

Protective Rental Policy

Overview: Protective rentals are used when NCDOT (herein after referred to as the Department) wants to keep a dwelling or business location vacant in order to avoid having to relocate a family or business if they move in before the Department's acquisition of the property.

Question: Is Protective Rent a Right or a Benefit for the landowner?

Answer: It is NEITHER. This is a choice the Department may make on a case by case basis to determine if it is monetarily viable for the Department. It is for the purpose of the Department to try to spend money up front to rent a vacant site in order to prevent spending money on a potential relocation claim in the future.

Question: Can I, as a landlord, request protective rent if my rental is or becomes vacant prior to the Department acquiring my property?

Answer: Yes.

Question: How does the Department determine whether I can receive protective rent?

Answer: The Department must determine the timeframe of when an acquisition offer will be made to the landlord, how long the negotiations will last, and determine if it is reasonably justified to pay the protective rent. Again, protective rent is not a right or a benefit. It is for the purpose of the Department to try to spend money up front to rent a vacant site in order to prevent spending money on a potential relocation claim in the future.

Question: Can the Department offer me Protective Rent without me asking for it?

Answer: Yes. If the Department feels the need to lower the risk of a possible displacee moving in, the Department may ask that you accept protective rent for a period of time, rather than moving a tenant into your rental.

Question: What is the maximum amount of time a landlord can receive protective rental payments?

Answer: It is for a period of no longer than six (6) months. The Department has to determine the timeframe as to when the property can expect to be acquired before considering protective rent.

Question: If a tenant moves out before the Department makes a written offer to the landlord for the property, can the landlord move another tenant into the rental?

Answer: It is the landlord's property until NCDOT acquires it, so the answer is "Yes." However, the Department asks that you speak to your Right of Way Agent, or Relocation Agent, and explain the situation. Protective rent may be an option to save the Department some money down the road, as well as provide continued rental payments to you as landlord without you moving a tenant in.

Question: How much are you going to pay me for my rental under protective rent?

Answer: Typically, the Department will pay what the last tenant was paying. If it has been vacant for an extended period of time, the Department may determine market rent, and pay that amount.