

# **Appendix F**

## *Relocation Assistance Program*

---

### *US 301 Project Development*



**Federal Highway  
Administration**



**Delaware Department  
Of Transportation**



STATE OF DELAWARE  
**DEPARTMENT OF TRANSPORTATION**  
250 BEAR-CHRISTIANA ROAD  
BEAR, DELAWARE 19701

CAROLANN WIGGS, P.E.  
SECRETARY

**MEMORANDUM**

**TO:** William Hellmann  
Partner Emeritus  
Rummel, Klepper & Kahl, LLP

**VIA:** Wayne Rizzo *WR*  
Assistant Director of Planning, Real Estate Services

**FROM:** Thomas D. Nickel *TDN*  
North District Real Estate Manager

Paul Meleri *PM*  
Operation Support Manager

**DATE:** October 19, 2007

**RE:** **US 301 Green North + Spur Alternative  
Relocation Plan**

---

Attached is the updated Relocation Plan for the US 301 Green North + Spur Alternative. Re-analysis of the Relocation Plan was necessary since the potential relocation needs changed from the submission for the DEIS and a modification at the Bethel Church Road connection.

Please consider this Relocation Plan for the FEIS submission.

TDN:sea  
Attachment

**RECEIVED**

OCT 26 2007

RUMMEL, KLEPPER & KAHL, LLP



## US 301 Relocation Plan

### General Area of Project

This project starts at the Delaware/Maryland state line below Middletown, Delaware and continues in a northerly and northeasterly direction to the Chesapeake and Delaware Canal. This Relocation Plan has been prepared for the Green North plus Spur Road Alternative and is to be incorporated into the FEIS.

### Planning Assumptions

This Relocation Plan was compiled based upon assumptions from the work in progress plan supplied by RK&K Engineering, a field inspection conducted by Delaware Department of Transportation, Real Estate Services staff on 8-23-07, New Castle County assessment records and public information available over the internet. This plan also assumes that no advanced acquisitions requiring relocation assistance will occur on the project prior to the distribution of Semi-Final Right of Way Plans. **No contact was made with any person in occupancy upon any parcel listed below in formulation of this Relocation Plan other than what had been communicated to Real Estate Services staff at their convenience.**

### Potential Displacement Inventory

There are twenty-one (21) parcels that appear to be occupied thus requiring relocation assistance and payments. Fifteen (15) of the parcels would be total acquisitions while six (6) are partial acquisitions. Based upon the field inspection and county assessment records it appears that there would be thirty-five (35) separate relocation assignments and are as follows:

- ✓ Ten (10) 180-Day Homeowner Occupants
- ✓ Eleven (11) 90-Day Occupants (tenants)
- ✓ One (1) Farm Operation
- ✓ Three (3) Occupied Businesses
- ✓ Ten (10) Non-Occupant Businesses (Reestablishment Expense eligibility only)

### By Parcel Relocation Type

11-061.00-011: One (1) 180-Day Homeowner Occupant, One (1) Farm Operation  
13-012.00-010: One (1) 180-Day Homeowner Occupant, One (1) 90-Day Occupant (tenant-mobile home)  
13-012.00-035: One (1) Occupied Business, One (1) Non-Occupant Business  
13-012.00-036: One (1) 90-Day Occupant (tenant-mobile home)  
13-012.00-037: One (1) Occupied Business, One (1) Non-Occupant Business  
13-012.00-038: One (1) 180-Day Homeowner Occupant  
13-012.00-098: One (1) 180-Day Homeowner Occupant  
13-012.00-102: One (1) 90-Day Occupant, One (1) Non-Occupant Business  
13-012.00-103: One (1) 90-Day Occupant, One (1) Non-Occupant Business  
13-017.00-007: One (1) 90-Day Occupant, One (1) Non-Occupant Business  
13-017.00-012: One (1) 180-Day Homeowner Occupant

13-017.00-013: One (1) 180-Day Homeowner Occupant  
13-017.00-083: One (1) 180-Day Homeowner Occupant  
13-017.00-084: One (1) 180-Day Homeowner Occupant, One (1) 90-Day Occupant (mobile home)  
13-017.00-087: One (1) 180-Day Homeowner Occupant  
13-017.00-119: One (1) 90-Day Occupant, One (1) Non-Occupant Business  
13-017.00-129: One (1) 90-Day Occupant, One (1) Non-Occupant Business  
13-022.00-001: One (1) 90-Day Occupant, One (1) Non-Occupant Business  
13-026.00-006: One (1) 180-Day Homeowner Occupant  
14-010.00-004: One (1) 90-Day Occupant, One (1) Non-Occupant Business  
14-010.00-016: One (1) Occupied Business, One (1) Non-Occupant Business

### **Available Replacement Sites for Residential Occupants**

There is presently a good supply of comparable or better replacement housing available for 180-Day Homeowner Occupants and it would appear that an adequate supply of available housing will be available at the time of displacement as the area continues to develop residentially. However, it is anticipated that the cost of providing comparable replacement housing will require housing of last resort for approximately fifty-eight percent (58%) caused by the following:

- ✓ Handicapping condition requiring special modifications to replacement housing
- ✓ The amounts of a Purchase Supplement, Incidental Expense costs and Mortgage Interest Differential costs will exceed the established statutory limits

The field investigation revealed that all identified residential tenants reside in single-family dwellings. Further investigation indicated that there is a limited supply of available housing of this type presently for rent in and around the project area. As such, housing of last resort will be utilized to provide for comparable replacement housing if the supply condition remains the same at the time of displacement.

### **Non-Residential Occupant Issues**

The Farm Operation will in all probability require the operator to relocate out of the immediate project area as the farmland is under heavy development pressure and therefore it is assumed that there may not be any potential replacement sites available at the time of displacement. However, it is anticipated that the availability of farmland for sale and for the purpose of conducting a farm operation will be available in the surrounding area when displacement occurs.

The three (3) occupied businesses in the area are considered small businesses of which two (2) are retail operations and one (1) is a service operation. Specifically, the type of businesses being conducted are as follows:

- ✓ A home decorating service
- ✓ Storage shed and children's residential playground equipment sales
- ✓ A gas station/convenience store

There is a possibility that the gas station/convenience store may include additional displaced person occupying the site caused by personal property being owned by various product providers. This will be determined when interviews are conducted.

It is anticipated that at the time of displacement, the one (1) service oriented business will be able to relocate to available sites as there will be space available in the area for lease or purchase that can accommodate this operation. This is based upon the present and continuous availability in the project area of the type of space required to conduct these operations.

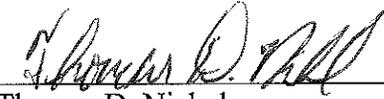
It cannot be said, for certain, that at the time of displacement sites will be available for the retails operations in the immediate area. This is based on the uniqueness of the operation requirements of these enterprises; however, that is not to say that the reestablishment of these operations will not occur.

In summation, the residential and non-residential relocations will pose some difficulties but not insurmountable. A more detailed plan will be developed at the time Semi-Final Right of Way Plans become available. At which time all potential Displaced Persons will be interviewed to determine the needs and preferences of those occupants. Based upon the information collected during those interviews an acquisition prioritization schedule will be developed for those displaced to provide for adequate time needed for successful moves. Additionally, these interviews will provide the basis for determining the best course of action for the utilization of Housing of Last Resort to resolve those residential issues, which cannot be resolved within Federal and State of Delaware statutory provisions.

Approved:

 10.22.07  
\_\_\_\_\_  
Wayne Rizzo Date  
Assistant Director of Planning

Recommended:

 10.19.07  
\_\_\_\_\_  
Thomas D. Nickel Date  
North District Real Estate Manager

Recommended:

 10/18/07  
\_\_\_\_\_  
Paul Meleri Date  
Operation Support Manager

## **Summary of the Relocation Assistance Program of the Delaware Department of Transportation**

All Delaware Department of Transportation projects utilizing Federal funds must comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 USC 4601) as amended by Title IV of the Surface Transportation and Uniform Relocation Act of 1987 (Public Law 100-17), Public Law 105-117 in 1997, and Title 49 CFR Part 24 in 2005. State-funded projects must also comply with the provisions of the Delaware Code Title 29, Chapter 93, Uniform Relocation Assistance.

In the above referenced Federal and State laws, the Delaware Department of Transportation is required to provide relocation services and payments to eligible persons who are displaced by a public project. Only citizens or non-citizen nationals in the United States of America may be considered eligible and will be assigned a Relocation Counselor upon verification of eligibility. Those persons that qualify as a displaced person maybe entitled to a replacement housing payment, moving costs and related expenses as well as relocation advisory services. Additionally displaced residential persons may be eligible for reimbursement for certain miscellaneous expenses incurred in moving as provided for solely under the Delaware relocation assistance statute . The Delaware Department of Transportation will determine all maximum payments amounts. The Delaware Department of Transportation's, Division of Planning, Real Estate Services Section administers the Relocation Assistance Program.

### **Residential Displacements**

Residential occupants who are required to move must be provided the ability to relocate to a comparable replacement dwelling that is decent, safe, and sanitary, and functionally equivalent to present dwelling. Replacement housing payments are made to both owner occupants and tenant occupants. An owner occupant may receive payments for a purchase supplement, incidental expenses and mortgage interest differential, rental assistance or downpayment assistance.

There are three basic length-of-occupancy requirements which determine the type of replacement housing payment a displaced person is entitled to, and they are: owner occupants of 180 days or more, and owner occupants of 90 to 179 days and tenants of 90 days or more. Length-of-occupancy in most instances, is defined as the number of days of residence in the dwelling before the initiation of negotiations by the Delaware Department of Transportation for the purchase of the property.

### **Purchase Supplement**

Owners who were in occupancy 180 days or more prior to the initiation of negotiations may be eligible for a purchase supplement payment of up to \$22,500 in addition to the fair market value of property acquired.

The purchase supplement is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the replacement dwelling.

## **Incidental Expenses**

180-day owner occupants are also eligible for reimbursement of incidental expenses such as, but are not limited to, costs incurred for a title search, recording fees, and other closing costs (excluding real estate taxes and property insurance).

## **Mortgage Interest Differential**

180-day owners occupants may also be reimbursed for the increased mortgage interest costs if the interest on the new mortgage exceeds that of the previous mortgage.

## **Rental Assistance**

Owners who have been in occupancy from 90 to 179 days, or tenants of 90 days prior to the initiation of negotiations are eligible for a rental assistance payment of up to \$5,250. This payment is designed to enable the displaced person to rent a comparable, decent, safe and sanitary dwelling for a 42 month period.

Persons who are in occupancy at the initiation of negotiations, but less than 90 days prior to that date are still considered a displaced person entitled to relocation assistance advisory services and moving payments, and may also be entitled to a rental assistance payment if comparable replacement rental housing is not available within their financial means. Under this circumstance a displaced person's rental assistance payment would be an amount that exceeds the base monthly rent for the displacement dwelling to rent a replacement dwelling as determined by the Department of Transportation. Such rental assistance would be paid under the provisions of replacement housing of last resort

## **Downpayment**

Like rental assistance, owners who have been in occupancy from 90 to 179 days, or tenants of 90 days prior to the initiation of negotiations are eligible for a rental assistance payment or a downpayment of up to \$5,250. However, the payment for a displaced owner cannot exceed the amount of the payment that would be received by a 180-day owner occupant for the same property. Owners and tenants may also be eligible for reimbursement of incidental expenses such as costs incurred for a title search, recording fees, and other closing costs (excluding real estate taxes and property insurance).

## **Residential Moving Cost Reimbursement**

Displaced individuals and families may choose to be paid on the basis of actual reasonable moving and related expenses, or according to a fixed moving cost schedule.

For actual reasonable moving costs, displaced persons can choose to utilize a professional mover or move themselves, but reimbursement is limited to a 50 mile distance. Other related moving expenses include packing and unpacking, temporary storage, transportation, and moving insurance. All expenses must be considered necessary and

reasonable by the Delaware Department of Transportation and be documented by paid receipts, or other evidence of expenses incurred.

Owners and tenants of the State of Delaware displaced from a residential dwelling by a program or project can be eligible to receive reimbursement for miscellaneous expenses incurred within thirty days of moving from the displaced dwelling if not otherwise authorized under the State of Delaware relocation assistance statute. In no event shall payment from the Delaware Department of Transportation exceed 1% of the appraised residential value of the residence acquired.

### **Fair Housing**

The Fair Housing Law (actually Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights act of 1968) sets forth the policy of the United States of America to provide, within constitutional limitations, for fair housing throughout the United States of America. These acts and Executive Order 11063 make discriminatory practices in the purchase and rental of most residential units illegal 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 located in an area of minority concentration, that are within their financial means. This policy, however, does not require the Delaware Department of Transportation to provide a displaced person with a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling outside of an area of minority concentration.

### **Nonresidential Displacements**

Nonresidential displacements, business, farm or nonprofit organization, may be eligible for the reimbursement of moving expenses, loss of tangible personal property, searching expenses or a fixed payment in lieu of actual moving expenses. A small business as defined may be eligible for reimbursement for certain reestablishment expenses not to exceed \$22,500.00

### **Nonresidential Moving Cost Reimbursement**

Displaced businesses, farms, or nonprofit organizations are also entitled to reasonable moving expenses. Like residential displacements there are two types of payment; businesses, farms, or nonprofit organizations between two payment types. The types of payments available are actual reasonable moving costs or a fixed payment in lieu of moving costs.

### **Actual Reasonable Moving Costs**

Actual reasonable moving costs can be paid if moved by a professional mover or if nonresidential displaced person elects to move on their own. Related expenses can also be covered which include direct loss of tangible property that occurred as a result of the

move or discontinuation of the operation, reestablishment expenses, and expenses incurred while searching for a replacement property (not to exceed \$2,500.00).

Under the actual reasonable moving costs, a small business, farm or nonprofit organization may be eligible for a payment, not to exceed \$22,500 for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business, farm or nonprofit organization must not have more than 500 employees working at the site being acquired or displaced by the Delaware Department of Transportation, and is a site of economic activity. Sites solely occupied by outdoor advertising signs, displays, or devices do not qualify as a small business.

### **Fixed Payment in Lieu of Actual Moving Costs**

The non-residential displaced person may also be eligible for a fixed payment in lieu of actual moving and other related expenses. The fixed payment is 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 within a two year period deemed more representative by the Delaware Department of Transportation.

The fixed payment may not be less than \$1,000 or more than \$20,000, and several criteria must be met to be eligible for this type of payment. Any business that is solely engaged in the rental of space for residential or business purposes is not eligible for this type of payment.

### **Housing of Last Resort**

Federal and State law require that the Delaware Department of Transportation shall not proceed with any phase of the project which will cause relocation of any persons, or proceed with any construction project, until it has furnished satisfactory assurances that the above payment will be provided, and that all displaced persons will be satisfactorily relocated to comparable decent, safe and sanitary housing within their financial means, or that such housing is in place and has been made available to the displaced persons.

On most projects, an adequate supply of housing will be available for sale or rent, and the benefits provided will be sufficient to enable displaced persons to relocate to comparable replacement housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. When a housing shortage occurs, the Delaware Department of Transportation will implement the administrative process called Housing of Last Resort by providing additional or alternative assistance required to assure that all residential occupants displaced have the ability to move to comparable, decent, safe and sanitary housing.