

**Relocation
Assistance Program
for Personal Property
Moves Only**



**Department of Transportation
State of Colorado**

COLORADO STATE CAPITOL – DENVER



Table of Contents

Declaration of Policy	1
Important Terms Used in This Brochure.....	2
Relocation Assistance and Advisory Services.....	4
Personal Property Move Only Assistance	4
Moving Cost Reimbursement.....	6
Eligible Actual Moving Expenses:	7
Ineligible Moving and Related Expenses:.....	8
Filing a Relocation Claim	9
Relocation Payments Not Considered Income	9
Right to Appeal	10
Citations / FAQs / Examples	10
Region Map and Contact Information.....	14
Notes	15

Declaration of Policy

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

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 Dept. 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.

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.

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.

PERSON

A person is an individual, family, partnership, corporation, or association.

PERSONAL PROPERTY

In general, personal property is property that can be moved. It is not permanently attached to, or a part of, the real property. Personal property is not to be included and valued in the appraisal of real property.

PERSONAL PROPERTY MOVE ONLY

Relocation eligibility for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or nonprofit.

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.

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 person 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 the Agency 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.

Personal Property Move Only Assistance

The relocation agent will interview you and discuss your needs and 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 you will be asked questions pertaining to your personal property to

plan the move and to determine the potential need for assistance from other local, state, and federal agencies.

You and your relocation agent will identify and resolve any issues, clarifying what is real estate and what is personal property. In addition, as needed, the agent will provide you with possible replacement sites available in your area.

The goal is to achieve a successful relocation, minimizing impacts to the displaced person to the extent possible.



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

Moving Cost Reimbursement

If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and potentially certain related expenses incurred in moving. There is no limit to the distance you may move, but reimbursement of moving costs is usually limited to a move up to 50 miles from your exiting location.

Personal property, as determined by an inventory, may be moved by one or a combination of the methods listed below. However, to assure your eligibility for benefits and prompt payment of your moving expenses, be sure to contact your relocation agent before you move.

METHOD 1: COMMERCIAL MOVE

The reimbursement amount for a commercial move is based on the lower of two bids or estimates prepared by a commercial mover for the actual, reasonable, and necessary expenses in moving your personal property. Payments for an uncomplicated move under \$3,000 may be based on a single bid or estimate.



METHOD 2: SELF MOVE

If you elect to take full responsibility for your move, the reimbursement amount for a self-move is based on one or a combination of the following options:

- Option 1) Bid Basis: the lower of two bids or estimates prepared by a commercial mover or qualified agency staff. Payments for an uncomplicated move under \$3,000 may be based on a single bid or estimate. If this option is chosen, you are not required to support your actual costs for the move; or

- Option 2) Actual Cost: if this option is chosen, it must be supported by receipted bills for actual, reasonable, and necessary labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity, and equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.

Eligible Actual Moving Expenses:

- Transportation of the displaced person and personal property;
- Packing, crating, unpacking, and uncrating personal property;
- Disconnecting, dismantling, removing, reassembling, and reinstalling personal property;
- Storage of personal property, if necessary and pre-approved, generally not to exceed 12 months; plus insurance to cover loss or damage to personal property in transit or storage (storage expenses may not be eligible on personal property-only relocations, example: move from storage to storage);
- Insurance for the replacement value of the property in connection with the commercial move and necessary storage;
- Replacement value of property lost, damaged or stolen through no personal fault where insurance was not available;
- Low value/high bulk, 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 displacing 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 replacement site; and

- Other related moving costs that are considered by the Agency to be reasonable and necessary.

Ineligible Moving and Related Expenses:

- The cost of moving any structure or other real property in which the displaced person retained ownership;
- Interest on a loan to cover moving expenses;
- Loss of goodwill, profits or trained employee;
- Additional operating expenses incurred because of operating at the new location;
- Personal injury;
- Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Agency;
- Physical changes to the replacement real property at the new location;
- Costs for storage of personal property on real property already owned or leased by the displaced person; and
- Refundable security and utility deposits.



Filing a Relocation Claim

You should file a relocation claim as soon as possible after the move and expenses have been incurred. Your relocation agent will furnish you with claim forms for this purpose. You should receive payment within 30 days after your claim is approved.

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 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 (Title 42, US Code 301 et seq.) or any other federal law, except for federal law providing low income housing assistance.

Right to Appeal

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 which have statutory maximums such as site search expenses or reestablishment expenses can not 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. The Agency 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 initial determination.

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

Chief Engineer
CDOT
4201 East Arkansas Avenue
Denver, Colorado 80222

Citations/FAQs/Examples

49 CODE OF FEDERAL REGULATIONS §24.301(E) PERSONAL PROPERTY ONLY. Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or nonprofit organization include those expenses described in paragraphs (g)(1) through (g)(7) and (g)(18) of this section. (See appendix A, §24.301(e).)

APPENDIX A, §24.301(E) PERSONAL PROPERTY ONLY. Examples of personal property only moves might be: personal property that is located on a portion of property that is being acquired, but the business or residence will not be taken and can still operate after the acquisition; personal property that is located in a mini-storage facility that will be acquired or relocated; personal property that is stored on vacant land that is to be acquired.

FHWA, UNIFORM ACT FREQUENTLY ASKED QUESTIONS - 59. §24.301(E).

What is covered by the "personal property only" moving provision in this section? This section covers personal property that must be moved for a Federal or federally assisted project, and is owned by a person who is not displaced from a dwelling, business, farm or nonprofit organization. This includes personal property in a mini-storage facility that is being acquired, or personal property located on vacant land that is being acquired.



FHWA, UNIFORM ACT FREQUENTLY ASKED QUESTIONS - 68.

§24.301(G)(18). What is low value / high bulk and when should I use it? ...Low value / high bulk may also be applied to personal property only moves in §24.301(e)...



EXAMPLE 1 – WHAT ARE THE LIMITATIONS? The general limitations of a personal property move only are to the reimbursement of actual, reasonable and necessary costs to move personal property within the acquired area to a replacement site, up to 50 miles from the displacement.

EXAMPLE 2 – TENANT DISPLACEMENT FROM A STORAGE FACILITY.

Storage expenses may not be eligible on personal property move only, for example, a tenant who is displaced from a storage facility and moves to a



replacement storage facility. The noted tenant is believed to be addressing the same need and in a similar rental condition after the move as prior to the move, therefore not having a temporary need for storage (storage expenses) due to the displacement by the project.

EXAMPLE 3 – EXCEPTION TO THE REIMBURSEMENT FOR ONLY ONE MOVE.

The Department of Transportation has allowed for the actual, reasonable and necessary reimbursement of two moves, in the specific scenario where the owner of personal property is displaced from an area defined with a Temporary Easement (TE), occupied for construction for a defined period of time, then released back to the owner. A displaced person may move from the area of a TE and move back, if so desired, following the expiration of the TE, being reimbursed for the cost of both moves.

EXAMPLE 4 – PERSONAL PROPERTY VS REAL PROPERTY.

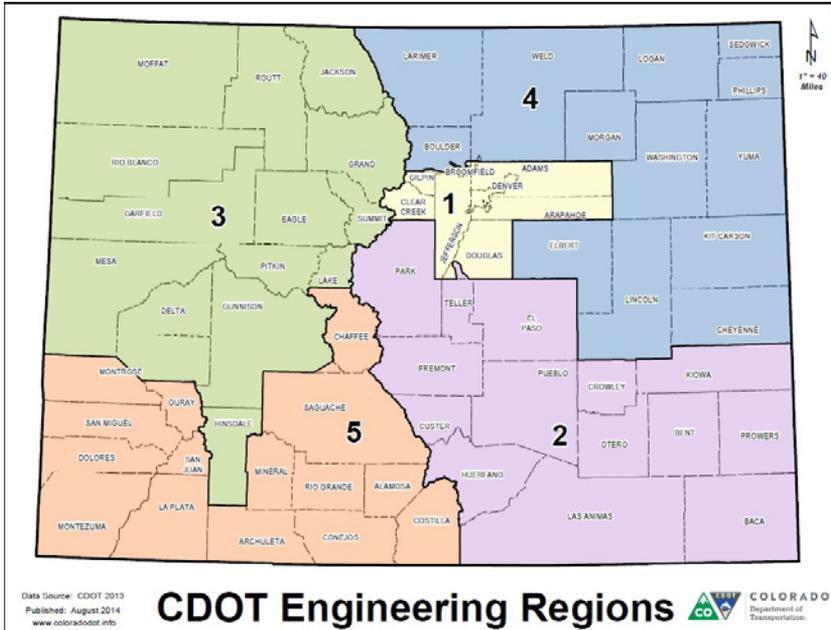
Rule of thumb is that real property is acquired and personal property is moved. There are times that the determination of personal property and real property are not clear. For example, a shed. A shed that is on skids, resting on the ground may be determined to be personal property eligible to be moved. A shed that is affixed to a foundation would be categorized as real property and included in the valuation for acquisition. Property deemed as real property cannot be moved with benefits of the relocation program, as it would result in a duplication of payment, which is strictly disallowed. We encourage you to

participate in the inventory process and the determination of items categorized as real property or personal property.



CONSULT WITH THE RELOCATION AGENT. As with any reference material, this brochure is not all inclusive of every citation, FAQ or example. Please work closely with your relocation agent in completely assessing your relocation needs, while having all applicable relocation benefits applied to your situation.

Region Map and Contact Information



<p>CDOT Headquarters 2829 Howard Place Denver, CO 80204 303-757-9836</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>CDOT Region 1 2829 Howard Place Denver, CO 80204 303-757-9887</p>	<p>Counties: Adams, Arapahoe, portions of Boulder and Broomfield, Clear Creek, Douglas (majority), Gilpin, Jefferson.</p>
<p>CDOT Region 2 222 South Sixth St., Rm 317 Grand Junction, CO 81501 970-683-6230</p>	<p>Counties: Baca, Bent, Crowley, Custer, Douglas (minority), El Paso, Fremont, Huerfano, Kiowa, Las Animas, Otero, Park, Prowers, Pueblo, Teller.</p>
<p>CDOT Region 3 1420 2nd St. Greeley, CO 80631 970-350-2152</p>	<p>Counties: Delta, Eagle, Garfield, Grand, Gunnison, Hinsdale, Jackson, Lake, Mesa, Moffat, Montrose (portion), Pitkin, Rio Blanco, Routt, Summit.</p>
<p>CDOT Region 4 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**