

***Eminent Domain Brochure***

**MassDOT  
Highway Division  
Right of Bureau  
January 5, 2011**

**(Revised 1/5/11)**

**EXHIBIT NO. 5-4**

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## **EMINENT DOMAIN PROCEDURES**

### **INTRODUCTION**

The purpose of this brochure is to explain the Eminent Domain land acquisition process, and answer frequently asked questions about the process. The MassDOT Highway Division ("Division") realizes that it can be difficult to understand how the Eminent Domain process works, and that this may cause concern for property owners impacted by a possible Eminent Domain acquisition.

The objective of this brochure is to accomplish two things:

- (1) Explain the Eminent Domain process.
- (2) Answer the most frequently asked questions about the process.

By explaining how the Eminent Domain process works, the Division hopes to reduce the concerns which owners may have.

### **THE LAND ACQUISITION PROCESS**

Under the Eminent Domain Law, if it is determined that public necessity and convenience require the construction, relocation, or modification of a state highway, the MassDOT may acquire property needed for highway purposes through the Division after a public hearing is held.

After the Division has contacted impacted property owners, and an appraisal of the acquired "real" property<sup>1</sup> has been completed, and an offer of fair market value has been made, then a copy of the "Plan" (showing the location of the acquired property) and the "Order of Taking" (describing the acquired property) are recorded in the Registry of Deeds (or Registry District of the Land Court) of the county in which the acquired property is located.

If the acquisition is a fee taking, title to the acquired property transfers to the Division on the date of the recording. A "fee" taking means that the Division becomes the *owner* of the property. If the acquisition is an easement taking, title remains in the name of the property owner. However, the Division acquires a right to the *use of the property*.

Owners will be notified that property has been acquired by a "Notice of Taking", which will be sent to an owner by the Division shortly after the recording of the Order of Taking. This process applies to both fee and easement acquisitions.

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<sup>1</sup> "Real" property is land and buildings (if buildings are affected). The appraisal(s) of the affected property will only consider "real" property items. "Personal" property are items such as furniture. Personal property items are not appraised, instead, the cost of moving personal property items to another location will be paid by the Highway Division.

## **PUBLIC HEARINGS**

Before laying out a new state highway or altering an existing state highway, the Division will hold public hearings in the impacted cities and towns along the proposed highway corridor.

Public hearings are held to obtain public input in governmental decision-making. Public hearings provide a forum for the exchange of ideas during the official presentation of the Division proposal. Information is distributed to everyone attending the public hearing. Any member of the public has an opportunity to comment on the proposal being presented.

During the public hearings, the public will be advised of the proposed location and layout of the highway project including the design of any project structures. All aspects of the project will be considered, including the effect of the project on the environment and the social and economic impact of the project upon the community.

Minutes of the public hearing are recorded. Transcripts of the public hearing are reviewed by the Division and the Federal Highway Administration ("F.H.W.A.").

All comments are carefully considered before the determination of the final design for a highway improvement plan is made.

## **HOW OWNERS WILL BE CONTACTED**

Property owners will be contacted by the Division's Right of Way Bureau's agents. Each of whom serves a specific purpose:

- The first agent to contact the property owner will be from the Right of Way Bureau's Projects section. The agent provides the owner with preliminary information concerning the project and the proposed acquisition of the owner's property. The agent will describe the land acquisition process and request information about the property in order to confirm various property and title facts.
- An appraiser will contact the owner to obtain data for an appraisal of the property.
- If applicable, a Relocation agent will contact the owner and discuss the available relocation benefits.
- After the Award of Damages has been determined, a Projects section agent will contact the property owner in order to present the Award of Damages and explain the owner's rights.

## **RIGHTS-OF-ENTRY**

"Rights-of-Entry" for construction purposes, other than for temporary occupancies, shall be obtained only in exceptional circumstances, with prior approval of the owner.

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The value of the property to be acquired by the Division, the property's value will be calculated by a qualified appraiser(s). One appraisal will be prepared for all property acquisitions, complex acquisitions will require two appraisals. The appraiser(s) will examine all features of the property in order to determine the amount of "Just Compensation" the owner is entitled to be paid. The appraiser(s) will contact the property owner and welcome any information the owner can provide regarding the property. The property owner should accompany the appraiser(s) during the inspection of the property.

If the property to be acquired involves real property other than land, such as buildings, then the appraisal process will include a "Real and Personal Property Report". The report lists all items of "real" property and "personal" property on the impacted property including any part of the "real" property which may be tenant-owned improvements. The owner will be asked to sign the Real and Personal Property Report to concur with the findings made in the report of "real" versus "personal" property. The Real and Personal Property Report is incorporated into the appraisal.

After the appraisal process has been completed, all appraisals are reviewed by the Review Appraisal Section of the Division or a Fee Review Appraiser under contract with the Division.

After the appraisal(s) of the property have been completed *and* a review of the appraisal(s) have been completed by a review appraiser, if the value of a property to be acquired could exceed \$300,000.00, then the property is reviewed by the Real Estate Appraisal Review Board (R. E. A. R. B.). The R. E. A. R. B. is an independent board comprised of real estate appraisers. The R.E. A.R.B. sets the "Award of Damages" amount to be paid to the property owner.

The Award of Damages is then approved at the Division's Administrator meeting, and this amount is then presented to the owner.

#### **ACCEPTANCE OF PRO TANTO OFFER DOES NOT PRECLUDE SUIT FOR ADDITIONAL AMOUNT**

After the Division's Administrator has approved the Award of Damages, the property owner or the owner of tenant-owned improvements will be contacted by an agent of the Division's Right of Way Bureau to present the amount of the Award of Damages.

If the owner is satisfied that the Award of Damages presented is fair and equitable, the owner will be asked to sign an Agreement of Settlement based upon the Award of Damages.

If the owner is not satisfied with the amount of the Award of Damages, the owner may accept the Award of Damages on a "Pro Tanto" basis. Acceptance on a Pro Tanto basis allows the owner to receive full payment of the Award of Damages while still maintaining his/her right to bring a claim in court against the Division for an additional amount. If the owner decides to commence such an action, the owner must do so within three (3) years from the date of the recording of the Order of Taking at the Registry of Deeds. The Pro Tanto receipt will be sent to the owner prior to the payment date.

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#### **RIGHTS OF THOSE WHOSE PROPERTY IS ACQUIRED**

The date property is acquired by the Division (and title or rights are taken) is the date on which the Order of Taking is recorded at the Registry of Deeds. When property is acquired, owners are entitled to

be paid "Just Compensation" for the damages resulting from the acquisition of the property. This payment is called an "Award of Damage", and it is due an owner within sixty (60) days of the date of the acquisition of the owner's property by the Division.

### **TENANT-OWNED IMPROVEMENTS**

Where the Division identifies buildings, structures and other improvements (including removable buildings, equipment, and trade fixtures) which are considered to be part of the real property for which the offer of Just Compensation is made, a statement shall identify any separately held ownership interest in the property (e.g. a tenant-owned improvement), and so indicate that such interest is not covered by the offer. An item will only be classified as a tenant-owned improvement if both the fee owner and tenant-owned improvement owner agree to this classification, or if the lease indicates a tenant-owned improvement designation.

In these instances, if the fee owner disclaims all interest in the tenant-owned improvements, then the Division will inform the fee owner and tenant of their individual interests, and submit separate offers to the parties involved.

### **INTEREST ACCRUED**

Interest accrues on all claims, beginning on the date that the Division records the Order of Taking at the Registry of Deeds, and continuing until the date on which the Division is able to tender (offer) payment to the owner.

Interest is paid at the rate equal to the 52-week U.S. Treasury Bill rate. The interest rate paid on any monies deposited in the Eminent Domain Trust Fund of the State Treasurer's Office is determined by the State Treasurer's Office.

### **LIENS, TAXES, AND MORTGAGES**

Liens, taxes and mortgages on the owner's property, which are outstanding at the time an owner's property is acquired, must be released *before* payment of the Award of Damages is made. If the outstanding liens, taxes and mortgages are not satisfied within sixty (60) days of the date on which payment was tendered to the owner, the owner's payment may be deposited as unclaimed funds in the Eminent Domain Trust Fund of the State Treasurer's Office.

### **REQUEST FOR TAX REPORTING INFORMATION ("W-9" FORM)**

*In order to ensure timely payment of the amount due an owner, it is essential that the owner return a properly completed "W-9" Form as soon as possible (or a "W-8" Form for Foreign Status). The purpose of this form is to ensure that an owner's taxpayer identification information is accurate and complete.*

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*The completed W-9 Form must be signed by the owner or owners whose names appear on the title deed of the acquired property, as recorded in the Registry of Deeds.*

If the Division does not receive a properly completed W-9 Form from a property owner, the Division cannot set aside the funds which will be needed for the owner's payment, and the owner will not receive payment until a properly completed W-9 Form is received.

### **RESIDENTIAL RELOCATION BENEFITS**

If the owner of an affected residential dwelling lives in the dwelling, the owner may be entitled to receive relocation benefits and a replacement housing payment, after the owner has purchased, and moved into, a new dwelling.

Tenants in an impacted residential dwelling may be entitled to receive relocation benefits and a replacement housing payment, after they have moved into a new dwelling.

Relocation assistance to help the owner and/or tenants find another dwelling will be provided by a Relocation agent from the Division's Right of Way Bureau.

All eligible residential occupants (owners and tenants and their families) are entitled to actual, reasonable, and necessary moving expenses, or they may elect a fixed amount in accordance with a scheduled relocation allowance.

Additional benefits, including a dislocation payment and a mortgage rate differential, will be explained by a Relocation agent. Relocation benefits are also described in the Division's "Residential Relocation Brochure". A copy will be provided when an occupant is contacted by the relocation agent.

### **BUSINESS, FARM, & NON-PROFIT ORGANIZATION RELOCATION BENEFITS**

Operators of a displaced business, farm, or non-profit organization may be eligible for the actual, reasonable moving expenses of their personal property. A Relocation agent will be assigned to the case, and will contact the owner to assist in all phases of the relocation.

*If* the property owner requires the services of a relocation planner/consultant to assist with the relocation and the owner intends to seek reimbursement from the Division for these costs, the property owner must take the following steps to be eligible for reimbursement:

- (1) Provide the Division with a written Scope of Work for the relocation planner/consultant services. This Scope of Work must describe all activities and services to be performed by the relocation planner/consultant.
- (2) The Division will review the Scope of Work, and respond in writing identifying those services determined to be reimbursable.
- (3) Based on the reimbursable services, the property owner must provide the Division with three (3) written bids (from 3 separate relocation planner/consultant firms) detailing the cost to perform these relocation planner/consultant services.

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- (4) The Division will review the bids, and determine what, if any, reimbursement will be allowed for relocation planning/consulting.

Relocation benefits will be explained by a Relocation agent. Business Relocation benefits are further described in the Division's "Business Relocation Brochure".

### **BUY BACKS AND MOVING OF BUILDINGS**

Owners may be given the right to repurchase their building(s), for relocation to another site. Relocation to another site may be authorized, at the buyer's expense, if it is feasible.

A reasonable length of time will be afforded for the removal of the building.

In some instances, because of age, size, condition of the building or the distance that it must be moved to the new site, it may not be feasible to relocate the building.

**TIME TO ACQUIRE NEW ACCOMMODATIONS**

If the owner, or tenant of the owner, is residing or conducting business in a building that is going to be acquired, then the owner/tenant will be allowed at least four (4) months (from the date the property is acquired by the Division) to move to another location.

If the acquisition of property does not involve a residential or business relocation, the owner/tenant will be allowed at least thirty (30) days (from the date the property is acquired by the Division) to vacate the property.

**USE OF BUILDING AFTER THE DIVISION ACQUIRES THE PROPERTY**

The owner or the tenant may continue to use or occupy the acquired building for at least four (4) months after the owner has been notified that it was acquired by the Division. However, after the owner has received the "Notice of Taking", a "Use and Occupancy" charge will be due for the use or occupancy of the building. This charge is determined by, and payable to, the Division.

In the event that the "Use and Occupancy" charge has not been paid in full on or before the 90th day of occupancy (from the date the Division acquired the property), then the property owner will receive an Eviction Notice in accordance with the 4-month occupancy. Requests to extend beyond the 4-month period will be considered, provided that arrangements can be made to ensure that the "Use and Occupancy" charge will be paid, and only if the Division cannot demonstrate an immediate need for the property. Unpaid "Use and Occupancy" charges are monitored by the Highway Division, and may be forwarded to the Massachusetts Office of the Attorney General for action.

**IF YOU NEED ASSISTANCE**

If you wish to discuss some aspect of the acquisition of your property by the Highway Division, contact the Division by writing to:

Director, Right of Way Bureau  
MassDOT Division  
10 Park Plaza -- Room 6160  
Boston, MA 02116-3973

Your inquiry will be referred to the appropriate person within the Highway Division for investigation and reply.

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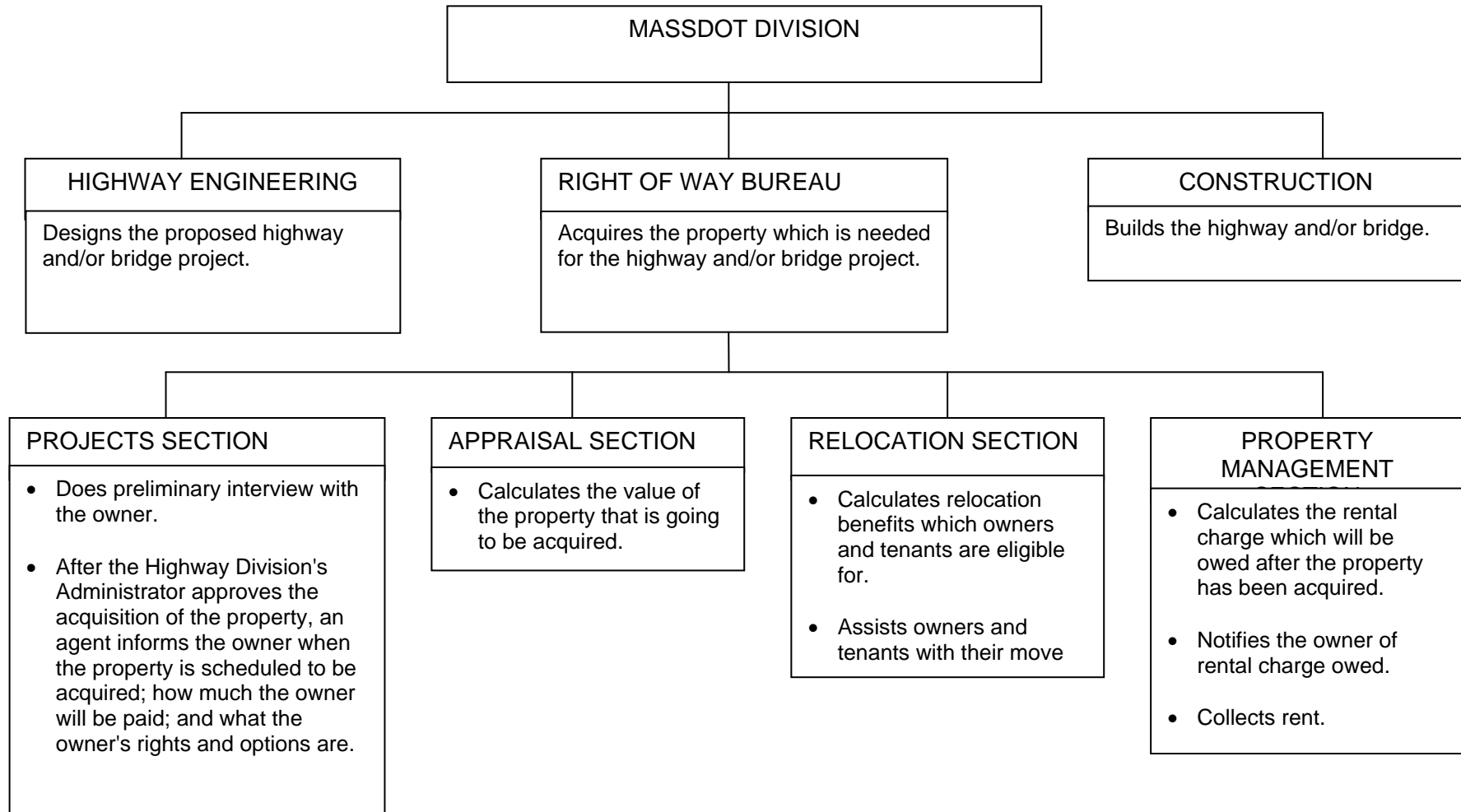


# ***Frequent Questions***

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## TABLE OF ORGANIZATION

**The Right of Way Bureau (R.O.W.)** oversees and coordinates the land acquisition (Eminent Domain) process for the MassDOT Highway Division (M.H.D.). Within the Right of Way Bureau, there are a number of different sections including: the Projects section, the Appraisal section, the Relocation section and the Property Management section.



**If you are unsure who you should speak to, please call the Right of Way Bureau at (617) 973-7900, and your call will be directed to the appropriate section and individual.**

The following are frequently asked questions:

1. What is the Process by which property is acquired by the Division?
  - A. Public Hearing.
  - B. Right-of-Way Plans. After the Public Hearing, the design of the highway is finalized and "right-of-way plans" are drawn up. The right-of-way plans show the land that the Highway Division will need to acquire for highway construction purposes.
  - C. Preliminary Interview. When right-of-way plans are completed, an agent from the Right of Way Bureau's (R.O.W.) Projects section will contact each impacted property owner to arrange a meeting. At this meeting, the agent will show the owner the right of way plans of the impacted property, explain the owner's rights, and request information from the owner regarding the property.
  - D. Appraisal of the Property. Property, scheduled to be acquired, is appraised in order to determine the amount the owner will be paid as "Just Compensation" for the property acquisition. This "Just Compensation" amount includes the "Award of Damages", plus interest from the date of the acquisition to the date payment is tendered, plus an apportionment for real estate taxes. The appraiser(s) will contact the owner, and will welcome any information the owner can provide regarding the property. The owner should accompany the appraiser during the inspection of the impacted property.
  - E. Relocation Benefits. If the acquisition of the owner's property involves a relocation, an agent from R.O.W.'s Relocation section will meet with the owner to discuss the available benefits, and the procedures involved.
  - F. Administrator's Approval The Administrator of the MassDOT Division approves the "Total Payment" due to each owner. The Total Payment includes the Award of Damages, interest, and real estate tax apportionment. The Administrator also approves an "Order of Taking", which authorizes the acquisition of property by Eminent Domain.
  - G. Presentation of the Award of Damages. An agent from R.O.W.'s Projects section will meet with the owner in order to present the Total Payment amount and to explain the owner's legal rights. . This meeting occurs *after* the Administrator has approved the highway project and the Total Payment (Step F), and *before* the property is acquired by the Division (see Step H). Additionally, a Relocation agent may be present. The Relocation agent will explain what relocation benefits the occupants are entitled to.
  - H. The Property is Acquired by the Division. Ownership of the property transfers to the Division *when the Order of Taking* (approved in Step F by the Administrator) is *recorded at the Registry of Deeds.*

Ownership of the property transfers to the Division even though the owner has not signed any papers, and has not yet received any money.

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- I. Notification is Sent to Owners and Tenants. After the property has been acquired, owners are sent several notices. These include:
- Notice of Taking - informing the Owner what property was acquired, when it was acquired, and how much they will be paid;
  - Notice to Vacate - informing the Owner and/or Tenants of the date until which they are legally allowed to occupy the property. Under no circumstances do the occupants need to leave earlier than the date specified in the Notice of Taking.
  - Use & Occupancy Charge - informing the occupants of the property how much they will be charged for monthly rent until the property is vacated. For owners, this rental charge does not begin until after payment for the property has been made available to them. For tenants, this rental charge begins on the 1st of the month after the property has been acquired.
- J. Payment is made to the owner. Payment should be made within 60 days of the recording of the Order of Taking (Step H), however, payment will not be made until the owner of the property has returned a properly completed "W-9" form, and all liens, taxes, and mortgages which are outstanding have been satisfied (either paid off, or a release or partial release has been obtained).
- K. Rent is Due. See Step I, "Use & Occupancy Charge" (above).

2. Who will contact me?

After right-of-way plans have been completed, and the impacted properties are known, an agent from R.O.W.'s Projects section will contact each impacted property owner, and arrange a meeting (as explained in Question #1, Step C).

At this meeting, the agent will show the owner the right of way plans of the impacted property, explain the owner's rights, and request information from the owner regarding various property information.

3. On what date will my Property be acquired?

The Division schedules a preliminary date on which it anticipates acquiring property for a highway project. In many instances, however, the actual date that an owner's property is acquired changes from the scheduled time. Changes in the acquisition date can occur for a number of reasons including:

- Minor modifications to the highway project.
- Special legislation. The highway project may require the passage of special legislation by the State Legislature, prior to the acquisition of the property.
- Delay in the allocation of funds. The money needed to pay an owner for the acquisition of the property is not available on the scheduled acquisition date.

The date an owner's property is acquired by the Division is the date on which the "Order of Taking" is recorded at the Registry of Deeds (Question #1, Step H).

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4. How much will I be paid?

The owner will be paid "Just Compensation" for damages resulting from the property acquisition. This "Just Compensation" amount is called an "Award of Damages". The Award of Damages is the Fair Market Value of the property acquired from the owner, as well as damage to the value of the remaining property - *if any*.

Division appraisers, independent appraisers, Division Review Appraisers", independent "Review Appraisers" and an independent Real Estate Appraisal Review Board may all contribute to the process of arriving at the appropriate Just Compensation amount that an owner is due. Additionally, the Division will pay a proportionate share of the real estate tax for the current tax year. The Division will also pay interest from the date the owner's property is acquired to the date on which an owner is paid.

5. When will I know how much I'll be paid?

The amount of the Award of Damages will be presented to the owner *after* the Administrator has voted the exact amount (Question #1, Step F) and *before* the Order of Taking has been recorded at the Registry of Deeds (Question #1, Step H).

The owner will not be told prior to the Administrator vote, since the amount has not yet been determined and approved.

6. When the appraiser inspects my property, why might they only do a cursory visual inspection?

The purpose of the inspection is not to take an inventory of every single item used in the construction of the building. The purpose of the inspection can be to determine the general overall condition of the property, and verify information about the property obtained from other sources.

7. What if I'm not satisfied with the amount? Must I accept the amount offered by the Division for damages? What are my options?

(a) An owner can submit their own appraisal. However, it must be a "certified" appraisal done by a licensed real estate appraiser. If the owner furnishes the appraisal to the Right of Way Bureau, then the Right of Way Bureau will review the owner's appraisal. If the Right of Way Bureau determines that the owner's appraisal contains information which would increase the value of the property, then the Award will be increased. If, however, the Award is greater than \$300,000, then the owner's appraisal would be presented to the independent Real Estate Appraisal Review Board. If the Real Estate Appraisal Review Board decides an increase is warranted, then the owner will be paid the amount recommended by the Real Estate Appraisal Review Board.

An owner can request that the owner's appraisal be reviewed only up until the time that the owner receives payment for the property. The owner cannot request a review after they have been paid.

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(b) Or, if an owner feels the amount offered to them by the Division is not fair, they may accept the offer on a "Pro Tanto" basis. Acceptance on a Pro Tanto basis allows the owner to receive full payment of the amount offered to them, while still maintaining the right to bring an action in court against the Division for an additional amount. If the owner

decides to commence a court action, they must do so within three (3) years from the date of the acquisition of the property.

It should be noted, however, that in instances where a residential relocation is involved, an increase in an owner's "Award of Damages" would result in an equal decrease in a previously calculated "Replacement Housing Payment", since the owner's Replacement Housing Payment is based on the *difference* between the amount an owner is paid for the property, and the actual cost of currently available comparable dwellings.

8. How long can I continue to occupy the property after the Property has been acquired by Eminent Domain (Question #1, Step H)?

State law allows legal occupants to remain in the property for 4 months from the date on which they received written notification to vacate (Notice to Vacate described in Question #1, Step I). If the occupant(s) of a property need to stay beyond 4 months, the Right of Way Bureau will consider each request on a case by case basis.

9. After the property has been acquired, when will I have to begin paying rent?

As an owner occupying the property, rent is due beginning immediately after payment for the property is made available to the owner. Payment is generally made available to the owner 50-60 days after the property has been acquired by the Division (Question #1, Step H).

As a tenant, rent is due beginning on the 1st day of the month after the property has been acquired.

10. How much rent will I be charged?

As an owner occupying the property, the rent charged by the Division is the lower of:

- (a) Fair Market Rental of the property, minus a 20% deduction. (The Fair Market Rental is based on the same information which was considered in the appraisal and which determined the Award of Damages); or
- (b) 25% of the owner's gross family income.

As a tenant occupying the property, the rent charged by the Division is the lower of:

- (a) Fair Market Rental of the property, minus a 20% deduction. (The Fair Market Rental is based on the same information which was considered in the appraisal and which determined the Award of Damages); or
- (b) 25% of the tenant's gross family income.

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11. What relocation benefits are available?

See the attached "Relocation Benefits" tables.

12. What will happen to my house?

The owner may be given the opportunity to repurchase the building from the Division for removal to another site. If it is feasible, relocation to another site may be authorized at the owner's expense . A reasonable length of time will be permitted for the removal of the building.

In some instances, because of the age, size, condition of the building, or the distance that it must be moved to the new site, it may be unwise to relocate the building. In these instances, the building will be demolished.

If it is possible to relocate the building and the owner does not wish to repurchase it, the building may be advertised and awarded to the highest bidder, provided that the successful bidder has a location to which it can be moved and has obtained the necessary permits for its removal.

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**RESIDENTIAL RELOCATION BENEFIT**

**Owner-Occupants of at least 180 days**

Category	Who is Eligible?	Eligibility is Based on What?	How Much Can be Paid?
II. <u>Moving Costs</u>	Owner-occupants who have lived in the property for at least 180 days.	Verifying the actual expenses, or moving for a fixed amount (which has been agreed upon in advance).	No set limit
II. <u>Replacement Housing Payment</u>	Owner-occupants who have lived in the property for at least 180 days.	See below	Up to \$ 22,500.00
A. Price differential	“	The difference between the amount the owner is paid for their existing house, and the price of currently available comparable houses.	
B. Interest rate differential	“	Due to a higher interest rate on the mortgage of the replacement house.	
C. Other incidental expenses	“	Verifying the actual expenses. Items which may be eligible include: application fees (bank, FHA, or VA), appraisal fees, inspection costs, loan origination fees (points) that do not represent prepaid interest application fees, documentary stamps, and other closing costs. (per 49 CFR Part 24, section 24.401 [e]).	
D. Rental Assistance Payment	“	The difference between the fair market rent at the displacement dwelling at the time the property was acquired, and the amount of rent needed for a comparable rental unit which has been determined to be "decent, safe, and sanitary housing". This monthly rent differential is then multiplied by 42 (months).	
III. <u>Last Resort Housing Payment</u>	Owner-occupants whose Replacement Housing Payment exceeds \$ 22,500.00.	The Replacement Housing Payment exceeding \$ 22,500.00.	No set limit

**EXHIBIT NO. 5-4****RESIDENTIAL RELOCATION BENEFITS****Owner-Occupants of at least 90 days, but less than 180 days**



<u>Category</u>	<u>Who is Eligible?</u>	<u>Eligibility is Based on What?</u>	<u>How Much Can be Paid?</u>
I. <u>Moving Costs</u>	Owner-occupants who have lived in the property for at least 90 days, but less than 180 days.	Verifying the actual expenses, or moving for a fixed amount (which has been agreed upon in advance).	No set limit
II. Replacement Housing Payment	Owner-occupants who have lived in the property for at least 90 days, but less than 180 days.	See below	Up to \$ 5,250.00
A. Rental Assistance Payment	90-day owner-occupants who move to, and rent, another dwelling unit.	The difference between the fair market rent at the displacement dwelling at the time the property was acquired, and the amount of rent needed for a comparable rental unit which has been determined to be "decent, safe, and sanitary housing". This monthly rent differential is then multiplied by 42 (months).	
- OR -			
B. Downpayment Assistance Payment	90-day owner-occupants who move to, and <u>purchase</u> (rather than rent), another dwelling unit.	The amount is the same as the amount determined above in the "Rental Assistance Payment" calculation. If a 90-day owner-occupant purchases, then they may receive \$ 5,250.00. However, eligibility will be limited to the amount that would have been calculated had they been a 180 day owner.	
III. <u>Last Resort Housing Payment</u>	90-day owner-occupants whose Replacement Housing Payment exceeds \$ 5,250.00.	The Replacement Housing Payment exceeding \$ 5,250.00.	No set limit

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## RESIDENTIAL RELOCATION BENEFITS

### Tenant-occupants of at least 90 days

Category	Who is Eligible?	Eligibility is Based on What?	How Much Can be Paid?
I. <u>Moving Costs</u>	Tenants who have lived in the property for at least 90 days.	Verifying the actual expenses, or moving for a fixed amount (which has been agreed upon in advance).	No set limit
II. <u>Replacement Housing Payment</u>	Tenants who have lived in the property for at least 90 days.	See below	Up to \$ 5,250.00
A. Rental Assistance Payment	Tenants who move to, and rent, another dwelling unit.	The difference between the base monthly rental paid at the time the property was acquired, and the amount of rent needed for a comparable rental unit which has been determined to be "decent, safe, and sanitary housing". This monthly rent differential is then multiplied by 42 (months).	
- OR -			
B. Downpayment Assistance Payment	Tenants who move to, and purchase (rather than rent), another dwelling unit.	The amount is the same as the amount determined above in the "Rental Assistance Payment" calculation. If a Tenant purchases, then they may receive a payment not to exceed \$ 5,250.00.	
III. <u>Last Resort Housing Payment</u>	Tenants whose Replacement Housing Payment exceeds \$ 5,250.00.	The Replacement Housing Payment exceeding \$ 5,250.00.	No set limit

### EXHIBIT NO. 5-4

## **RESIDENTIAL RELOCATION BENEFITS**

### **Tenant-occupants and Owner-occupants of less than 90 days**

<u>Category</u>	<u>Who is Eligible?</u>	<u>Eligibility is Based on What?</u>	<u>How Much Can be Paid?</u>
I. <u>Moving Costs</u>	Tenants and owner-occupants who have lived in the property less than 90 days.	Verifying the actual expenses, or moving for a fixed amount (which has been agreed upon in advance).	No set limit

### **EXHIBIT NO. 5-4**