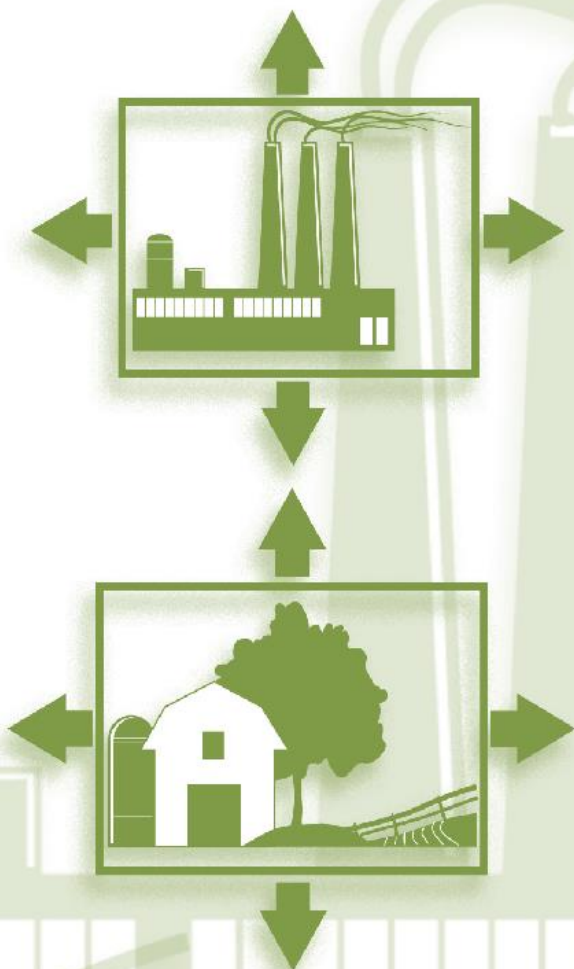




Relocation Assistance Non-Residential Brochure



Foreward

The State of Ohio is engaged in a continuous program of improving its transportation systems. Often this improvement process involves the purchase of land from people so the State's highways and other public modes of transportation can continue to safely accommodate the ever increasing number of people using them.

If you own property near an existing or proposed highway, or other transportation improvement, you may be interested in the working procedures of the Ohio Department of Transportation and how you, as a citizen, may be affected.

This booklet tells why your property may be needed and what your rights are as a tenant or property owner, and provides answers to some of the questions that might arise if your land is needed for a transportation improvement.

Contents

Introduction.....	2
Important Notice	3
Summary of Relocation Assistance.....	4
General Questions.....	5
<i>How Will I Know I am Eligible for Relocation Assistance?</i>	5
<i>How Will the Agency Help Me Through this Process?</i>	6
<i>How Soon Will I Have to Move?</i>	6
<i>How Will I Find a Replacement Location?</i>	6
<i>What Other Assistance Will Be Available to Help Me?</i>	6
<i>I Have a Replacement Location and Want to Move. What Should I Do?</i>	7
<i>I Plan to Discontinue My Business Rather than Move. What Should I Do?</i>	7
<i>I Own and Occupy my Property. Will I be paid for it before I Have to Move?</i>	7
<i>What Moving Expenses are Eligible for Payment?</i>	8
<i>Other than Moving Expenses, are Other Costs Eligible for Reimbursement?</i>	10
<i>What is a Payment for Reestablishment Expenses?</i>	10
<i>Will My Business be Reimbursed for Loss of Goodwill?</i>	12
<i>Will I be Reimbursed for Economic Loss to My Business as a Result of Having to Move?</i>	12
<i>What is a Fixed Moving Payment?</i>	12
<i>Must I File a Claim for a Relocation Payment?</i>	13
<i>Will I Have to Pay Rent to the Agency Before I Move?</i>	14
<i>Do I Have to Pay Federal Income Taxes on My Relocation Payments?</i>	14
<i>Can I Appeal My Relocation Determinations?</i>	15
Title VI Policy	15

Revised 03/2022

Introduction

This brochure describes the Relocation Assistance Program as it relates to **Businesses, Non-Profit Organizations** and **Farms** when displaced by a highway improvement project and/or a federally funded project. The authority for this program is outlined in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, the Ohio Revised Code, the Ohio Administrative Code and the Policy and Procedures Manual of the Ohio Department of Transportation.



Important Notice!

Your Business, Non-Profit Organization or farm is not eligible for Relocation Assistance benefits until a written offer is made to purchase the real estate that you now occupy, or until you receive a Letter of Eligibility. **Do not move until you have received written authorization to do so. If you move prior to receiving written authorization, you will not receive any relocation payments.** To ensure you retain your relocation eligibility, always contact your relocation agent before taking any action on your relocation.

This brochure may not answer all of your questions. If you have any questions about your relocation, contact the Agency responsible for the project. (Check the back of this booklet for the person to contact at the Agency.) To ensure your Relocation benefits, it is recommended that you always ask questions and receive clear guidance from your agent before you act.

Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

Summary of Relocation Assistance

As an eligible displaced person, you will be offered the following advisory and financial assistance:

- **Advisory Services** includes referrals to suitable replacement locations, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move and Assistance With limited English Proficiency. A relocation agent will be assigned to assist you throughout the process.
- **Payment for Moving and Reestablishment** expenses are grouped in one of two general categories:
 - 1) **Payment for Actual, Reasonable and Necessary Moving and Related expenses:** If you choose this payment you may also be eligible for reestablishment expense reimbursement to assist you at your new location, up to a maximum payment of \$25,000.
 - 2) **Fixed Payment:** As an alternative to receiving payments for your actual, reasonable and necessary moving and reestablishment expenses, certain Businesses, Farms and Non-Profit Organizations may be eligible to choose a Fixed Move Payment in the amount of \$1,000-\$40,000, based on your business's average yearly net income.

Your relocation agent will explain all eligible and ineligible moving and other related costs. Please, contact your relocation agent prior to committing to any expenditures to ensure they are reimbursable.

Please keep your relocation agent informed of your moving plans. You must provide the agent with reasonable advance written notice of the approximate date you intend to start your move, or otherwise dispose of your personal property. In most every instance the Agency will also need to create an inventory of your personal property items to be moved. You must permit your relocation agent to make reasonable and timely inspections of the personal property at the old and new locations, and to monitor your move.

You may elect to pay your moving costs yourself and be repaid by the Agency, or you may assign your payment directly to the mover. In either case, please select your mover with care, and know we can help you select a reliable and reputable mover.

Your relocation agent will inform you of the documentation needed to support any claims. Keep all your receipts, as you must account for all costs you incur.

General Questions

How Will I Know I am Eligible for Relocation Assistance?

You will receive a written notice explaining your eligibility for relocation assistance. **You should not move before receiving this notice. If you do, you will not be eligible for relocation assistance.**

How Will the Agency Help Me Through this Process?

You will be contacted at an early stage in the process and personally interviewed by a representative of the Agency to determine your relocation needs and preferences.

How Soon Will I Have to Move?

You will be given time to make plans for moving. Every reasonable effort will be made to provide you with sufficient time to reestablish your business in a suitable replacement location. Unless there is a health or safety emergency, you will not be required to move without at least 90 days advance written notice.

How Will I Find a Replacement Location?

If you need assistance, your relocation agent will provide you with information on currently available replacement locations that meet your needs.

As no one knows your needs better than you, while the Agency will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice. When searching for a replacement location you should ensure there are no zoning or other restrictions that would impact your planned operations.

What Other Assistance Will Be Available to Help Me?

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by the Agency. This includes providing information on Federal, State and local programs that may be helpful in reestablishing a business. For example,

the Small Business Administration provides technical assistance to some businesses, which may be useful in reestablishing your business.

You will also receive assistance in filling out forms and claims for reimbursement. Your relocation assistance agent will provide you information regarding all the benefits and assistance available under the Relocation Assistance Program.

I Have a Replacement Location and Want to Move. What Should I Do?

Before you make any arrangements to move, notify your Relocation Agent as soon as possible. Your Agent will discuss the move with you and advise you on the relocation payments for which you may qualify. They will also explain all eligibility requirements, and how to obtain payments.

I Plan to Discontinue My Business Rather than Move. What Should I Do?

If you have decided to discontinue your business rather than reestablish it, you may still be eligible to receive a payment. Contact your Relocation Agent to discuss your decision to discontinue your business, and they will discuss with you the Fixed Move Payment in lieu of all other moving costs, and your eligibility for the payment. If you are eligible for the Fixed Move “In-Lieu-of” Payment, they will fully inform you of all payment requirements.

I Own and Occupy My Property. Will I be paid for it before I Have to Move?

If you reach a negotiated agreement to sell your property to the Agency, you will not be required to

move before you receive the agreed upon purchase price.

If the property is acquired through an eminent domain proceeding, you cannot be required to move until sixty days after service of the summons for the appropriation case, or the court approved date that is decided as part of the case. If you have additional questions, your acquisition agent can more fully explain the acquisition and appropriation processes.

What Moving Expenses are Eligible for Payment?

If you choose a payment for actual, reasonable and necessary moving and related expenses, you may be reimbursed for the following costs:

- Transportation of your personal property. Transportation costs beyond 50 miles are ineligible, unless the Agency determines that relocation beyond 50 miles is justified.
- Packing, crating, unpacking and uncrating personal property.
- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated personal property including machinery, equipment, substitute personal property and connections to utilities available within the building. This also includes modifications to the personal property mandated by Federal, State or local law, code or ordinance necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site to the personal property.
- If necessary, storage of the personal property for a period not to exceed 12 months.

- Insurance for the replacement value of the property in connection with the move and any approved storage.
- The replacement value of property lost, stolen, or damaged in the process of moving where insurance covering such loss, theft, or damage is not reasonably available.
- Any license, permit or certification required at the replacement location. However, the payment will be based on the remaining useful life of the existing license, permit or certification.
- Professional services as the Agency determines to be actual, reasonable and necessary for planning the move of the personal property, moving the personal property, and installing the relocated personal property at the replacement location.
- Re-lettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move.
- Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation.
- The reasonable cost of attempting to sell an item that is not to be relocated.
- If an item is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, you may be reimbursed the lesser of: (1) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item: or (2) the estimated cost of moving and reinstalling the replaced item but with no allowance for storage.

- Reimbursement for time spent searching for a replacement location. This reimbursement is limited to \$2,500.

Other than Moving Expenses, are Other Costs Eligible for Reimbursement?

In addition to the eligible expenses that are listed above, the following items may be reimbursable, if the Agency determines they are actual, reasonable and necessary expenses:

- Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
- Professional services (based on a reasonable Agency pre-approved hourly rate) performed prior to the purchase or lease of a replacement site to determine its suitability for the business operation, including, but not limited to: soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site).
- Impact fees, or one time assessments, for anticipated heavy utility usage.

What is a Payment for Reestablishment Expenses?

If you choose to receive a payment for your actual moving and related expenses, you may also be eligible to receive a payment for expenses in reestablishing your business at a replacement location, not to exceed \$25,000. Such expenses must be actual, reasonable and necessary, as determined by the Agency. They include, but are not limited to the following:

- Repairs or improvements to the replacement real property as required by any Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- Construction and installation costs for exterior signage to advertise the business.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- Advertisement of the replacement location.
- Estimated increased costs of operation during the first 2 years at the replacement site for such items as; lease or rental charges; personal or real property taxes; insurance premiums; and utility charges, excluding impact fees.
- Other items that the Agency considers essential to the reestablishment of the business.



Will My Business be Reimbursed for Loss of Goodwill?

Under Ohio Law a business may be reimbursed for up to \$10,000 for Loss of Goodwill if the business can prove that a loss occurred as a result of the real estate being acquired by the Agency. In addition, the business must prove that the loss could not be prevented by relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill. Your relocation agent can provide you with information and guidance to further explain the calculation for Loss of Goodwill.

Will I be Reimbursed for Economic Loss to My Business as a Result of Having to Move?

Ohio Law states that an owner of a business, who is required to relocate the business, may recover damages for the owner's actual Economic Loss resulting from the taking of the property, as proven by the owner by a preponderance of the evidence. The maximum amount that may be claimed for Economic Loss is based on a formula that uses your annualized net business profit expressed as a daily rate, multiplied by a time period that is tied to the amount of time the owner has to consider the Agency's acquisition offer. Your relocation agent can provide you with information and further explain the calculation for Economic Loss.

What is a Fixed Moving Payment?

Certain Businesses, Non-Profit Organizations and Farms are eligible to obtain a Fixed Moving Payment in lieu of receiving payments for actual, reasonable and necessary Moving and related expenses and Reestablishment Expenses. The Fixed Payment for a business or farm operation is based on

the average annual net earnings of the business or farm operation. For a nonprofit organization, it is based on average annual gross revenues, less certain administrative expenses. A Fixed Payment will not be less than \$1,000 nor more than \$40,000.

Your Relocation Agent will be able to discuss your eligibility for this payment and the documentation required to support a claim.

When you elect to take this payment option you are not entitled to reimbursement for any other moving or reestablishment expenses.

Must I File a Claim for a Relocation Payment?

Yes, you must file a claim for all relocation payments. Your Relocation Agent will provide the required claim form, assist you in completing it, and explain the type of documentation that you must submit in order to receive the payment.

All claims for relocation payments must be filed no later than 18 months after: (A) For tenants, the date of your move; (B) For owners, the latter of (1) the date of your move; or (2) the date of final payment for the acquisition of your property. It is to your advantage to file as soon as possible after your move, so your claim can be processed and paid. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified of the problem, and, as applicable, the action you must take to resolve the matter.

Will I Have to Pay Rent to the Agency Before I Move?

If the Agency acquires your property, you may be required to pay a fair market rent to the Agency for the period between the acquisition of the property and the date you move out. Such rent will not exceed the market rent for comparable properties in the area.

Do I Have to Pay Federal Income Taxes on My Relocation Payments?

No, with one exception. Section 216 of the Uniform Relocation Act states you do not need to report relocation payments as part of your gross income for Federal tax purposes. However, even though Loss of Goodwill is paid in Ohio as a relocation payment, it is categorized as an acquisition payment by the Ohio Revised Code. Thus, we advise that you discuss any tax impacts with your private tax preparer.



Can I Appeal My Relocation Determinations?

Yes. If you disagree with the Agency's decision regarding your right to relocation assistance or the amount of a payment, you may appeal the decision to the Ohio Department of Transportation. You have 120 days to file your appeal after you receive written notification of the Agency's determination on your claim. Your appeal must be in writing. If you need assistance, your relocation agent will assist you in preparing your appeal.

Send your appeal to:

Director, Ohio Department of Transportation
Attention: Administrator, Office of Real Estate
1980 West Broad Street, Mail Stop 4120
Columbus, Ohio 43223

Title VI Policy

State and Federal laws prohibit discrimination on the grounds of race, color, religion, sex, national origin, age or disability. If you have any concerns that your rights under these provisions may have been violated, please contact:

- Ohio Department of Transportation,
Division of Chief Legal Counsel & Equal
Opportunity, Office of Equal Opportunity
1980 West Broad Street,
Mail Stop 3270
Columbus, Ohio 43223-0899
614-466-3664

What if an individual has Limited English Proficiency?

The Office of Real Estate recognizes there may be situations with Limited English Proficiency (LEP) and will work with the Office of Diversity and Inclusion (ODI) by providing a language chart to select the language that the individuals speak. Should this situation arise, please contact ODI at 614-466-3264 to engage the appropriate translation service(s).

ODOT OFFICES

District Real Estate Managers' Contact Information:

District 1

1885 N. McCullough St.
Lima, OH 45801
(419) 222-9055

District 2

317 East Poe Rd.
Bowling Green, OH 43402
(419) 353-8131

District 3

906 Clark Avenue
Ashland, OH 44805
(800) 276-4188

District 4

2088 S. Arlington Road
Akron, OH 44306
(330) 786-2230

District 5

9600 Jacksontown Road
Jacksontown, OH 43030
(740) 323-4400

District 6

400 East William St.
Delaware, OH 43015
(740) 833-8211

District 7

1001 St. Mary's Ave.
Sidney, OH 45365
(937) 492-1141

District 8

505 S. State Route 741
Lebanon, OH 45036
(800) 831-2142

District 9

650 Eastern Avenue
Chillicothe, OH 45601
(740) 773-2691

District 10

338 Muskingum Drive
Marietta, OH 45750
(740) 568-3900

District 11

2201 Reiser Avenue
New Philadelphia, OH 44663
(330) 339-6633

District 12

5500 Transportation Blvd
Garfield Heights, OH 44125
(216) 581-2100

ODOT Districts Map



Your Relocation Agent is:

Name

Address

City & State

Zip Code

Email

Telephone

(Agent: Fill Out the Above Section or Affix a
Business Card to this Page)



OHIO DEPARTMENT OF
TRANSPORTATION

