



# Highways and You

ANSWERS TO YOUR QUESTIONS ABOUT PUBLIC  
HEARINGS, RIGHT OF WAY ACQUISITIONS AND  
RELOCATION ASSISTANCE.

**SCDOT**

South Carolina Department of Transportation

Revised October 2014

# **SCDOT Highways and You Brochure**

The “*SCDOT Highways and You*” brochure is provided to landowners, businesses and tenants displaced for highway purposes in the public interest. This brochure provides general information about public hearings, right of way acquisitions, and relocation assistance.

## FOREWORD

This booklet has been prepared for property owners and those displaced for highway purposes in the public interest. We wish it were possible to provide South Carolina motorists with highway improvements they need and desire without affecting some citizens and businesses adversely. But to serve the common good, inevitably there will be some negative impacts.

We pledge to you that we will do all that we can to minimize disruption and adverse effects.

We hope this booklet will help you understand how a highway project is developed. It will give you necessary information about (1) the public hearing process that seeks to give the citizen and property owner a voice in the highway planning process; (2) the procedures for acquiring right of way needed for highway improvements; and (3) relocation assistance available to those required to move as a result of highway projects.

Some of these matters will be discussed in the public hearing you are attending. To save you time, we offer this booklet for more detailed explanation of the matters that will be touched on only briefly.

Where possible, we have avoided technical language. We hope that in general you will not find this information difficult to understand.

The office of our Director of Rights of Way and its relocation assistance section in particular, will be happy to assist you with any specific questions.

In any case, you are reminded not to move from the property you now occupy without contacting a right of way agent to determine your eligibility. To do so may jeopardize or void your rights under the relocation assistance program.

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## HIGHWAYS FOR EVERYONE

South Carolina's need for modern highways makes it necessary to acquire rights of way on which to build or improve these roads. In the public's interest it may be necessary to purchase homes and businesses, including farm buildings, and sometimes even churches and other nonprofit facilities. Unfortunately, we cannot build roads to serve the public, without adversely affecting some individuals and businesses.

This brochure explains South Carolina Department of Transportation's (SCDOT) acquisition procedure and relocation assistance program that is intended to assist you and to make your move as convenient as possible.

The relocation assistance program consists of:

- Relocation advisory service.
- Relocation moving payments.
- Relocation replacement housing payments or rent supplements.

It is the policy of SCDOT and federal government that no person shall be displaced by federally assisted projects until comparable replacement housing has been made available as follows:

1. SCDOT will give the Federal Highway Administration (FHWA) specific written assurances that comparable replacement housing is in place and has been made available or provided before the initial approval or endorsement of the project is requested.



2. FHWA will not authorize the construction until verification is made that replacement housing is in place and has been made available to all affected persons. "Made available" means that the displaced person has either by himself obtained and has the right of possession of replacement housing or that the state has offered him "decent, safe and sanitary" housing which is available for immediate occupancy.
3. We acknowledge that all replacement housing must be "fair housing," open to all persons regardless of race, color, religion, sex or national origin. This is in addition to the requirement that replacement housing will be offered to all affected persons regardless of their race, color, religion, sex or national origin.

SCDOT's experienced staff will assist you with your relocation. Every situation will be dealt with on an individual basis. Additional information and copies of the Federal regulations implementing the relocation programs may be obtained by writing to the Director of Rights of Way, South Carolina Department of Transportation, P.O. Box 191, Columbia, SC 29202.

### **State And Federal Responsibilities**

The state-federal relationship involves joint responsibility in planning and building highways. In the use of federal aid for highway construction, the state is responsible for developing a highway program, choosing the routes, selecting and planning individual projects, acquiring right of way, and supervising construction. When complete, the highways remain the administrative responsibility of the state, which also is responsible for their maintenance and operation.



The Federal Highway Administration of the U.S. Department of Transportation is responsible for the federal functions in this partnership. In this capacity the Federal Highway Administration serves to review, approve and monitor all phases of the planning and actual construction of highway projects in which it participates. And, in addition to some research responsibilities, the Federal Highway Administration coordinates highway projects of the individual states on a national level.

### **The Development Process For Highways**

If the new highway is planned through or around a town or city, local officials are always consulted for their views of the effects the highway will have on the community. Prior to the holding of any public hearing, SCDOT conducts a detailed environmental study to evaluate any effects the proposed highway will have on the environment. Newspapers and other media outlets usually report highway activity throughout the planning stage, but the articles do not show in sufficient detail for a property owner to understand how the highway will affect his property. These articles only serve to alert the public to projects that may affect them.

When the general location (or corridor) for the project has been selected, a legal advertisement will be placed in a local newspaper to provide notice of SCDOT's plan to conduct surveys. A survey party will then be assigned to survey the proposed location. You may see these individuals in your neighborhood or even on your premises (where under law they have a right to go). The survey party is not able to give any detailed information on the proposed project. They are primarily concerned with obtaining the preliminary engineering data to be used in making decisions about the project. Road designers and draftsmen prepare plans for the proposed road from the survey party's data. The amount of property required and the manner in which the road will affect an individual property cannot be determined until the plans are complete.

Property owners should not let rumors about the proposed project confuse them, but should rely instead on official information provided at Public Hearings, at individual meetings, and during right of way negotiations with SCDOT representatives. Newspaper accounts, while factual in most instances, can give only the barest or most general details.

## THE HIGHWAY PUBLIC HEARING AND YOU

The highway public hearing affords full opportunity for all citizens to participate in the process of determining the need for a highway, its location, and the design.

The hearing is used by SCDOT to furnish information to the public about highway construction proposals and at the same time to give property owners, residents and other interested citizens an opportunity to express their views on the social, economic and environmental effects the project would have on the community and on them personally.



This process will allow SCDOT to benefit from information provided by local sources that is of great value in determining the final decision on the options available on a particular project.

The public hearing is not used as a popular referendum to determine the location or design of proposed improvements by a majority vote of those present. The procedures followed by those conducting the hearing are meant to ensure a forum for factual information pertinent to the determination of the location and design of a project which will best serve the public interest.

Above all, the hearing process is intended to obtain community involvement in a project that will result in needed transportation benefits and still preserve community and regional values.

In some instances, where the impacts are minimum, only an opportunity for a public hearing will be advertised. If there is a substantial response to the advertisement, then a hearing will be scheduled. In many cases, individual meetings between designers and the affected landowners will occur to discuss the project's proposed impacts and to receive input from the property owner.

### **The Pre-Hearing Procedures**

Even before the project is advanced to the public hearing stage, it has already gone through a systematic development process by highway planners who have been studying alternatives and preparing recommendations. This process is necessary to help ensure that the project will, within the realm of economic feasibility, realize its intended goals with minimum alteration and disruption to the existing character of an area.

In proposing a highway project, SCDOT considers a wide range of pertinent data to arrive at preliminary locations and designs that will be as compatible as possible with the community it will serve. The terrain is examined, area maps are studied and cost estimates are made to select tentative locations and designs which will permit construction of an adequate highway with the least disruption and is the most economical.

An analysis of the social, economic and environmental effects of a project, particularly those that result in direct or indirect benefits or loss to a community or to highway users, is made by SCDOT. The evaluation includes all effects that are relevant and applicable to the particular location or design under consideration, such as:

Fast, safe, and efficient transportation, national defense, economic activity, employment, recreation and sports, fire protection, aesthetics, public utilities, public health and safety, residential and neighborhood character and location, religious institutions and practices, conduct and financing of government (including effect on local tax base and social service costs),

conservation (including erosion, sedimentation, wildlife and general ecology of the area), natural and historic landmarks.

Also noise, air and water pollution, property values, multiple use of space, replacement housing, education (including disruption of school district operations), displacement of families and businesses, engineering, right of way and construction costs of the project and related facilities, maintenance and operating costs of the project and related facilities, operation and use of existing highway facilities and other transportation facilities during construction and after completion.

Prior to a public hearing, SCDOT also makes a detailed study of the environmental effects of major projects in accordance with the National Environmental Policy Act of 1969. The findings of the studies, which assess the effects of the project on the environment, are compiled into comprehensive written reports. These studies are then subjected to an extensive review by federal, state and local governmental agencies with special knowledge or jurisdiction in various phases of environmental concern. All comments and suggestions received about the project from the agencies solicited and from the public hearing are evaluated by SCDOT and, where possible, incorporated into the project.

Environmental statements are made available to the public at the SCDOT administration building in Columbia and at district SCDOT offices in the vicinity of the proposed project.

### **Two Public Hearings On Major Work**

SCDOT conducts two public hearings on major projects: a location hearing and a design hearing. On other projects, a single, combined location and design hearing may be held; in most cases, at least an opportunity is afforded for such a hearing.

The process affords area citizens the opportunity to become fully acquainted with highway proposals that concern them and to express their views at the stages of a proposal's development while the flexibility to respond to these views still exists. All comments made at the hearings become part of the record and are subsequently considered by SCDOT before the final location or design commitment is made.

### **Location Hearing**

The initial public presentation of a project takes place at the location hearing. It is held before the specific location of a proposed project is selected, but not until after SCDOT has chosen a location from its alternate studies and has developed preliminary plans in sufficient detail to enable the public to consider and discuss the principal features of the proposed project at the hearing. The location hearing provides a public forum for community reaction to the proposed alternate highway locations in respect to the social, economic and environmental effects.

SCDOT presents its proposal for the project and alternate locations which have been considered. The public then voices its feelings on the project and presents its views and advice. After the verbal and written views presented at the location hearing are fully reviewed and evaluated, SCDOT will select a preferred location and proceed with the necessary detailed location and design studies. The results of these detailed studies will be presented at the subsequent design hearing.

### **Design Hearing**

A design hearing is held after a route location has been established and approved, but before the design has been finally adopted. The hearing affords a second look at the project and opportunity to participate in the process of determining its specific location and major design features. SCDOT presents

data at the hearing to acquaint the public with specific design features of the project. At this hearing, a property owner learns how the project may affect his property. General economic and other effects are presented, all in sufficient detail to permit residents in the vicinity of the project to have full and reliable information. The design hearing is one of the major steps that constitute the project planning process.

### **How The Hearings Are Conducted**

Information about the proposed project, including maps, exhibits, charts, and other graphic materials, are available for inspection at the hearing to facilitate understanding of what is proposed. This information developed by SCDOT in its preliminary studies is also available upon request for inspection prior to and after the hearing. Newspaper articles and legal advertising, which announce the hearing, give locations where the information is available before the hearing.

At the hearing public comments will be received in three ways:

- (1) Depositing a comment form, available at the hearing, in a comment box located in the hearing room;
- (2) Mailing a written comment to SCDOT within 14 days after the hearing; or
- (3) Through oral comments at the hearing.

Written comments and/or other exhibits in place of (or in addition to) oral statements at the public hearing may be introduced for the record at the hearing, or they may be filed with SCDOT within 14 days after the hearing. These comments are entered into the record and evaluated as part of the public hearing. The name and address of the person to whom this additional material should be mailed is in the hearing booklet provided at each hearing.

An important part of the hearing procedure is a discussion of right of way acquisition and relocation assistance, which is available to individuals and businesses located in areas needed in the public interest for a highway project. SCDOT participates with the federal government in right of way acquisition and relocation assistance programs.

At this point in the development of a project you have reviewed and heard discussions on preliminary proposals for proposed highway corridors that appear to affect your property or reviewed and heard discussions on preliminary plans that appear to affect your property. It is important to understand that at this stage all plans and proposed corridors are preliminary and are subject to change. Please continue to live your normal life style and continue normal maintenance to your property as if the highway project did not exist. You do not need to take action until the final highway plans are developed and a right of way agent has contacted you to explain the effect the highway project will have on your property and the eligibility requirements for relocation assistance that you may be entitled to.

### **Approval At Appropriate Stages**

Both location and design approval are requested of the appropriate local governmental entities and the Federal Highway Administration (if federal funds are involved) following evaluation and analysis of information received as a result of the public hearing.



## ACQUISITION PROGRAM EXPLAINED

South Carolinians are served by a system of secondary roads and primary highways. Secondary roads serve the landowners and public users as feeders to primary highways. Primary highways are the main arteries of traffic throughout the state connecting the cities and towns and are the lifeline of the economic stability of our state.

In improving roads for expanding traffic needs, wider right of way must often be acquired. Substantial demands are sometimes made on property owners to accommodate the new roadway.

When the location has been selected, the design established and right of way plans are approved for the project, SCDOT begins the process to acquire the property needed for the road construction. At that time, a right of way agent assigned to the project verifies ownership of each parcel or tract shown on the plans by checking the courthouse records. The right of way agent will determine the existence of any mortgages, liens and judgments.

Next, the right of way agent will contact the property owners individually to explain how the project will affect their property and to verify the information on ownership and property lines. In most cases, this will be the first direct contact a property owner has with a representative of SCDOT. Under Federal regulations, SCDOT will prepare an estimate of the value of the property being acquired and if the estimated value falls below \$20,000.00, this estimate may be reviewed by SCDOT staff and used as the basis of negotiations for simple acquisitions. Should negotiations fail, an appraisal will be ordered to comply with South Carolina



Code of Laws; Title 28-2-70.

For more complex acquisitions and those with values over \$20,000.00, as soon as the right of way agent completes the courthouse work and makes the initial contact, an appraiser is assigned to the project to determine the fair market value of the land and improvements required for building the project. Fair market value is the value of the property today, based on recent sales of comparable properties. Prior to appraising the property, the appraiser will visit the tract and provide an opportunity to meet and discuss the property with the owner. It is to the owner's advantage to give the appraiser all the information he can that may contribute to the property's value.

The appraiser knows what to look for, but without your help and cooperation, he may overlook some item of value. When the appraiser completes his work, he prepares a detailed written report substantiating the steps taken in determining the fair market value of each tract assigned to him, as well as a certificate certifying that the appraiser has no present or future interest in the property appraised. A review appraiser then reviews each appraisal to insure that it meets national standards.

When the appraisal review is complete, the fair market value as determined by the appraisal is given to the right of way agent to make the owner a written offer.

If the owner agrees to the offer, he is asked to sign a title to real estate that should contain all stipulations and commitments between the parties within the title's "Special Provisions".

In some cases a landowner may wish to donate the property needed for a roadway improvement project. In those instances, the Right of Way Agent will request the landowner to sign a Waiver of Appraisal along with the Title to Real Estate.

In the event SCDOT and the landowner are unable to negotiate a settlement, the South Carolina Eminent Domain Procedure Act provides a uniform procedure for condemnation of

property for public benefit. Two (2) methods of condemnation are available under the South Carolina Code of Laws; Title 28-2-240 provides for acquisition by way of trial while Title 28-2-250 provides for an appraisal panel. In the majority of cases SCDOT will elect to proceed under Title 28-2-240, by way of trial. If title to a property is in the Estate of a Landowner (heirs property), it most likely will require SCDOT to condemn the right of way needed in order to clear the title issues that exist with an unprobated estate.

If the offer is rejected by the Landowner, SCDOT will file the condemnation notice with the Clerk of Court's Office and deposit the amount of offer. Clocked copies of the notices are served on the landowner and other condemnees by certified mail or personal service. The landowner still has thirty days to advise SCDOT whether or not the offer is acceptable.

On Federal Aid Projects, SCDOT will offer the landowner 100% of SCDOT's appraised fair market value pending final settlement provided SCDOT's Agreement and Request for Payment is signed along with the required Social Security Form. On State Funded Projects Section 28-2-480 allows all condemnees to apply to the Clerk of Court for up to 50% of the funds deposited any time after SCDOT has taken possession. The Right of Way Agent will advise the landowner whether the 100% drawdown of the offer is available.

**SCDOT may take possession of property:**

- (1) Upon receipt of written consent of the record owners of fee simple title to the property; So that the property owner is not caused any financial hardship, all costs of transfer of property to SCDOT, including any penalty costs for prepayment of any mortgage entered into in good faith, will be paid by SCDOT. This expense will normally be handled upon closing by SCDOT. You should consult the appropriate tax laws to determine if payments for the property are taxable.

- (2) Upon payment to the owner of mutually agreed compensation;
- (3) Upon deposit of the amount stated in the Condemnation Notice as just compensation for the property with the Clerk of Court in the county in which the property to be condemned is situated.
- (4) Upon payment to the owner or deposit with the Clerk of Court of the amount condemned determined by the appraisal panel or awarded by the judgment in the condemnation action.

### **Surplus Property**

Buildings and improvements purchased by SCDOT are often sold by sealed bids. Bids are received by the Property Management Section within the Rights of Way Office in Columbia and opened on the published date for the sale. Purchasers of surplus property are given a reasonable time in which to remove the buildings. If they are not removed, they revert back to SCDOT for removal or disposal.

# RELOCATION ASSISTANCE PROGRAM EXPLAINED

## Explanation Of Terms Important To You

1. **Displaced Person** - Any individual, family, partnership, corporation or association who moves from the real property or moves personal property from the real property as a direct result of:



- a. SCDOT's acquisition of real property in whole or in part for a project, and includes anyone who moves as the result of the initiation of negotiations, and
  - b. As a result of written notice from SCDOT, they will be required to permanently vacate such property for the project.
  - c. As a result of a written notice of SCDOT's intent to acquire.
2. **Business** - Any lawful activity, except a farm operation, conducted primarily:
    - a. For the purchase, sale, lease and/or rental of personal or real property and/or for the manufacture, processing, or marketing of products, commodities, and/or any other personal property; or,

- b. For the sale of services to the public;
  - c. For outdoor advertising display purposes when the display must be moved as a result of the project; or
  - d. By a non-profit organization that has established its non-profit status under applicable federal or state law.
3. **Small Business** – A business having not more than 500 employees working at the site being acquired or displaced by a project. A site occupied by an outdoor advertising sign does not qualify for re-establishment expenses.
4. **Persons Not Displaced.** The following is a non-exclusive listing of persons who do not qualify as a displaced person under these procedures.
- a. A person who moves before the initiation of negotiations; or
  - b. A person who occupies the property after SCDOT acquires title to it.
  - c. A person who received a notice of relocation eligibility and is later notified in writing that he or she will not be displaced. Eligibility will not be withdrawn if the person has moved. However, if the person has not moved, eligibility can be withdrawn if SCDOT agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility.
  - d. A person who is not required to relocate permanently as a direct result of project, as determined by SCDOT.

5. **Farm Operation** - Any activity conducted solely or primarily for the production of one or more agricultural products or commodities including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.
6. **Illegal Alien** - Any individual NOT LAWFULLY PRESENT IN THE UNITED STATES is not eligible to receive relocation payments and assistance.
7. **Initiation of Negotiations** – The date of delivery of the initial written offer of just compensation by SCDOT to the property owner or the property owner's representative to purchase the real property for the project.

#### **Occupants for less than 90 days**

If you occupy property less than 90 days prior to the offer being made to purchase the property or you begin occupancy after the start of negotiations and you are in occupancy at the time SCDOT obtains possession of the property, you are entitled to relocation assistance advisory services in assisting you to locate comparable replacement housing. Complete information will be provided by the right of way agent.

## **To All Displaced Persons:**

1. **You are cautioned not to move until you have first been contacted by the agent, who will determine your eligibility and the amount of any relocation payments which you will receive. Also prior to signing any lease or contract to purchase a replacement dwelling, you should first contact the right of way agent so that he/she may inspect your selected dwelling and give you approval that the dwelling does or does not meet the decent, safe and sanitary requirements. Failure to have this inspection prior to commitment and occupancy could result in undue delay and possible denial of payment.**
2. The right of way agent will provide you with a form that you must complete to claim your payment. The claim must be filed with the right of way agent within 18 months after:
  - a. For tenants, the actual moving date.
  - b. For owners, the actual moving date or the date of final payment for the real property, whichever is later.
3. Upon written request from you, SCDOT may make your replacement housing payment directly to the lessor for rent or to the seller for use towards your purchase.
4. You are reminded that all replacement housing payments offered are conditional. An increase or decrease in SCDOT's acquisition offer as well as any deviation by the homeowner in purchasing a comparable dwelling may affect the amount of a replacement



housing payment. If you are a tenant who wants to purchase a replacement dwelling, you must use the entire replacement relocation payment for the down payment and eligible closing cost.

5. Once SCDOT has acquired title to the property, you are responsible for paying rent for the time the property is occupied. If there are any delinquent rent payments, the amount may be deducted from your relocation benefits.
6. No relocation payment will be considered as income for the purposes of the Internal Revenue Code of 1954 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. In other words, these payments will not affect your Social Security eligibility, welfare eligibility, other assistance or income tax liability.

**AS A PERSON DISPLACED BY A HIGHWAY PROJECT**, you will probably be classified in one or more of the following categories:

1. An **Owner** occupant of residential property, including mobile homes.
2. A **Tenant** occupant of residential property, including mobile homes.
3. A **Sleeping Room Tenant**.
4. A **Business, Farm or Nonprofit Organization**.

## **Relocation Assistance Services**

1. On highway projects in South Carolina where people will be relocated, a survey is made by SCDOT of the families to be moved and of houses available in the area.
2. On large projects, a project office may be established on or near the project.
3. The right of way agent(s) assigned to a project will personally interview you if you are to be displaced, determine your relocation needs and preferences, and explain the relocation payments and other assistance for which you may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance.
4. You will be provided current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings. You cannot be required to move unless at least one comparable replacement dwelling is made available.
5. The right of way agent will inform you in writing of the specific comparable replacement dwelling and the sales price or rent used as the basis for establishing the upper limit of the replacement housing payment and the basis for the determination, so you are made aware of the amount of the replacement housing payment to which you may be entitled.
6. Where feasible, housing will be inspected by the right of way agent(s) prior to being made available to assure that it meets decent, safe and sanitary standards. If such an inspection is not made, you will be notified that a replacement housing payment may not be made unless the replacement dwelling is inspected and determined to be decent, safe and sanitary.

7. Transportation to inspect housing to which you are referred is available, if needed, especially if you are elderly or handicapped.
8. The right of way agent(s) will provide current and continuing information on properties available for rent and sale, and assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location, if available.
9. Information will be available on the location of schools, parks, playgrounds, shopping centers and public transportation routes in the area.
10. The right of way agent will supply you with appropriate information concerning federal and state housing programs, disaster loan and other programs administered by the Small Business Administration, and other federal and state programs offering assistance to you.
11. The right of way agent will provide other advisory services to you to minimize the hardships of adjusting to a new location.
12. You will be given as long as possible to vacate the right of way. You will not be required to move without at least 90 days advance written notice of the intended vacate date. However, once the property is purchased by SCDOT, you will be required to pay rent for the time the property is occupied. Should additional time be necessary, you must request it by writing to the Director of Rights of Way.

## **Residential Relocation**

### **Residential Moving Payments**

A qualified displaced owner-occupant or tenant of a dwelling can choose either to:

- A. Receive payment of his or her actual moving and related expenses by a qualified moving firm, as the Agency determines to be reasonable and necessary, including expenses for:
1. Transportation of the displaced person and personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified.
  2. Packing, crating, unpacking, and uncrating of the personal property.
  3. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances, and other personal property.
  4. Storage of the personal property for a period not to exceed 12 months, unless the agency determines that a longer period is needed.
  5. Insurance for the replacement value of the property in connection with the move and necessary storage.
  6. The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her right of way agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

OR

- B. Receive a fixed expense and dislocation allowance based on a per room schedule as an alternative to payment of actual moving and related expenses. Please contact your Right of Way Agent for more details.

## Replacement Housing Payments

The types of payment depend on whether you are an owner or tenant and how long you have occupied the property before an offer is made by SCDOT to purchase the property. You can better understand replacement housing payments if you become familiar with the following definitions:

**Comparable Replacement Dwelling** – a dwelling which is:

- a. Decent, safe and sanitary as defined below.
- b. Functionally equivalent to the acquired dwelling with particular attention to the number of rooms and living space.
- c. Adequate in size to accommodate the occupants.
- d. In an area that is not subject to reasonable adverse environmental conditions and is not generally less desirably located than the dwelling to be acquired in regard to:
  1. Public utilities, and
  2. Public and commercial facilities.
  3. Reasonably accessible to the displaced person's place of employment.
- e. On a site that is typical in size for residential development with normal site improvements including customary landscaping. The site need not include special improvements such as outbuildings, swimming pools and greenhouses.
- f. Currently available on the market to the displaced person.

- g. Within your financial means:
  - 1. A replacement dwelling purchased by a 180 day homeowner is paid the full price differential, all increased mortgage interest cost, and all eligible incidental expenses.
  - 2. A replacement dwelling rented by an eligible displaced person is considered to be within their financial means if the monthly rent and estimated average utility costs at the replacement dwelling does not exceed the base monthly rent at the displacement dwelling, after taking into account any rental assistance which the person receives.
- h. Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968 set forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of residential units illegal if based on race, color, religion, sex, or national origin.

**Decent, Safe and Sanitary Dwelling** is a dwelling which meets applicable existing local housing and occupancy codes. However, if any of the following standards are not met by an applicable code the following standards shall apply unless waived for good cause by the Federal Highway Administration (FHWA).

- a. Structurally sound, weather-tight and in good repair.
- b. Electrical system: has an adequate and safe wiring system for lighting and other electrical services.
- c. Heating system: has an adequate heating system in good working order which will maintain a minimum temperature of 70 degrees Fahrenheit.

- d. Habitable floor space: be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person.
- e. Bathroom facilities: has a bathroom well-lighted, ventilated, and affords privacy to the user, contains a sink, bathtub or stall shower and a toilet, all in good working order and properly connected to appropriate sources of water and sewage disposal system.
- f. Egress: each building used for dwelling purposes shall have a safe unobstructed exit leading to a safe open space at ground level in accordance with local codes.
- g. Handicapped displaced person: the building must be free of any barriers which would preclude reasonable ingress, egress or use of the dwelling by a displaced person who is handicapped.
- h. Water: has a continuing and adequate supply of potable safe water.
- i. Kitchen requirements: there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system and adequate space with utility service connections for a stove and a refrigerator.

### **For 90 Day Owner Occupants**

If you are an owner and have occupied the property for at least 90 days before a written offer has been made to purchase the property and you purchase decent, safe and sanitary replacement housing within one year after you have received final payment for the property or the date you move, you may be eligible for a replacement housing payment or a rent supplement. This is in addition to the purchase price paid for your property.

**Example of how the replacement housing payment is calculated:**

SCDOT's offer to purchase your property and dwelling has been determined to be \$150,000.00. After a thorough study by the right of way agent of available comparable decent, safe and sanitary dwelling listed for sale, SCDOT determines you would have to spend \$155,000.00 to replace your dwelling and home site. Therefore, you would be eligible to receive a maximum of \$5,000.00 provided you purchase a dwelling and home site costing \$155,000.00 or more. If you spend more than \$155,000.00, you will only be paid the maximum of \$5,000.00. However, if you purchase a dwelling and home site for \$153,000.00, you would be paid \$3,000.00, **NOT** \$5,000.00.



Decent, safe and sanitary  
sanitary comparable  
determined  
by SCDOT            \$155,000.00

Amount paid  
for your  
property            \$150,000.00

Decent, safe and  
sanitary dwelling  
you purchased    \$153,000.00

Amount paid for  
your  
property            \$150,000.00

Maximum replacement housing  
payment    \$5,000.00

Actual replacement housing  
payment    \$3,000.00



OR

Decent, safe and sanitary dwelling you purchased	\$158,000.00
Amount paid for property	\$150,000.00
Actual purchase supplement maximum of	= \$ <u>5,000.00</u>

**NOTE:** In the event the purchase price of the property being acquired is increased during the negotiations, the replacement housing payment available will be reduced by the amount of the increased acquisition payment.

### **Increase Mortgage Interest Costs**

If your dwelling, which is acquired by SCDOT, was encumbered by a bona fide mortgage which was a valid lien on the property for not less than 90 days prior to SCDOT's offer, you may be eligible for a payment to compensate for the loss of favorable financing on the mortgage. The right of way agent will explain the details of this payment.

### **Incidental Expenses**

You may also be reimbursed for the necessary and reasonable closing costs which you incur in the purchase of a comparable replacement dwelling. Such costs, excluding prepaid expenses such as taxes and insurance, may include the following items if normally paid by the buyer:

1. Legal, closing and related costs including title search, preparing conveyance instruments, notary fees, preparing surveys and plats and recording fees, (limited to the value of the comparable replacement dwelling);
2. Lenders, Federal Housing Authority (FHA) or Veteran Affairs (VA) application and appraisal

- fee, (provided there was a mortgage on the house being purchased by SCDOT);
3. Loan origination or assumption fees that do not represent prepaid interest (not to exceed prevailing rate for area, and limited to the old mortgage balance);
  4. Certification of structural soundness and termite inspection when required;
  5. Credit report;
  6. Owner's and mortgagee's evidence of title, e.g., title insurance (not to exceed the cost for a comparable replacement dwelling);
  7. Escrow agent's fee;
  8. Revenue stamps and sales or transfer taxes (not to exceed the costs for purchasing a comparable replacement dwelling);
  9. Mortgage default insurance (not to exceed the costs for a comparable replacement dwelling);
  10. Purchaser's points (not to exceed prevailing rate for the area and limited to the amount which would have been on the old mortgage balance);
  11. Such other costs that are determined by SCDOT to be incidental to the purchases.

## **Rent Supplement**

### **Owner Occupants of Less Than 90 Days**

If you have owned and occupied your home for less than 90 days immediately prior to the initiation of negotiations for its purchase, you are not entitled to a replacement housing payment; however, you may be entitled to moving and related expenses.

## **90 Day Owners Who Elect to Rent**

A rental computation will be computed based on a determination of the fair market rent for the acquired dwelling compared to a comparable rental dwelling available on the market. The difference will be multiplied by 42. In no circumstances will the rental assistance payment exceed the amount the owner would have received as a replacement housing payment.

## **For Owner Occupants and Tenants of 90 Days or More**

This payment is designed to enable you to rent a comparable decent, safe, and sanitary replacement dwelling for a 42 month period. If you choose to rent a replacement dwelling and the cost of rent and utilities are higher than you were paying, you may be eligible for a rental assistance payment. SCDOT will determine the maximum payment you may be eligible to receive in accordance with established procedures.

The rental assistance payment will be paid in a lump sum unless SCDOT determines that the payment should be made in installments. You must rent and occupy a decent, safe and sanitary replacement dwelling within one year of displacement to be eligible.

**Example:** Assume that you have been paying \$500.00 per month rent for the dwelling unit occupied by you and purchased by SCDOT. You also pay \$140.00 per month for utilities (electricity, gas, water and sewer). The rental assistance payment computation always includes the cost of basic utilities as well as the cost of rent. If rent includes utilities, a separate computation is not necessary.

After a study of the rental market, SCDOT determines that a replacement rental unit, that is decent, safe, and sanitary and comparable to your unit, is available for \$650.00 per month. It is estimated that the average monthly utility cost for the re-

placement unit will be \$160.00 per month. The maximum rental assistance payment you can receive is \$170.00 per month for a 42 month period or a total of \$7,140.00 (\$7200)

### **DOWN PAYMENT**

If you are an owner who has occupied the dwelling for less than 90 days, or a tenant for 90 days or more prior to an offer being made to purchase the property, you may be eligible for a down payment, not to exceed the amount of any previously determined rental supplement. As a tenant, you must purchase a dwelling within one year of the date you move; or, as an owner, one year from the date you move or date of the payment for the property purchased by SCDOT, whichever is later. You may also be reimbursed for incidental expenses such as costs for a title search, recording fees and others, however, the down payment and eligible closing cost cannot exceed the previously determined rental supplement. The payment for a displaced owner occupant shall not exceed the amount that would have been received by a 90 day owner for the same property. The full amount of the down payment must be applied to the purchase price.

### **MANUFACTURED HOUSING**

Occupants of manufactured housing are also eligible for relocation benefits and advisory services. For replacement housing payments, the occupant's status as an owner or tenant is determined by the ownership or tenancy of the manufactured home itself, not the land.

Typically SCDOT considers manufactured homes to be personal property. Therefore, when a manufactured home is displaced, you will be eligible for the cost of moving the manufactured home, including disassembling, moving, reassembling,

anchoring the unit and utility “hook-up” charges. Porches, decks, skirting, and awnings that are not purchased will also be moved and reassembled. Reasonable expenses will be paid for packing and securing of personal property located in the home using the move options described earlier. Your right of way agent will discuss your particular eligibility requirements and assist you during your move.



## **NONRESIDENTIAL RELOCATION**

### **Moving Cost Payment to Businesses, Farms, and Nonprofit Organizations**

If you are a non-residential displacee, you may select a fixed payment or reimbursement for eligible actual, reasonable, and necessary moving expenses (as determined by SCDOT). There are three options for moving expenses:

1. Commercial Move – Based on bids, actual moving expenses are paid when supported by receipts.
2. Negotiated Self Move – Negotiated between SCDOT and the displacee, this amount may not exceed the lowest acceptable bid obtained from qualified movers.
3. Payment in Lieu of Actual Moving Expenses – Based on the average net earnings of business for the two (2) years preceding displacement, the minimum payment is \$1,000.00 and the maximum is \$40,000.00. Other requirements apply which the right of way agent will explain.
4. If SCDOT considers a personal property item to be of low value and high bulk, and the moving cost is disproportionate to its value (such as minerals, metals, rock, or topsoil), 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 comparable quantity delivered to the replacement site.

### **Actual Direct Loss of Tangible Personal Property:**

Provides an option to the business owner to use moving proceeds as payment to abandon (not move) specific items or personal property. The displaced business may opt to sell these goods, with permission of the agency, or donate the goods. The displaced person may then receive the lesser of:

1. Fair market value in place of the item, as is for continued use, less sale proceeds; or
2. The cost of moving the item.

### **Purchase of Substitute Personal Property:**

The displaced business may decide to use moving proceeds to assist in purchasing substitute equipment or other personal property. A business may choose to purchase personal property and be paid the lesser of:

1. The replacement cost, including installation cost, less proceeds from the sale or trade of replaced item; or
2. The estimated cost of moving and re-installing the replace item.

### **Searching Expenses**

If you own a displaced business or farm operation, you may be entitled to reimbursement for actual expenses, not to exceed \$2,500.00, as SCDOT determines to be reasonable, which are incurred in searching for a replacement location including:

1. Transportation.

2. Meals and lodging away from home, when necessary.
3. Time spent searching based on reasonable salary or earnings.
4. Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.
5. Receipted bills. All expenses claimed except value of time actually spent in search must be supported by receipted bills.
6. Payment for a person(s) time actually spent in search must be documented and the hourly wage rate must be reasonable. A certified statement of the dates and hours spent including places visited and persons contacted must accompany the claim.

### **Fixed Payments in Lieu of Actual Moving and Related Expenses**

Displaced businesses, farms, and nonprofit organizations may be eligible for fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and re-establishment expenses. The fixed payment may not be less than \$1,000.00 or more than \$40,000.00.

For a business to be eligible for a fixed payment, SCDOT must determine the following:

1. Business owns or rents personal property that must be moved due to the displacement.
2. Business cannot be relocated without a substantial loss of its existing patronage or clientele.
3. Business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which

are under the same ownership and are not being displaced by SCDOT.

4. Business contributed materially to the income of the displaced business operator during two taxable years prior to displacement.

Eligibility requirements for nonprofit organizations are slightly different than business requirements. Computations for nonprofit organizations differ and the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified. If you are interested in a fixed payment, please contact your right of way agent for additional information.

### **Computation of Your Fixed Payment**

The fixed payment for a displaced business or farm is based upon the average net earning for two taxable years immediately preceding the taxable year in which it was displaced, or a two year period deemed more representative by SCDOT. You must provide SCDOT with proof of net earnings to support your claim. Proof of net earning can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to SCDOT.

### **Business Re-establishment Expenses**

A small business, farm, or nonprofit organization (other than an outdoor advertising display) may be eligible for a payment, not to exceed \$50,000.00, 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 which will be displaced by a highway project.

Re-establishment expenses may include, but are not limited to:

1. Repairs or improvements to the replacement



real property required by Federal, State and local laws, codes or ordinances.

2. Modifications to the replacement real property to make the structure(s) suitable for the operation.
3. Construction and installation cost of exterior advertising signs.
4. Re-decoration or replacement such as painting, wallpapering, paneling, and carpeting when required by the condition of the replacement site.
5. Advertising the replacement location.
6. Estimated increased cost of operation at the replacement site during the first two years for items such as: lease or rental charges; personal or real property taxes; insurance premiums; utility charges (excluding impact fees).
7. Other items that SCDOT determines to be essential for Re-establishment.

There are non-eligible expenses so please have the right of way agent explain this type of payment.

## **SOURCES OF HELP AND APPEAL PROCESS**

All matters or questions concerning the purchase of your property, the proposed right of way or concerning relocation assistance should be directed to the right of way agent handling your acquisition.

In the event that you do not agree with the eligibility determination or the amount of relocation payment, you may file an appeal within 60 days of SCDOT's offer of benefits or determination of eligibility. The right of way agent handling your claim will furnish you with the appropriate forms and full instructions on how to complete the forms and mailing instructions. Support and reasons for the appeal should be sent to the Director of Rights of Way, South Carolina Department of Transportation, P.O. Box 191, Columbia, South Carolina 29202.

If you have any questions or want additional information about relocation assistance or right of way matters before SCDOT's agents are assigned to the project affecting you, you may obtain this information by writing the Director, Rights of Way, South Carolina Department of Transportation, P.O. Box 191, Columbia, SC 29202-0191. Additional copies of this brochure may be obtained by writing to the same address.