When I Must Move



Relocation Assistance Program

NORTH Dakota | Transportation

Be Legendary.

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Introduction

This brochure has been prepared to help you move when your home or property is needed for a highway project. Appropriate replacement housing must be provided before anyone is relocated as a result of a North Dakota Department of Transportation (NDDOT) road improvement project. The staff of NDDOT will assist you in every way possible.

The information provided here outlines your benefits and rights according to the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970, and the Code of Federal Regulations, Title 49, part 24. It should be helpful to anyone who must reestablish his or her home, business, farm, nonprofit organization, or rented property because of the acquisition of new highway right of way.

Under Title VI of the Civil Rights Act of 1964, and its related statutes and regulations, no person or groups of persons shall, on the grounds of race, color, national origin, sex, age, disability, or income status, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any and all programs, services, or activities administered by NDDOT.

Payments mentioned in this brochure will be in addition to the approved property appraisal. These payments are not automatic; eligibility must be established.

Notice: A person (alien) not lawfully present in the United States, will be subject to meet all federal laws, state laws, and NDDOT policies on illegal aliens prior to being eligible for any relocation payments under this program.

Regulations implementing this relocation assistance program may be obtained from the Environmental and Transportation Services Division of NDDOT, or from one of the eight district offices. Addresses are listed on the last page of this brochure.

Home Owner's Benefits

Moving Costs

If you must move because of an NDDOT highway project, you are entitled to reasonable payment for moving expenses.

If you move yourself instead of hiring a commercial mover, you may be paid actual moving costs, supported by receipts or other evidence of expenses incurred. These payments may not exceed the estimated cost of moving commercially.

Instead of these payment methods, you may choose to accept a moving expense allowance, as outlined in the schedule on page 9. When an actual expense basis is used and it's necessary for you to store your personal property, the storage will be paid by NDDOT (not to exceed 12 months).

Replacement Housing Payments

If you have been an owner-occupant for 90 days or more, you may receive additional payments not to exceed $41,200 to purchase comparable decent, safe, and sanitary housing.

If you have been an owner-occupant for less than 90 days, you may be eligible for a replacement housing payment, not to exceed $9,570, to rent or purchase decent, safe and sanitary housing.

Incidental Payments

If you have owned the home for 90 days or more, you may be compensated for the loss of favorable financing on your existing mortgage and other costs associated with the purchase of replacement housing.

Eligibility

The owner-occupant is eligible for the previously described payments when:

a. You move as a result of the acquisition of the property on which you are living.

b. You are in occupancy at the time a written notice is given by NDDOT, that it is their intention to acquire the property.

c. You are in occupancy at the time of initiation of negotiations, or in occupancy at the time property is purchased by NDDOT.

d. Subsequent occupants are not eligible for replacement housing payments.

e. Your occupancy has been for at least 90 days for maximum benefits.

f. You purchase and occupy a decent, safe, and sanitary dwelling within one year.

g. See "Notice" on page 1 in regards to a person (alien) not lawfully present in the United States.

Tenant's or Renter's Benefits

Moving Costs

If you must move because of an NDDOT highway project, you are entitled to payment for reasonable moving expenses. These payments must be supported by receipts.

In the case of a self move, the relocated individual or family may be paid actual moving costs, supported by receipts or other evidence of expenses incurred. These payments may not exceed the estimated cost of moving commercially.

Instead of these payment methods, individuals may elect to accept a moving expense allowance, as outlined in the schedule on page 9.

When an actual expense basis is used and it's necessary for the relocated person to store their personal property, the storage will be paid by NDDOT (not to exceed 12 months).

Replacement Housing Payments

Amount of Payment. An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed $9,570 for rental assistance. The payment will be 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:

a. The monthly rent and estimated average monthly cost of utilities or a comparable replacement dwelling; or

b. The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

A tenant of 90 days or more who elects to buy a replacement

dwelling may be eligible for a replacement housing payment not to exceed $9,570. This is to be used for the down payment plus incidental expenses on a replacement dwelling.

Mobile Home Resident's Benefits

Owners and tenants of mobile homes will receive the same general benefits in regard to moving costs and replacement housing payments as occupants of any other type of dwelling.

When a mobile home is relocated, it may be done on a reasonable cost basis. or according to the schedule shown on page 9.

Eligibility requirements would be the same as for occupants of other dwellings.

A displaced individual or family is not required to remain in the same status (owner or tenant), but may elect to rent (if an owner) or purchase (if formerly a tenant).

Business Benefits

Moving Costs

The owner of a business may be paid the actual reasonable cost of a move made by a commercial mover. These expenses must be supported by receipts.

If you move yourself, you may be paid an amount not to exceed the lower of two firm bids from bonded movers obtained by NDDOT.

If the estimated cost of the move would be under $5,000, a qualified NDDOT employee could make the estimate and negotiate this amount with you.

A business owner may be paid the actual direct loss of tangible personal property. The NDDOT relocation officer will discuss that procedure with you.

You may be reimbursed for time and reasonable expenses in searching for a replacement business site.

"In Lieu" Payments

In lieu of all other moving costs, a business may choose to receive a payment equal to the average annual net earnings of the business. The payment may not be less than $1,000 or more than $53,200 and the following requirements must be met:

a. NDDOT determines that the business cannot relocate without a substantial loss of its existing patronage.

b. The business is not part of a commercial enterprise that has at least three other outlets not being acquired by NDDOT.

Farm Operator's Benefits

An owner-occupant or tenant displaced from a farm will have the same benefits as any other displaced person from a dwelling, in general.

Business benefits may be paid if the farming operation is forced to move to a new location.

A farm operator may claim the "in lieu" payment of $1,000 to $53,200, if the farm operation meets the following requirements:

a. The entire farm operation would be discontinued.

b. In the case of partial taking, the remaining portion after acquisition would no longer be an economic unit.

c. The taking caused the operator to be displaced from the farm operation on the remaining land.

d. The taking caused such a substantial change in the principle operation or the nature of the existing farm operation that it constitutes a displacement.

Nonprofit Organization's Benefits

A displaced nonprofit organization is eligible to receive payment for actual reasonable moving expenses, actual direct losses of tangible personal property, and actual reasonable expenses in searching for a replacement site.

Payments other than those described above would be subject to certain criteria which can be explained by the NDDOT relocation officer.

A nonprofit organization may claim the "in lieu" payment of $1,000

to $53,200, if it cannot be relocated without a substantial loss of existing patronage.

Reestablishment Expenses

A small business, farm, or nonprofit organization may be eligible to receive a payment for expenses actually incurred in relocating and reestablishing at a replacement site.

Payments described above, as well as other payment options, would be subject to certain criteria which can be explained by the NDDOT relocation officer.

Acquisition Policies

Written Notice and Payments

NDDOT will do everything possible to schedule construction projects so that no person lawfully occupying the property shall be required to move from their home, farm, or business location without at least 90 days written notice from NDDOT or political subdivision responsible for the acquisition.

Payments to the owner for real property can be made prior to the move being completed.

Appeals

Any displaced person disagreeing with the amount of relocation payments allowed may appeal. Notify the NDDOT relocation officer handling the claim and ask for an appeal form. Complete the form and send it to the Director of Environmental and Transportation Services Division. They will ask the appeal board to review the case and will notify you of the board's decision. If you are still dissatisfied, you may request that your case be reviewed by the NDDOT director or their designee for final judgment.

Tax Considerations

Compensation for the actual cost of relocation is not considered taxable income. The IRS, however, requires that all payments exceeding $600 must be reported on IRS Form 1099-S. It is important that you keep complete relocation cost records for tax purposes.

Standards for Decent, Safe, and Sanitary Housing

NDDOT is required to furnish replacement housing that is decent, safe, sanitary, and meets the minimum requirements listed below.

Minimum Requirements

a. It conforms with all applicable provisions for existing structures that have been established under state or local building, plumbing, electrical, housing, occupancy codes, and similar ordinances or regulations.

b. It has a continuing and adequate supply of clean, safe water.

c. It has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and is connected to hot water, cold water, and an adequate sewage system. A stove and refrigerator in good operating condition must be provided when required by local codes, ordinances,or custom. When these facilities are not required, the kitchen area or an area set aside to serve as a kitchen must have utility service connections and enough space to install such facilities.

d. It has an adequate heating system in good working order which will maintain a minimum temperature of 70° in the living area under local outdoor temperature conditions. Bedrooms are not included in the "living area" as referred to in this paragraph.

e. It has a bathroom which is well lighted, ventilated, and it allows privacy to a person within it. It contains a lavatory basin and a bathtub or shower stall, properly connected to an adequate supply of hot water, cold water, and a flush toilet. All facilities must be in good working order and properly connected to a sewage disposal system.

f. It has an adequate and safe wiring system for lighting and other electrical services.

g. It is structurally sound, weather tight, in good repair, and adequately maintained.

h. It has a safe, unobstructed means of exit leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor to an exit which opens to ground level. In

multi-dwelling buildings of three stories or more, the common corridor on each story must have at least two exits.

i. It has 150 square feet of livable floor space for the first occupant in a standard living unit, and at least 100 square feet (70 square feet for mobile home) for each additional occupant. The floorspace is to be subdivided into sufficient rooms to be adequate for the family.

Rental of Sleeping Rooms

The standards for decent, safe, and sanitary housing as applied to rental of sleeping rooms will include the minimum requirements contained in paragraphs a, d, f, g and h above, as well as the following:

a. It has at least 100 square feet of livable floor space for the first occupant, and 50 square feet for each additional occupant.

b. It has lavatory, bath and toilet facilities that provide privacy including a door that can be locked, if such facilities are separate from the room.

Special Accommodations

To request accommodations for disabilities and/or language assistance, contact Civil Rights Division, NDDOT, 701-328-2978, or civilrights@nd.gov or TTP 711, as soon as possible.

Residential Moving Expense and Dislocation Allowance Payment Schedule
2021

SCHEDULE A - OCCUPANT OWNS FURNITURE								
1 Rm.	2 Rms.	3 Rms.	4 Rms.	5 Rms.	6 Rms.	7 Rms.	8 Rms.	Each Additional Room
$550	$750	$950	$1,150	$1,350	$1,550	$1,750	$1,950	$200

SCHEDULE B - OCCUPANT DOES NOT OWN FURNITURE	
First Room	Each Additional Room
$475	$75

Exceptions:

1. Person whose residential move is performed by NDDOT - $100.
2. Move of a mobile home from site, actual cost may be added for packing and securing personal property for the move, if reasonable, at NDDOT's discretion.
3. Occupant of dormitory - $100.

Relocation Officer

Environmental and Transportation Services Division
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, North Dakota 58505-0700
Telephone: 701-328-2887

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