



# Relocation Assistance

Brochure

The City Of San Antonio  
Real Estate Acquisition Division

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## **Introduction**

The City of San Antonio (COSA) is dedicated to developing and maintaining public projects to meet the needs of our growing community and improve our quality of life. When land is needed for a COSA public project and the property is occupied, it may be necessary to displace the occupants, who may include individuals, families, businesses, farms, or even non-profit organizations. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," (Uniform Act) and COSA prescribe certain benefits and protections for persons displaced by public projects.

Among other benefits, the Uniform Act provides relocation payments for displaced persons or businesses. These payments include moving expenses and certain supplements for increased costs at a replacement location. In addition, the Uniform Act provides protections for displaced persons such as requiring the availability of replacement housing, minimum standards for such housing, and requirements for notices and informational materials. Also, the Uniform Act entitles displaced persons to certain "advisory services" to help them move successfully.

This brochure provides information about available relocation services and payments and is offered for information purposes only. If you are required to move as the result of the acquisition of property for a public COSA project, a relocation agent will contact you. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview your relocation needs will be determined as well as your need for assistance. The agent will be able to answer your specific questions and provide additional information.

## **Qualification for Assistance**

Relocation Assistance is available to individuals, families, businesses, farmers, ranchers and nonprofit organizations lawfully present in the United States who are displaced as a result of a public project. This assistance applies to tenants as well as owners occupying the real property needed for the project. There are two main categories of payments, residential and non-residential. Within each category there are several types of payments which address expenses incurred as a result of a required move. These payments are further explained in this brochure.

To assure eligibility and prompt payment of your relocation benefits, you must provide COSA (your relocation agent) an advance written notice of the approximate date of the planned move and a list of items to be moved so that the relocation agent may inspect the personal property at the displacement and replacement sites and monitor the move. An occupant who moves prior to the date negotiations are initiated for acquisition of the property will not be eligible for any relocation payment unless he or she receives written notice of relocation eligibility before he or she moves from the property.

## **Some Important Definitions:**

### **A. Displaced Person**

Any person (individual, family, corporation, partnership, or association) who moves from real property or moves personal property from real property as the result of the acquisition of the real property, in whole or in part, or as the result of a written notice from COSA to vacate the real property needed for the public project. In the case of partial acquisition, COSA shall determine if a person is displaced as a direct result of the acquisition. Relocation benefits will vary, depending upon the type and length of occupancy of the acquired property. As a displacee, you will be classified as: An owner occupant of a residential property. (Includes mobile homes).

- A tenant occupant of a residential property. (Includes mobile homes and sleeping rooms).
- A business, farm or nonprofit organization.

### **B. Business**

Any lawful activity conducted primarily for the purchase, sale, lease, and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or solely for the purpose of this Act, an outdoor advertising display(s) that must be moved as a result of a public project.

## 1.1 Section I - Notices and Advisory Services

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### **Notices**

The Uniform Act and the regulations recognize the need of displaced persons for information about the relocation process and require certain information be provided to them. This information is provided through personal contact and through a series of notices for the purposes of minimizing disruption. Each displaced person will be given sufficient time to plan for an orderly, timely and efficient move. This applies not only to residential occupants but to all properties where an occupant has to move to a new location or move his property to a new location. To the greatest extent practicable, no person lawfully occupying real property will be required to move from that site without at least a 90-day written notice.

### **Advisory Services**

Relocation payments alone often are not enough to minimize the hardship of a move necessitated by a public project and ensure a successful move to a replacement location. Your relocation agent will be familiar with the services provided by other public and private agencies in your community. If you have special needs, 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 proper assistance.

In addition to personal contacts by the relocation agent, COSA may establish a relocation office on or near a project where a considerable number of people are to be relocated. Project relocation offices are open during convenient hours, including evening hours when necessary. The personnel employed in the relocation office will also assist you.

Visit your relocation office if one has been established - you will be more than welcome.

## 1.2 Section II – Residential Displacements

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### **Relocation Assistance Payments**

#### **Moving Cost Reimbursement for Residential Displacements**

If you qualify as a displaced individual or family, you may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to assure your eligibility and prompt payment of moving expenses, you must contact the relocation agent from COSA before you move. The methods of moving and the various types of moving cost payments are explained below.

#### ***1. Moving and Related Expenses***

This includes payment for the actual cost to move your personal property up to a 50 mile distance. You may have a commercial mover move your personal property or you may elect to move the personal property yourself. If you elect to move the property yourself, you may be reimbursed for the actual costs incurred based on receipted bills (based on rates comparable to those charged by commercial movers), or be paid on the basis of a move cost schedule. The schedule is published by *Federal Highway Association (FHWA)* and available on their website at <http://www.fhwa.dot.gov/realstate/index.htm> or from the COSA.

#### ***2. Replacement Housing Payment***

A replacement housing payment is the difference, if any, between the actual acquisition price or rent of a comparable replacement dwelling and the acquisition price or rent of the dwelling from which you are being displaced. The occupant is being displaced. Additionally, increased mortgage interest costs and selected incidental expenses (settlement costs) may be eligible.

### **Replacement Housing Standards**

A basic requirement of the Uniform Act is that the replacement housing made available to displaced persons must meet certain standards. These standards are defined as "decent, safe, and sanitary housing" and "comparable replacement housing."

The phrase "decent, safe, and sanitary (DSS)" refers to the physical condition of the replacement dwelling. Basically, a dwelling which meets the standards of a typical local housing or occupancy code and the minimum requirements of the Federal regulation will be DSS.

The phrase "comparable replacement dwelling" means a dwelling which meets the following criteria:

- Decent, safe, and sanitary, as described previously.
- Functionally equivalent to the displacement dwelling.
- Located on a typical residential site.
- Currently available to the displaced person(s)
- Within the financial means of the displaced person(s).
- Adequate in size to accommodate the displaced person(s).
- Located in an area that is:
  - not subject to unreasonable adverse environmental conditions
  - generally not less desirable than the location of the displacement dwelling with regard to public utilities and commercial and public facilities;
  - reasonably accessible to the displaced person's place of employment

In carrying out this requirement, COSA will offer at least one comparable replacement dwelling and, if possible, up to three. This is a crucial part of the displacement process, since the comparable replacement dwelling will form the basis of the computation of the replacement housing payment.

**No person may be required to move from a dwelling unless he or she has been offered an available comparable replacement dwelling.**

### **Fair Housing**

The Fair Housing Law (Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. This Act and later Acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin. Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not necessarily located in an area of minority concentration, that are within their financial means.

## **1.3 Section III – Business Displacements**

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Business owners or business tenants may be reimbursed on the basis of actual reasonable moving costs and related expenses or, under certain circumstances, a fixed moving payment.

### **Actual moving and related expenses**

The cost to move, and, if appropriate, disconnect and reinstall personal property, up to a 50 mile radius, will usually be reimbursed. Costs incurred in hiring commercial and specialized equipment movers plus certain utility connections, professional services related to the purchase/lease of the replacement property and impact fees and one-time assessments may be reimbursed if found to be actual, reasonable and necessary.

As a business owner or tenant, if you decide not to move personal property, as an alternative you may elect to be paid on the basis of actual direct loss of tangible personal property or the cost of substitute personal property. Such alternate payments may not exceed the actual cost to move the items.

1. **Reestablishment expenses.** In addition to a payment for moving expenses, you may be eligible for up to \$10,000 for reimbursement of eligible expenses associated with the reestablishment of your business at a replacement location.
2. **Search costs.** You may be reimbursed for up to \$2,500 of expenses incurred in connection with searching for a replacement location for your business.

#### **Two Ways to Move**

- **Professional Mover.** You may be reimbursed the actual reasonable costs of your move carried out by a professional mover. All of your expenses must be supported by receipts in order to ensure prompt payment of your moving cost claim. Also, costs must be reasonable and necessary.
- **Self-Move.** If you elect to take full responsibility for all or part of the move, COSA may approve a negotiated reimbursement payment not to exceed the lowest acceptable bid or estimate prepared by qualified moving firms.

#### **Fixed Moving Payment**

In lieu of actual moving and related expenses described above, you may be eligible for a fixed moving payment. This payment is not less than \$1,000 and not more than \$20,000. This often is referred to as an "in lieu" payment. The payment amount is based on average annual net earnings of the business. For a nonprofit organization, the fixed payment is based on average gross revenues, not to exceed \$20,000.00.

#### **Notification and Inspection**

To assure eligibility and prompt payment for moving expenses, you should provide COSA with advance written notice of the approximate date of the planned move and a list of items to be moved so COSA may inspect the personal property at the displacement and replacement sites and monitor the move.

### **1.4 Section IV – Claim for Payment**

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You must file a claim for reimbursement. COSA will provide you with the required claim forms, assist you in completing them, and explain the type of documentation, if any, that you must submit in order to receive your relocation reimbursement. If the expenses that you must meet prior to your move cause a hardship, discuss your financial needs with COSA.

You must file your claim no later than 18 months after you move. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid.

No payment will be made under the Relocation Program if you are eligible to receive another payment provided by law that has substantially the same purpose and effect as the relocation payment.

**No Adverse Effects on: Social Security Eligibility Welfare Eligibility or Income Taxes**

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code or 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.

## **1.5 Section V – Your Right of Appeal**

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If you believe COSA has failed to properly determine your eligibility for, or the amount of, a payment, you may appeal to COSA's to the Assistant Director (AD) over the Real Estate Acquisition Division. If you indicate your dissatisfaction, either verbally or in writing, the COSA will assist you in filing an appeal or explain the procedures to be followed. You will be given a prompt and full opportunity to be heard by the AD. You have the right to be represented by legal counsel or other representative in connection with the appeal, (but solely at your own expense).

The AD will consider all pertinent justification and material submitted by you and other available information needed to ensure a fair review. This Committee will provide you with a written determination resulting from the appeal with an explanation of the basis for the decision.