

# Non-Residential Relocation Brochure





## **FOREWORD**

North Carolina is always working to improve its transportation systems. Often this involves the purchase of residential property from private citizens so the state's highways and other public modes of transportation can safely accommodate the increasing number of people using them.

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

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## 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, and North Carolina state laws.

### **⚠ IMPORTANT!**

A business, non-profit organization or farm is not eligible for relocation assistance benefits until a written offer is made to purchase the real estate you occupy, or until you receive a Notice of Intent to Acquire letter. **Do not move until you have received written authorization to do so. If one moves prior to receiving written authorization, they will not receive any relocation payments.**

To ensure you retain your relocation eligibility, always contact your right of way/relocation agent before taking any action on your relocation. Per federal law, people 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. People seeking relocation assistance will be required to certify that they are a United States citizen or national or a person 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** include referrals to suitable replacement locations, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move. A right of way/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 \$25,000.
  2. **Fixed payment:** As an alternative to receiving payments for actual, reasonable and necessary moving and reestablishment expenses, certain businesses, farms and non-profit organizations may be eligible to choose a fixed move payment. The fixed move payment will be yielded between \$1,000 and \$40,000, based on your business's average yearly net income.

Your assigned agent will explain all eligible and ineligible moving and other related costs. Contact your assigned agent prior to committing to any expenditures to ensure they are reimbursable. You must notify the agent with the approximate date you intend to start your move, or otherwise dispose of your personal property. In most instances, the department will also need to create an inventory of your personal property items in order for them to be moved. You must permit your right of way/ relocation agent to inspect personal property at the old and new locations, and to monitor your move. You may elect to pay moving costs and be repaid by the department, or the department can pay the mover directly.

Your right of way/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 interviewed by a representative of the department to determine your relocation needs and preferences.

### How soon will I have to move?

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 right of way/relocation agent will provide you with information on currently available replacement locations that meet your needs. While NCDOT will assist you in obtaining a suitable replacement location, you're advised to take an active role in finding and relocating to a location of your choice, as you know the most about your individual business needs. 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?

Other assistance includes providing information on federal, state, and local programs that may be helpful in reestablishing a business. You will also receive assistance in filling out forms and claims for reimbursement. Your right of way/ relocation 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?**

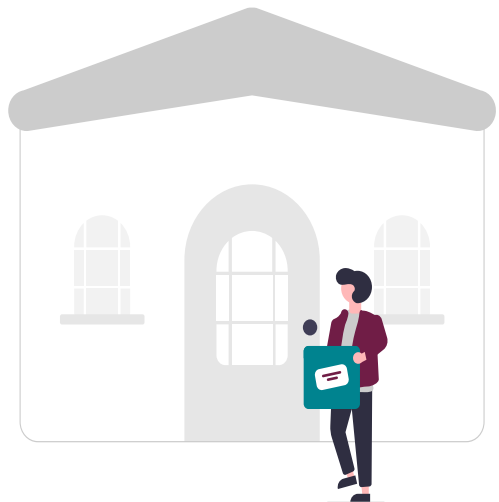
Before you make any arrangements to move, notify your right of way/relocation agent as soon as possible. Your agent will discuss the move with you and advise you on the relocation payments for which you may qualify. They will also explain all eligibility requirements, and how to obtain payments.

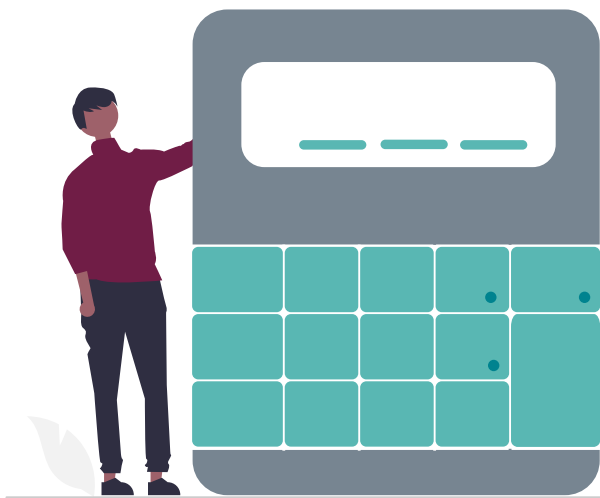
**I plan to discontinue my business rather than move. What should I do?**

If you have decided to discontinue your business rather than reestablish it, you may still be eligible to receive a payment. If you are eligible for the fixed move payment, your right of way/relocation agent will inform you of 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 NCDOT, or if it is acquired through condemnation, you will not be required to move before you receive the agreed upon purchase price, or the acquisition offer amount is deposited in the Clerk of Court's office in your County. You will receive a 30-Day Notice to Vacate Letter giving the date by which you should be moved.





## 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 department 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, upon approval from NCDOT, 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-letting signs and replacing stationery on hand at the time of displacement that is made obsolete because of the move.



- ☑ 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: 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 the estimated cost of moving and reinstalling the replaced item but with no allowance for storage.
- ☑ Reimbursement, up to \$2,500, for time spent searching for a replacement location.



## **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 of available nearby utilities from the right-of-way to improvements at the replacement site.
- ☑ Professional services (based on an NCDOT 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 REESTABLISHING 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:

- ✔ 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.
- ✔ Repair 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 two 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 the department considers essential to the reestablishment of the business.

### **INELIGIBLE EXPENSES INCLUDE, BUT ARE NOT LIMITED TO:**

- Purchase of replacement land and/or structures;
- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures;
- Construction of replacement structures;
- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation;
- Interest on money borrowed to make the move or purchase the replacement property; and
- Payment to a part-time business in the home which does not contribute materially to the household income.



## **WILL MY BUSINESS BE REIMBURSED FOR LOSS OF GOODWILL?**

Loss of business, or loss of goodwill, is non-compensable under federal law.

## **WHAT IS A FIXED MOVING PAYMENT?**

The fixed payment for a business or farm operation is based on the average annual net earnings. For a nonprofit organization, it is based on average annual gross revenues, less certain administrative expenses. 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.

A Fixed Payment will not be less than \$1,000 or more than \$40,000. Your right of way/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, your right of way/relocation agent will provide the required claim form, assist you in completing it, and explain the type of documentation that you must submit to receive the payment.

**All claims for relocation payments must be filed no later than 18 months after: for tenants, the date of your move; or for owners, the latter of the date of your move or 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.**

## **WILL I HAVE TO PAY RENT TO THE AGENCY BEFORE I MOVE?**

If NCDOT acquires your property, you may be required to pay a fair market rent to the department 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?**

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, states that relocation payments are not taxable as income.



## **CAN I APPEAL MY RELOCATION DETERMINATIONS?**

You may file a written appeal with the NCDOT's Right of Way Manager at any time you believe the agency has failed to properly consider your application for assistance under the Relocation Assistance Program. Such assistance may include your eligibility for, or the amount of a payment required under the Uniform Act or State laws.

To appeal a determination by the agency, your appeal must be in writing. The letter must clearly state what you are claiming. Your right of way/relocation agent will assist you in filing this appeal within 120 days of your denied relocation claim, or from the date you were notified that you were ineligible to claim benefits.

### **Mail the letter and supporting documentation to:**

North Carolina Department of Transportation  
Attention: Right of Way Unit Manager  
1546 Mail Service Center  
Raleigh, NC 27699-1546

The North Carolina Department of Transportation Right of Way Unit Manager will provide you with a written determination resulting from your appeal.

## **NCDOT'S NOTICE OF NONDISCRIMINATION**

The North Carolina Department of Transportation (NCDOT) hereby gives public notice of its policy to uphold and assure full compliance with Title VI of the Civil Rights Act of 1964, the Civil Rights Restoration Act of 1987, and all related nondiscrimination authorities to the end that no person shall, on the grounds of race, color, national origin, sex, age or disability, be excluded from the participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs, activities, or services administered by the NCDOT.

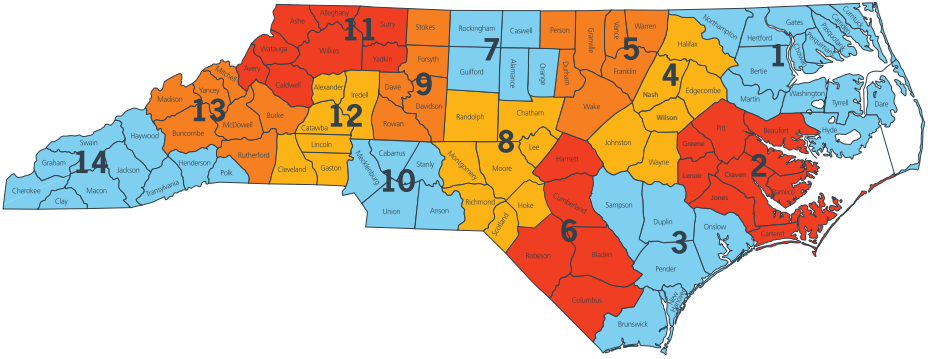
Any person who believes they have been mistreated by an unlawful discriminatory practice under an NCDOT program has a right to file a complaint directly with the NCDOT.

For procedures on how to file a complaint, or additional information regarding NCDOT's nondiscrimination obligations, please contact the:

NCDOT Office of Civil Rights  
External Civil Rights Section  
1511 Mail Service Center Raleigh, NC 27699  
919-508-1896 or 800-522-0453

In addition, anyone with a hearing or speech impairment may use Relay NC, a telecommunications relay service, to call the NCDOT Civil Rights Office. Relay NC can be accessed by dialing 711 or 1-877-735-8200.





## DIVISION 1

**Division Engineer's Office**  
 113 Airport Drive, Suite 100  
 Ahoskie, N.C. 27910  
 (252) 482-1865

**Right of Way Office**  
 230 N.C. 42 West  
 Ahoskie, N.C. 27910  
 (252) 332-8182

## DIVISION 2

**Division Engineer's Office**  
 2815 Rouse Rd. Extension  
 Kinston, N.C. 28504  
 (252) 775-6100

**Right of Way Office**  
 1430 East Arlington Blvd.  
 Greenville, N.C. 27858  
 (252) 364-9030

## DIVISION 3

**Division Engineer's Office**  
 5501 Barbados Blvd.  
 Castle Hayne, N.C. 28429  
 (910) 341-2000

**Right of Way Office**  
 5501 Barbados Blvd.  
 Castle Hayne, N.C. 28429  
 (910) 341-2100

## DIVISION 4

**Division Engineer's Office**  
 509 Ward Blvd.  
 P.O. Box 3165  
 Wilson, N.C. 27895  
 (252) 640-6400

**Right of Way Office**  
 490 Ward Blvd.  
 Wilson, N.C. 27985  
 (252) 640-6570

## DIVISION 5

**Division Engineer's Office**  
 2612 N. Duke St.  
 Durham, N.C. 27704  
 (919) 220-4600

**Right of Way Office**  
 815 Stadium Dr.  
 Durham, N.C. 27704  
 (919) 220-4700

## DIVISION 6

**Division Engineer's Office**  
 P.O. Box 1150  
 Fayetteville, N.C. 28302 (mail)  
 558 Gillespie St.  
 Fayetteville, N.C. 28301 (physical)  
 (910) 364-0600

**Right of Way Office**  
 Fayetteville, N.C. 28302 (mail)  
 455 Transportation Dr.  
 Fayetteville, N.C. 28301 (physical)  
 (910) 364-0605

## **DIVISION 7**

### **Division Engineer's Office**

P.O. Box 14996 (*mail*)  
Greensboro, N.C. 27415-4996  
1584 Yanceyville St. (*physical*)  
Greensboro, N.C. 27415-4996  
(336) 487-0000

### **Right of Way Office**

1101 E. Wendover Ave., Suite 200  
Greensboro, N.C. 27405  
(336) 334-3515

## **DIVISION 8**

### **Division Engineer's Office**

121 DOT Drive  
Carthage, N.C. 28327  
(910) 773-8000

### **Right of Way Office**

293 Olmsted Blvd., Suite 11A  
Pinehurst, N.C. 28374  
(910) 621-6100

## **DIVISION 9**

### **Division Engineer's Office**

375 Silas Creek Pkwy.  
Winston-Salem, N.C. 27127  
(336) 747-7800

### **Right of Way Office**

1605 Westbrook Plaza Dr.,  
Suite 201  
Winston-Salem, N.C. 27103  
(336) 760-8737

## **DIVISION 10**

### **Division Engineer's Office**

716 W. Main St.  
Albemarle, N.C. 28001  
(704) 983-4400

### **Right of Way Office**

206 Charter Rd.  
Albemarle, N.C. 28001  
(704) 244-8900

## **DIVISION 11**

### **Division Engineer's Office**

801 Statesville Rd.  
North Wilkesboro, N.C. 28659  
(336) 903-9101

### **Right of Way Office**

709 Statesville Ave. (*physical*)  
North Wilkesboro, N.C. 28659  
(336) 667-9114

## **DIVISION 12**

### **Division Engineer's Office**

P.O. Box 47 (*mail*)  
Shelby, N.C. 28151-0047

1710 E. Marion St. (*physical*)

Shelby, N.C. 28151-0047  
(980) 552-4200

### **Right of Way Office**

840 Wallace Grove Dr.  
Shelby, N.C. 28150  
(704) 480-5472

## **DIVISION 13**

### **Division Engineer's Office**

55 Orange St.  
Asheville, N.C. 28801  
(828) 250-3000

### **Right of Way Office**

6 Roberts Rd., Suite 102  
Asheville, N.C. 28803  
(828) 274-8435

## **DIVISION 14**

### **Division Engineer's Office**

253 Webster Rd.  
Sylva, N.C. 28779  
(828) 586-2141

### **Right of Way Office**

1594 E. Main St.  
Sylva, N.C. 28779  
(828) 586-4040





# YOUR RIGHT OF WAY/RELOCATION AGENT IS:

**Name**

**Address**

**City & State**

**Zip Code**

**Email**

**Telephone**

Visit us at  
**[ncdot.gov](http://ncdot.gov)**

