housing resources for displaced persons without discrimination on the basis of race, color, religion, sex, sexual orientation, gender identity, familial status, marital status, national origin, ancestry, age, order of protection status, physical or mental disability, military status, or unfavorable discharge from military service.

Whenever possible, a minority person shall be given reasonable opportunity to relocate to a DSS replacement dwelling which is not located in an area of minority concentration that is within their financial means. This policy however does not require an Agency to provide a displaced person with a larger payment than is necessary to enable the person to relocate to a comparable replacement dwelling.

MOVING COST REIMBURSEMENT

If you qualify as a displaced business, farm, or non-profit organization, either as an owner or tenant, you are entitled to reimbursement of your actual, reasonable moving costs and related expenses. Eligible moving costs and related expenses include:

- Transportation of displaced person(s) and personal property, usually limited to a distance of 50 miles.
- Packing, crating, unpacking, and uncrating personal property.
- Disconnecting and reconnecting personal property, machinery, and equipment; connections to utilities within the replacement building; and modifications to personal property necessary to adapt it to the replacement structure or site.
- Storage of personal property, usually for a period not to exceed 12 months.
- Insurance for personal property while in transit or storage.
- The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- Cost of a license, permit, fee or certification necessary to operate the business, farm or non-profit organization at the replacement location.
- Professional services deemed actual, reasonable and necessary for planning the move, moving the personal property, or installing relocated personal property at the replacement location.
- Re-lettering signs and replacing stationery on hand at the time of displacement, and making reasonable and necessary updates to other media or websites that would update contact and location information made obsolete as a result of the move
- Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business, farm, or non-profit organization.

- Reasonable cost incurred in attempting to sell an item that is not to be relocated.
- Purchase of substitute personal property if an item, which is used as part of the business, farm, or non-profit organization, is not moved but promptly replaced with a substitute item that performs a comparable function at the replacement site.
- Costs incurred in searching for a replacement location for the business, farm, or non-profit organization, usually not to exceed $5,000. Searching expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; and other expenses determined to be reasonable and necessary by the Agency. Fees paid to real estate agents or brokers to locate a replacement site may be reimbursed, exclusive of any commissions or fees related to the purchase of the site. Commissions and fees related to the purchase of a replacement site are not eligible relocation expenses and will not be reimbursed.
- Other moving related expenses the Agency determines to be actual, reasonable and necessary.
- Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
- Professional services to determine a site's suitability for the displaced person's operation.
- Impact fees or one-time assessments for heavy utility usage as determined necessary by the Agency.

Please discuss the above items with your relocation agent before incurring these costs to assure that they are reimbursable.

You must provide the Agency with an inventory of the personal property to be moved and advance notice of the approximate date of the move, unless the Agency specifically tells you these notices are not necessary.

The Agency has the right to inspect the personal property at the displacement and replacement sites, and to monitor the move.

Actual Cost Move

You may be paid the actual, reasonable and necessary cost of your move when the move is performed by a professional mover or when you elect to move yourself, however, all your moving costs must be supported by paid receipts or other evidence of expenses incurred.

Estimated Cost Move

If you agree to take full responsibility for all or part of your move, the Agency may approve a payment not to exceed the lower of two acceptable bids or estimates obtained by the Agency from qualified moving firms, moving consultants, or a qualified Agency staff employee. A low cost or uncomplicated move may be based on a single bid or estimate at the Agency's discretion. The advantage of this moving option is that it relieves you from documenting all moving expenses because the payment is limited to the amount of the lowest acceptable bid or estimate. The Agency may make the payment without additional documentation.

Low Value / High Bulk Property

When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the Agency, the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the property were sold at the site, or the replacement cost of a comparable quantity delivered to the new business location. Examples of such items include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the Agency.

RE-ESTABLISHMENT EXPENSES

A small business, farm, or non-profit organization is entitled to receive a payment, not to exceed $33,200, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business, farm, or non-profit organization must have not more than 500 employees working at the site being acquired or displaced.

Re-establishment expenses must be reasonable and necessary, as determined by the Agency, and they include, but are not limited to:

- Repairs or improvements to the replacement real property required by federal, state, and local laws, codes or ordinances.
- Modifications to the replacement real property to make the structure(s) suitable for the operation.
- Construction and installation costs of exterior signing to advertise the operation.
- Redecoration or replacement of soiled or worn surfaces at the replacement site such as paint, wallpaper, paneling, or carpeting.
- Advertising the replacement location when not paid as part of moving expenses.
- Estimated increased costs of operation at the replacement site during the first two years for items such as: lease or rental charges; personal or real property taxes; insurance premiums; and utility charges (excluding impact fees).
- Other items that the Agency considers essential for re-establishment.

FIXED PAYMENT FOR ACTUAL MOVING EXPENSES (IN LIEU PAYMENT)

A displaced business, farm, or non-profit organization may be eligible to choose a fixed payment in lieu of (in place of) payments for actual moving and related expenses, and actual re-establishment expenses. The amount of the fixed payment would be computed based upon the operation's earnings/financials, but would not be less than $1,000 nor more than $53,200.

For a business to be eligible for a fixed payment, the Agency must determine that the business:

- Owns or rents personal property that must be moved due to the displacement and for which an expense would be incurred in such move, and the business vacates or relocates from its displacement site,
- Cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings),
- Is not operated at the displacement site solely for the purpose of renting such site to others for residential or business purposes,
- Is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaced by the Agency, and
- Contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Eligibility requirements for farms and non-profit organizations are slightly different than those for businesses. If you are interested in a fixed payment, please consult your relocation agent for additional information.

Computation of Your Fixed Payment

The fixed payment for a displaced business or farm is computed based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced, or a two-year period deemed more representative by the Agency. You must provide the Agency with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the Agency.

The fixed payment for a displaced non-profit organization is computed based upon the average annual gross revenues, less administrative expenses, for the two 12-month periods prior to the acquisition.

Fixed Payment Example for a Business

2024	**2025**	**2026**
Annual Net Earnings $44,000	Annual Net Earnings $50,000	Year Displaced
Average annual net earnings $44,000 + $50,000 = $94,000 / 2 = $47,000		
Fixed Payment = $47,000		

IMPORTANT NOTICE: If a business, farm, or non-profit organization elects to receive a fixed payment, the payment represents its full and final payment for all relocation expenses; and the operation would not be eligible for any other relocation assistance payments including actual moving costs and related expenses, or re-establishment expenses.

SECTION 5 - ADDITIONAL PROGRAM INFORMATION

PROJECT OFFICE

The Agency may establish a relocation office near the project. Project relocation offices are usually open during hours convenient to persons being displaced, including evening hours when necessary. If the Agency opens a project office, the staff there will be happy to assist you, answer questions, and will maintain various types of information.

RELOCATION PAYMENTS ARE NOT CONSIDERED TO BE INCOME

No relocation payment received by a displaced person will be considered as income for the purpose of the Internal Revenue Code, or for the purpose 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).

RIGHT TO APPEAL

If relocation assistance advisory services, payments, or the amount of the payment is denied, in whole or in part, the Agency will notify you in writing of the denial or revised amount of the claim, including the basis for the Agency's determination. The written notification will also inform you of your right to request a review of the determination and include the procedures to be followed when requesting a review. Prior to any review, you will be permitted to inspect and copy all materials pertinent to your review except materials that are classified as confidential.

Please know that 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 another representative in connection with the appeal, but solely at your own expense.

The Agency will promptly review your appeal and consider all pertinent justification and information available to ensure a fair and full review. The Agency will provide you with a written determination as well as an explanation of the decision. If you are still dissatisfied with the relief granted, the Agency will advise you of your right to seek judicial review of the Agency's decision.

SECTION 5 - ADDITIONAL PROGRAM INFORMATION

An alien not lawfully present in the United States shall not be eligible to receive relocation payments or any other assistance provided under 49 CFR Part 24.

This brochure is provided to assist you in understanding your rights and benefits. If you have questions regarding your relocation please contact your sponsoring Agency's representative.

Additional information on federal relocation and acquisition requirements, the law, and the regulation can be found at www.fhwa.dot.gov/real_estate.

Illinois Department of Transportation

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