



**CITY OF CHARLOTTE**

**RESIDENTIAL RELOCATION  
ASSISTANCE**

**August 2011**

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## **INTRODUCTION**

The purpose of this brochure is to explain the rights and benefits of citizens affected by City of Charlotte public projects. If you are required to move as a result of a public project, you may be eligible for relocation advisory assistance services and payments.

The Charlotte community is continuing to draw more people and businesses. For the City to remain livable and prosperous, smart growth principles must focus on business retention and expansion, redevelopment of the urban core and transit corridors.

These types of City of Charlotte projects, designed to benefit the public as a whole, can result in the need to acquire private property, and sometimes displace citizens from their homes or businesses. Private property rights are protected by both the State of North Carolina and the United States government. This brochure is written based on the Fifth Amendment of the Constitution, The Uniform Relocation Act, North Carolina General Statutes and the Municipal Code of the City of Charlotte.

If you'd like to learn more about Charlotte's growth strategies, go to the City/County website, [www.charmeck.org](http://www.charmeck.org) and click on "Charlotte City Council," then "Focus and Priorities."

## GOVERNING LAWS

State, local and federal government laws govern the acquisition of private property for public use. This type of acquisition is commonly known as “the power of eminent domain” or the power of “condemnation.” This power is subject to protections from abuse.

On January 2, 1971, Public Law 91-646, the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," (Uniform Act) was signed into law. The Uniform Act provides important protections and assistance for people affected by Federally funded projects. This law was enacted by Congress to ensure that people whose real property is acquired, or who move as a result of projects receiving Federal funds, will be treated fairly and equitably and will receive assistance in moving from the property they occupy.

The Uniform Act policies and procedures in Chapter 49 of the Code of Federal Regulations Part 24 contain three parts: 1) Title I contains general provisions of the Uniform Act along with definitions. 2) Title II addresses relocation assistance items such as relocation advisory assistance and moving costs. Title II also places requirements on States or agencies utilizing Federal funds in their programs. 3) Title III defines real property acquisition policies.

The State of North Carolina enacted general statutes Chapter 40A (Eminent Domain) and 136 to govern the acquisition of private property for public use. The procedures provided by those chapters enable condemnors (agencies such as the City) to exercise the right of eminent domain. Further, Chapter 7, Article V, Section 7.81 of the Code of Ordinances of the City of Charlotte regulates and defines the eminent domain rights of the City.



In summary, the above referenced laws ensure that owners of real property to be acquired for public projects are treated fairly and consistently, to encourage and expedite acquisition by agreements with such owners, to minimize litigation and relieve congestion in the courts, and to promote public confidence in land acquisition programs designed for the benefit of the public as a whole. **This brochure explains relocation procedures.**

## RELOCATION ADVISORY SERVICES



Any person, family, business or farm operation that has to move because of a public project shall be offered relocation advisory services. Relocation advisory services will be offered by qualified Relocation Agents representing the City. Often times the Relocation Agent will be the same Real Estate Broker who contacts the owners of a property for purchases of real estate.

A Relocation Agent will contact you personally. The Relocation Agent will interview you to determine your specific situation and your payment eligibilities. Be sure to point out to the Agent all factors of your residence or family circumstances that may effect your relocation. The Agent will explain the services and payments available to you in accordance with your particular circumstances and eligibilities.

Your Relocation Agent can assist you in finding a suitable replacement location should you have to totally relocate your home. Keep in mind, however, that the Agent does not have the intricate knowledge of your lifestyle that you possess and will not be as adept in picking the most suitable replacement dwelling. Frequently, Real Estate Brokers are called upon as highly qualified assistants in locating a replacement location.

Your Relocation Agent is familiar with the services provided by other public and private agencies in your community. Sometimes there are specific issues for which these agencies will be able to provide assistance. These agencies have professional staff qualified to assist you. Make your needs known to your Agent.

All of your questions concerning your relocation should be directed to your Relocation Agent. The Agents are available to help and advise. Ask questions and be sure you understand fully all of your rights and benefits. **Please do not take any action on your own without first contacting your Relocation Agent. Your payment eligibilities could be jeopardized.**

This brochure constitutes your general information notice for the City's project. It contains the required contents of a general information notice under the Uniform Act.

## TIME TO MOVE AND NOTICES

Every effort will be made to provide you with ample time for relocation. On or after the day the City presents the offer to purchase the real estate, you will be contacted and given a written notice that assures that you will not be required to move before 90 days from the date of the notice. The notice will either give a specific earliest date by which you will have to be moved, or will advise that a 30-day notice providing a specific date will be delivered later.

## TIME OF OCCUPANCY REQUIREMENTS AND ELIGIBILITIES

The term “initiation of negotiations” means the date the City makes the first written offer to the owner of the property to purchase the real estate.

### Occupancy of 180 days or more

You may qualify for replacement housing payments not to exceed \$22,500 if you have owned and occupied your dwelling at least 180 days prior to the initiation of negotiations.



### Occupancy of 90 to 179 days

If you are an owner or a tenant who has been in occupancy for at least 90 days you may be eligible for a rental assistance payment or down payment not to exceed \$5,250.

### Occupancy of less than 90 days

If you are in occupancy less than 90 days from the initiation of negotiations you will be considered a displaced person entitled to relocation advisory assistance and move costs. Under very limited circumstances a less-than-90-day occupant may be eligible for a Last Resort Housing payment.

## RESIDENTIAL ELIGIBILITIES

Generally a residential owner or tenant required to move all or part of personal property from the property being acquired may be eligible for move costs and replacement housing payments. **Do not make any commitments regarding relocation until you have been advised by your Relocation Agent. Failure to do so may result in a loss of payments and eligibilities.**

## MOVE COSTS

Residential moves may be done by either a commercial mover or by utilizing a move schedule to determine the amount of reimbursement for a self-move. A **commercial move** will be reimbursed based upon the lower of two estimates prepared by licensed commercial movers. The commercial move estimate will include insurance for the move. Personal property inventories must be prepared prior to a commercial move and verified again upon completion of a move to ensure that all items estimated for payment were actually moved. All claims for move costs will be supported by actual receipts and invoices. Alternatively, a self-move may be reimbursed based upon the **move schedule** as shown here.



### Occupant Owns Furniture

1 room	\$500
2 rooms	\$700
3 rooms	\$900
4 rooms	\$1100
5 rooms	\$1300
6 rooms	\$1500
7 rooms	\$1650
8 rooms	\$1800

Additional rooms \$150

### Occupant does not own furniture

\$350
\$400
\$450
\$500
\$550
\$600
\$650
\$700

Additional rooms \$50

Payment is limited to \$100 if a person has minimal possessions and occupies a dormitory-style room or the move is done by the City at no cost to the person.

## REPLACEMENT HOUSING PAYMENTS

If you have owned and occupied your dwelling at least 180 days prior to the initiation of negotiations, you may be eligible for a **purchase additive** up to \$22,500 as a supplemental payment for all costs to purchase or rent a decent, safe and sanitary replacement dwelling. The \$22,500 maximum payment includes the purchase additive payment, incidental expenses and the increased mortgage interest payments discussed below. This payment is in addition to the fair market value that you will be paid for your property.

It is also in addition to any move costs for which you may be eligible. The City determines the amount of the payment based upon comparable replacement homes available on the market.

Do not enter into a contract to purchase a replacement dwelling, or a lease to rent a replacement dwelling prior to a decent, safe and sanitary inspection by your Relocation Agent.

If you are an owner or a tenant who has been in occupancy for at least 90 days you may be eligible for a **rental assistance** payment or down payment not to exceed \$5,250 as a supplemental payment to either rent or buy a decent, safe, and sanitary replacement dwelling. The full amount of the payment must be applied as a down payment or towards closing costs if purchasing a replacement home. This payment is in addition to any move costs for which you may be eligible. The City determines the amount of the payment based upon comparable replacement homes available on the market.

The amount actually spent on purchasing or renting a replacement dwelling is a determining factor in the amount of payment you receive. Condemnation proceedings can also affect your payments. Your Relocation Agent will be able to provide specific amounts based upon an evaluation of your situation.

### **INCIDENTAL EXPENSES**

You may also be reimbursed for other expenses such as, but not limited to, reasonable costs incurred for title search, recording fees and certain other closing costs, but not including prepaid expenses such as real estate taxes and property insurance. These costs will be capped at the value of the City-selected comparable replacement home.

### **INCREASED MORTGAGE INTEREST PAYMENTS**

If you have a valid mortgage on your existing property when it is purchased by the City, you may be eligible for an increased mortgage interest payment. Should the mortgage interest rate on your replacement home exceed the interest rate on your previous home, you may be eligible for a payment that will reduce, or buy-down, the new loan allowing for the same monthly mortgage payment as before. The payment will be based on, and limited by, the terms and amounts of the existing loan.

## **RELOCATION PAYMENTS NOT CONSIDERED INCOME**

No payments received under the relocation assistance program are considered income for the purposes of Internal Revenue Service tax filing, Social Security, welfare eligibility or any other Federal law, with the exception of low-income housing assistance.

## **PAYMENT ELIGIBILITY AND CLAIM DATES**

All claims for relocation payments must be supported by documentation of expenses actually incurred. An owner-occupant or tenant who qualifies as a displaced person and purchases, occupies, and/or moves from the property being purchased is eligible for relocation payments.



You must purchase and occupy within one year of the following dates and file a written moving expense or replacement housing claim on a form provided by your Relocation Agent within eighteen months after the following dates:

- Tenants – the date you move from the property
- Owners – the date you move from the property; or the date you are paid for the property

## **ILLEGAL ALIENS NOT ELIGIBLE**

Aliens not lawfully present in the United States are ineligible for relocation advisory assistance and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent or child as defined in the Uniform Act.

## **YOUR RIGHT TO APPEAL**

If any person feels the City has failed to properly determine their eligibility for relocation assistance the aggrieved person may file a written appeal. You will be given a prompt and full opportunity to be heard. You have the right to be represented by legal counsel or other representative at your expense. The City will promptly review your appeal and consider all pertinent information and then provide you with a written determination explaining its decision. If you are still dissatisfied you have the right to seek a judicial review.

**Your right to appeal is terminated when a displacee files a written claim for payment. Should no written claims be submitted to the City, your right to appeal is limited to no later than 60 days after you have been advised of your relocation eligibility.**

## **DEFINITIONS**

### **Acquisition**

The process of acquiring property (real estate) or some interest therein. See the definition of real property.

### **Displaced Person or Displacee or Relocatee**

Any person or business who moves from the real property or moves personal property from the real property as a result of an acquisition of the real property.

### **Decent, Safe and Sanitary**

A dwelling that meets local housing and occupancy codes. Additionally, but not limited to, housing that is structurally sound, in good repair, provides safe electrical systems, heat, adequate in size to accommodate the displaced family, bathroom in working order, kitchen facilities and unobstructed ingress and egress.

### **Initiation of Negotiations**

The date of the first written offer to purchase the real estate from the owner or his representative.

### **Illegal Alien**

Person not lawfully present in the United States.

**Personal Property**

In general, property that can be moved (such as furniture, lawn mower, etc.). It is not permanently attached to, or a part of, the real property. Personal property is not usually purchased but instead it is moved if it is in the area of the acquisition of real property.

**Relocatee (displacee)**

See definition of displaced person.

**Real Property**

The land and everything growing on it, attached to it or erected on it but not including anything that may be severed from the land without injuring it.

**Relocation Assistance**

If improvements are considered personal property under state and federal law, the tenant-owner may be reimbursed for moving them under the relocation assistance provisions.

**Tenant**

An individual or family having temporary possession and lawful occupancy of the real property belonging to another with consent.

## **If You Have Questions**

This brochure briefly explains your rights and entitlements as an owner of real property, and the City of Charlotte's rights, entitlements and policies as a governmental agency. Should you have additional questions about acquisition or relocation assistance or the progress of the project, your inquiry should be directed to the Real Estate Agent who delivered this brochure.

City of Charlotte Engineering and Property Management  
Real Estate Services Division  
600 East Fourth Street, CMGC - 14th FL  
Charlotte, NC 28202

For more information, questions or comments contact:

\_\_\_\_\_ Real Estate Agent

\_\_\_\_\_ Phone

\_\_\_\_\_ Email