

**Harris County Relocation Assistance Regulations for
Harris County, Texas**



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HARRIS COUNTY ENGINEERING DEPARTMENT

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PART 1- ADMINISTRATION AND PRELIMINARY PROVISIONS

SECTION 1.01- AUTHORITY

These regulations are adopted by the Commissioners Court of Harris County, Texas (hereinafter referred to as “Commissioners Court”), acting in its capacity as the governing body of Harris County. The authority of Harris County to adopt these regulations is derived from Section 21.046 of the Texas Property Code. These regulations may be amended at any time by a majority vote of Commissioners Court.

SECTION 1.02 - PURPOSE

These regulations establish a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by Harris County or the Harris County Flood Control District, hereinafter “County Project.” The primary purpose of these regulations is to ensure that such persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on such persons.

SECTION 1.03 - CONSTRUCTION

These regulations are to be construed liberally to accomplish the purpose and to assure Harris County complies with all State and Federal laws. Notwithstanding any provisions found herein, Harris County will comply with the Texas Property Code and the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 (“URA”) (42 U.S.C. § *et seq* 4601 and implemented through C.F.R. Part 24), as amended by Section 1521 of the Moving Ahead for Progress in the 21st Century Act (“MAP-21”), and any subsequent amendments thereto.

SECTION 1.04 - APPLICABILITY

These regulations apply to all acquisitions handled by the County.

SECTION 1.05 - ELIGIBILITY FOR ASSISTANCE

A Displaced Person lawfully present in the U.S. is eligible to receive payment for the reasonable expenses of moving his or her personal property. Any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless he or she can demonstrate that denial of relocation assistance benefits would result in exceptional and extremely unusual hardship to the person’s spouse, parent, or child (if that spouse, parent, or child is a citizen of the U.S. or an alien lawfully admitted for permanent residence in the U.S.) (refer to 49CFR, §24.203). Relocation assistance applies to tenants as well as owners occupying the real property needed for the project.

To assure eligibility and prompt payment of relocation benefits, Displaced Persons must provide the County with an advance written notice of the approximate date of the planned move and a list of the items to be moved so that a County representative may inspect the personal property at the displacement and replacement sites and monitor the move. An occupant who moves prior to the date negotiations are initiated for acquisition of the property will not be eligible for any relocation payment unless he or she receives a written notice of advanced relocation eligibility before he or she moves from the property.

SECTION 1.06 - NOTICE

Each Displaced Person will be given sufficient time to plan an orderly, timely, and efficient move. This applies not only to residential occupants, but to all properties where an occupant has to move to a new location or move his or her property to a new location. To the greatest extent practicable, no person lawfully occupying real property will be required to move from that site without at least a 90-day written notice. The Relocation Agent shall mail a 90-day letter by certified mail to the occupants within 10 days of Initiation of Negotiations.

PART 2- DEFINITIONS

SECTION 2.01 - ACQUIRING AGENCY

“Acquiring Agency” means the Harris County Real Property Division (hereinafter referred to as the “County”) and any other governmental agency with which the County has an agreement approved by Commissioners Court. Harris County Real Property Division is a department of Harris County, Texas, a political subdivision of the State.

SECTION 2.02 - BUSINESS

“Business” means any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or solely for the purpose of the URA, an outdoor advertising display or displays, when the display(s) must be moved as a result of the project.

SECTION 2.03 - COMPARABLE REPLACEMENT

“Comparable replacement” means a dwelling which is decent, safe and sanitary (“DSS”), and should be functionally equivalent to the present dwelling. While not necessarily identical to the present dwelling, the replacement dwelling should have certain attributes such as:

1. Have similar number of rooms and living space;
2. Located in an area not subject to unreasonable adverse environmental conditions;

3. Generally not be less desirable than the present location with respect to public utilities; and commercial and public facilities;
4. Located on a site that is typical in size for residential development with normal site improvements;
5. Currently available and within the Displaced Person's financial means; and
6. Adequate in size to accommodate the occupants.

SECTION 2.04 - DECENT, SAFE AND SANITARY ("DSS")

"Decent, safe and sanitary" means the dwelling meets all of the minimum requirements established by the Federal Guidelines and conforms to applicable housing and occupancy codes. The dwelling shall:

1. Be structurally sound; weather tight, and in good repair;
2. Contain a safe electrical wiring system adequate for lighting and electrical appliances;
3. Contain a heating system capable of sustaining a healthful temperature of approximately 70 degrees;
4. Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the Displaced Person(s);
5. Contain a well-lighted and ventilated bathroom providing privacy to the user and containing a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system;
6. Contain a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system with adequate space and utility connections for a stove and refrigerator;
7. Have unobstructed egress to safe, open space at ground level; and
8. Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling in the case of a handicapped Displaced Person.

SECTION 2.05 - DISPLACED PERSON

"Displaced Person" means any individual, family, corporation, partnership, or association who moves from real property or moves personal property from real property as the result of the acquisition of the real property, in whole or part, or as the result of a written notice from the County to vacate the real property needed for a County project. In the case of a partial acquisition, the County shall determine if a person is displaced as a direct result of the acquisition.

SECTION 2.06 - FAMILY

“Family” means two or more individuals living together in a single-family dwelling who:

1. Are related by blood, adoption, marriage, or legal guardianship and live together as a family unit; includes all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit, or
2. Are not related by blood or legal ties, but live together by mutual consent.

SECTION 2.07 - FARM

“Farm” means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

SECTION 2.08 - INITIATION OF NEGOTIATIONS

“Initiation of Negotiations” means the date the County makes its first written offer to an owner of real property, or the owner's representative, to purchase the real property for a County project.

SECTION 2.09 - NONPROFIT ORGANIZATION

“Nonprofit organization” means a public or private entity that has established its nonprofit status under applicable Federal or State law and is exempt from paying Federal income taxes under Section 501 of the Internal Revenue Code.

SECTION 2.10 - SMALL BUSINESS

“Small Business” means a business having no more than 500 employees working at the site being acquired.

SECTION 2.11 - STATUTORY LIMIT

“Statutory limit” is the maximum payment amount as defined in Appendix A. The statutory limits mirror the federal statutory limits provided in the URA.

PART 3-RESIDENTIAL RELOCATIONS

SECTION 3.01 - RELOCATION MEETING

After Initiation of Negotiations the Relocation Agent shall contact the Displaced Person (owner/occupant or tenant) to set up a meeting to discuss relocation benefits at the property. The Relocation Agent will explain the relocation process, complete the Residential Questionnaire, and provide a Relocation Brochure, Lists of Movers, and Relocation Summary. The Relocation Agent will inspect the home to assist in searching for comparable homes. The Relocation Agent will count the number of rooms and inform the Displaced Person of the amount of compensation they will receive if they choose to do a self-move. The Relocation Agent will then search the market for three available comparable homes that can be purchased or rented by the displaced parties. The Relocation Agent will then mail a 90-day letter by certified mail to the occupants.

SECTION 3.02 - MOVING COST REIMBURSEMENT

Displaced Persons are entitled to reimbursement of moving costs and certain related expenses incurred in the move. Displaced Persons may choose to be paid on the basis of actual reasonable moving costs and related expenses, or according to a fixed moving cost schedule.

SECTION 3.02(a) - ACTUAL REASONABLE MOVING COSTS

Displaced Persons may choose to be reimbursed for actual reasonable moving costs and related expenses when the move is performed by a commercial mover. Reimbursement will be limited to a 50-mile distance. Expenses must be necessary and reasonable as determined by the County and supported by receipts. Related expenses may include: packing and unpacking personal property, disconnecting and reconnecting household appliances, temporary storage of personal property (with prior approval only), insurance while property is in storage or transit, and mobile home park entrance fees.

SECTION 3.02(b) - FIXED MOVING COST SCHEDULE

Displaced Persons may choose to be reimbursed on the basis of a fixed moving cost schedule. The amount of the payment is based on the number of rooms in the dwelling. Under this option, Displaced Persons will not be eligible for reimbursement of related expenses as provided in the alternative reimbursement method described in Section 3.02(a).

SECTION 3.03 - REPLACEMENT HOUSING PAYMENTS

Displaced Persons may be entitled to replacement housing payments. The type of payment depends on whether the Displaced Persons are owners or tenants, and how long they have lived on the property being acquired prior to negotiations. Replacement housing payments are separated into three basic types: purchase supplement, rental assistance, and down payment.

A Displaced Person's length of occupancy and status as an owner or tenant of the property determine the type of replacement housing payment for which they are eligible. Length of occupancy is determined by counting the number of days that the Displaced Person occupied a dwelling immediately before the Initiation of Negotiations.

Owners who were in occupancy 90 days or more may be eligible for either a purchase supplement up to the Statutory Limit or a rental assistance payment up to the Statutory Limit.

Tenants who were in occupancy 90 days or more may be eligible for a rental assistance payment up to the Statutory Limit.

Displaced Persons (owners and tenants) who were in occupancy for less than 90 days are entitled to relocation assistance advisory services and moving cost reimbursement. They may also be entitled to a rental assistance payment if Comparable Replacement rental housing is not available at a monthly rental rate of 30% or less of their gross monthly household income.

SECTION 3.03(a) - PURCHASE SUPPLEMENT

If a Displaced Person is an owner and has occupied the dwelling for 90 days or more immediately prior to the Initiation of Negotiations for the acquisition of the property, they may be eligible (in addition to the just compensation of the property) for a lump sum purchase supplement payment not to exceed the Statutory Limit, for costs necessary to purchase a DSS replacement dwelling. The County will compute the maximum payment they are eligible to receive. They must purchase and occupy a DSS replacement dwelling within one (1) year from the date the Displaced Person receives final payment for the displacement dwelling or, in the case of condemnation, the date the full amount of the estimate of just compensation is deposited in the Court or the date the County made at least one Comparable Replacement dwelling available to the Displaced Person, whichever date is later. The purchase supplement payment includes the price differential amount, the mortgage interest differential payment, and the incidental expenses for replacement housing.

SECTION 3.03(a)(1) - PRICE DIFFERENTIAL

The price differential is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. After a thorough study of available DSS dwellings on the open market, the County determines the cost of a Comparable Replacement property. The maximum price differential payment is the difference between the acquisition cost of the displacement dwelling and the cost of a Comparable Replacement property (as determined by the County).

If the purchased replacement property costs less than the County's Comparable Replacement property figure, the Displaced Person is only eligible to receive the

difference between the acquisition cost of the displacement property and the actual purchase price of the replacement property.

SECTION 3.03(a)(2)- MORTGAGE INTEREST DIFFERENTIAL

The mortgage interest differential payment (MIDP) is provided to a Displaced Person to compensate for the increased interest costs the person would otherwise incur when financing a replacement dwelling. The MIDP is an amount that will reduce or “buydown” the Displaced Person’s mortgage balance on a new mortgage to an amount that could be amortized with the same monthly payment for principal and interest cost. The mortgage interest differential will be calculated according to the terms found in the URA.

SECTION 3.03(a)(3) - INCIDENTAL EXPENSES FOR REPLACEMENT HOUSING

As part of the purchase supplement payment, Displaced Persons may be reimbursed for other expenses such as reasonable costs incurred for loan applications, recording fees, certain other closing costs, but not prepaid expenses, such as real estate taxes and property insurance or costs for services normally paid by sellers of residential properties or provided by title companies and closing agents as part of other services.

SECTION 3.03(b) - RENTAL ASSISTANCE

Displaced Persons of 90 days or more may be eligible for a rental assistance payment. To be eligible for a rental assistance payment, Displaced Persons must have been in occupancy for at least 90 days immediately preceding the Initiation of Negotiations for the acquisition of the property. The Displaced Person must rent and occupy a DSS replacement dwelling within one (1) year from the date he or she moves from the displacement dwelling to be eligible.

The rental assistance payment was designed to enable Displaced Persons to rent a comparable DSS replacement dwelling for a 42-month period. After a study of the rental market, the County determines the cost of rent for a comparable DSS replacement rental unit. If the Displaced Person chooses to rent a replacement dwelling and the rental payments are higher than the amount the Displaced Person paid at the displacement property, they may be eligible for a rental assistance payment up to the Statutory Limit for a rental assistance payment. The amount of rental assistance is determined by calculating the difference between the rent at the displacement property and the lesser of either (1) the cost of rent for a comparable DSS replacement unit (as determined by the County) or (2) the actual cost of rent for the DSS replacement unit selected by the Displaced Person. The

rental assistance payment will be paid in a lump sum unless the County determines that the payment should be paid in installments.

Displaced Persons who are owner occupants and interested in renting a replacement property should contact the County for a complete explanation of this option.

SECTION 3.03(c) - DOWN PAYMENT

Owner occupants of less than 90 days and tenants of 90 days or more may be eligible for a down payment, and incidental expenses, not to exceed the Statutory Limit for a rental assistance payment. The County will determine the maximum down payment they may be eligible to receive based on conventional loan financing for the DSS dwelling actually purchased and occupied.

Incidental expenses for replacement housing include the reasonable costs of loan applications, recording fees, and certain other closing costs, but do not include prepaid expenses such as real estate taxes and property insurance. They may also be eligible for the reimbursement of loan origination or assumption fees, if such fees are normal to real estate transactions in the area and they do not represent prepaid interest. The combined amount of the down payment and incidental expenses cannot exceed the Statutory Limit for a rental assistance payment.

SECTION 3.04 – CONTINUED OCCUPANCY INCENTIVE

On a project by project basis, residential tenants may be eligible for an incentive moving payment for continuing to occupy the displacement dwelling until the County acquires the property.

SECTION 3.04(a) – ELIGIBILITY

To qualify for the continued occupancy incentive payment, a displaced residential tenant must meet the following criteria:

1. Meet eligibility requirements for assistance described in Section 1.05.
2. Actually and lawfully occupied the displacement dwelling prior to the Initiation of Negotiations (first written offer).
3. Agrees to continue in occupancy of the displacement dwelling until the County has taken possession of the property through negotiation or condemnation.
4. Vacate the displacement dwelling within 30 days of formal notice after the County acquires possession.

SECTION 3.04(b) - PURPOSE

This incentive payment is offered to maximize relocation benefits to eligible tenants, to assist landlords in retaining rental income until possession by the County, and to minimize additional payments required by the County for tenants occupying the property after the offer has been delivered. This payment does not affect any entitlement to, or amount of any other relocation benefits due the Displaced Person, and participation in this incentive is solely at the election of the Displaced Person. If the Displaced Person chooses to participate in this incentive, available comparable housing will be evaluated prior to the final move. If comparable housing is no longer available within the parameters of the original rental supplement, a revision will be required.

SECTION 3.04(c) – PAYMENT AMOUNT

The continued occupancy incentive payment for each approved project will be each tenant's current monthly rent (the amount currently paid to the landlord) multiplied by four months. There are no provisions for a partial payment, only the full amount if the displaced tenant continues to occupy the displacement site until the County's possession, through negotiations or condemnation. If for any reason the displaced tenant decides to move prior to the County's possession, the tenant forfeits any claim to this incentive payment.

SECTION 3.04(d) - PROCESS

Prior to the issuance of the 90-day notice containing the approved rental supplement amount and available comparable(s), the displaced tenant will be informed of this incentive payment and the requirements to qualify for the payment. If they elect to participate, the following process shall be utilized:

The County shall have the displaced tenant indicate that they understand and elect to participate in this optional benefit, and shall note such election in writing.

The County will compute the eligible rental assistance supplement and issue a 90-day notice to the tenant in the normal manner for 90-Day occupants.

The County shall continue to offer all relocation assistance advisory services as required by the displaced tenant.

Upon possession of the real property by the County, County personnel will verify that replacement housing is still available to the displaced tenant for the rental cost of the originally selected comparable dwelling. If the cost of comparable housing has increased, a revision to the original supplement will be computed.

Once the new supplement is calculated or the original rental supplement is deemed adequate and the move is completed, the County will submit a claim on behalf of the

displaced tenant for the rental supplement, moving costs for the move of personal property, and a separate claim for the continued occupancy incentive payment. The incentive payment will be submitted as an "actual cost" residential moving expense, and be designated as "incentive payment".

SECTION 3.05 - LAST RESORT HOUSING

On most projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable the Displaced Person to relocate to comparable housing. However, there may be projects in certain locations where the supply of available housing is insufficient to provide the necessary housing for those persons being displaced. When a housing shortage occurs, the County will solve the problem by an administrative process called, "Last Resort Housing."

If comparable housing is not available, or it is not available within the Statutory Limits for a rental assistance payment or a purchase supplement, it must be provided before the Displaced Person is required to move. In such cases, the County has broad flexibility in providing the required housing and can, if necessary, provide replacement housing payments in excess of the Statutory Limits.

All eligible Displaced Persons have freedom to choose from the selection of replacement housing. The County will not require any Displaced Person, without his/her written consent, to accept a replacement dwelling provided by the County. If a Displaced Person decides not to accept the replacement housing offered by the County, the Displaced Person may secure a replacement dwelling of his/her choice, provided it meets DSS housing standards.

If the Displaced Person is eligible for replacement housing under the Last Resort Housing program, they will be so informed by the Relocation Agent who will thoroughly explain the program.

SECTION 3.06 - POSSESSION OF DWELLINGS

FEMA Buyouts: All dwellings shall be vacant prior to closing with Harris County. The Acquiring Agency shall be responsible for securing the dwellings after it is notified that the dwelling is vacant and has been purchased.

All Other Purchases: Occupants shall have up to 30 days after closing to occupy the property. The Acquiring Agency shall be responsible for securing the dwellings after it is notified that the dwelling is vacant and has been purchased.

SECTION 3.07 - FAIR HOUSING

The Fair Housing Act (Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. This Act, later Acts, and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to DSS replacement dwellings that are not located in an area of minority concentration and that are within their financial means. This policy, however, does not require the County to provide a person a larger payment than is necessary to provide DSS replacement dwelling.

SECTION 3.08 - RELOCATION ASSISTANCE SERVICES

Any Displaced Person which has been displaced by a County Project shall be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services may, at times, be provided by independent relocation specialists contracted by the County. It is the goal of all the relocation specialists to be of service to the Displaced Person, and assist in any way possible to help them successfully relocate.

A Relocation Agent from the County will contact the owner/occupant or tenant personally. Relocation services and payments will be explained to them in accordance with their eligibility. During the initial interview, their housing needs and desires will be determined as well as their need for assistance. When possible, comparable housing will be inspected prior to being made available to them in order to assure that it meets DSS standards.

In addition, if they desire, the Relocation Agent will give current listings of other available replacement housing. If requested, transportation may be provided to inspect available housing. The County will also provide counseling or help find assistance from other available sources to minimize hardships during the move.

They will also be provided with information concerning other Federal, State and local housing programs offering assistance to Displaced Persons.

The Relocation Agent will be familiar with the services provided by other public and private agencies in their community. If there are unique problems to address, the Relocation Agent will make every effort to secure the services of those agencies with trained personnel who have the expertise to help.

PART 4-BUSINESS RELOCATIONS

SECTION 4.01 - MOVING COST REIMBURSEMENT

Businesses, whether owners or tenants, may be paid on the basis of actual reasonable moving costs and related expenses, or under certain circumstances, a fixed payment.

Actual reasonable moving expenses may be paid when the move is performed by a professional mover or if the Displaced Person moves without professional movers (self-move). Related expenses, such as personal property losses, and expenses in finding a replacement site, may also be reimbursable. Displaced Persons may also be reimbursed for expenses incurred in the reestablishment of the Business.

Displaced Persons may be eligible to receive a fixed payment up to the Statutory Limit for a payment in lieu of actual cost based on the annual net earnings of the Business or Farm. To qualify for a fixed payment, certain conditions must be met.

For a Nonprofit Organization the fixed payment is the average of two (2) years annual gross revenues less administrative costs.

SECTION 4.01(a) – PROFESSIONAL MOVE

Displaced Persons may be reimbursed the actual reasonable costs of the move carried out by a professional mover. Reimbursable expenses must be supported by receipts in order to ensure prompt reimbursement of the moving cost claim. Costs must be reasonable and necessary, as determined by the County. Expenses such as packing, crating, unpacking, uncrating, disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment and other personal property are reimbursable. Other expenses such as temporary storage costs, insurance while in transit or storage, and the cost of new licenses and permits may also be reimbursable.

SECTION 4.01(b) – SELF-MOVE

If the Displaced Person elects to take full responsibility for all or part of the move, the County may approve a negotiated payment not to exceed the lowest acceptable bid or estimate prepared by qualified moving firms, moving consultants or a qualified County employee. If two acceptable bids or estimates cannot be obtained, or the Displaced Person decides to move on an actual cost basis, the moving payment may be based on actual, reasonable moving expenses supported by receipted bills or other evidence of the actual expenses. County will obtain cost estimates or bids for self-move payments. Self-move payments must be approved by the County before the start of the proposed move.

SECTION 4.01(c) – NOTIFICATION AND INSPECTION

To assure eligibility and prompt payment for moving expenses, the Displaced Person should provide the County with advance written notice of the approximate date of the planned move and a list of items to be moved so that the County may inspect the personal property at the displacement and replacement sites and monitor the move.

SECTION 4.02 – REESTABLISHMENT EXPENSES FOR REPLACEMENT SITE

A Small Business (not more than 500 employees), Farm or Nonprofit Organization may be eligible to receive a payment, not to exceed the Statutory Limit for the business reestablishment payment for expenses actually incurred in relocating and reestablishing such Small Business, Farm or Nonprofit Organization at a replacement site. These reestablishment expenses must be reasonable and necessary as determined by the County.

SECTION 4.02(a) – DIRECT LOSSES OF TANGIBLE PERSONAL PROPERTY

Displaced Businesses, Farms, and Nonprofit Organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. Such payment will be based upon the value of the item for continued use at the displacement site less the proceeds from its sale or the estimated cost of moving the item, whichever is the lesser.

SECTION 4.02(b) – SEARCHING EXPENSES FOR REPLACEMENT PROPERTY

Displaced Businesses, Farms, and Nonprofit Organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed the Statutory Limit for a business reestablishment payment. Expenses may include transportation, meals and lodging when away from home; the reasonable value of the time spent during the search; and fees paid to real estate agents or brokers to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites.

SECTION 4.03 – FIXED PAYMENT IN LIEU OF MOVING AND REESTABLISHMENT COSTS

Displaced Businesses, Farms, and Nonprofit Organizations may be eligible for a fixed payment in lieu of actual moving expenses, reestablishment expenses, personal property losses, and searching expenses. The fixed payment must be no less than \$1,000.00 and no more than the Statutory Limit for a business reestablishment payment.

Applications for fixed payments in lieu of actual expenses must be filed with the County prior to the Displaced Person’s planned move from the displacement property.

SECTION 4.03(a) – BUSINESS ELIGIBILITY FOR FIXED PAYMENT

In order for a Business to be eligible for a fixed payment, the County must determine that all of the following apply:

1. The Business owns or rents personal property which must be moved in connection with its displacement and for which expense would be incurred in its move;
2. The Business cannot be relocated without a substantial loss of its existing patronage;
3. The Business is not part of a commercial enterprise having more than three (3) other entities that are not being acquired and which are under the same ownership and engaged in the same or similar business activities;
4. The Business is not operating at a displacement dwelling solely for the purpose of renting such dwelling to others;
5. The Business is not operating at the displacement site solely for the purpose of renting the site to others; and
6. The Business contributed materially to the income of the Displaced Person during the two (2) taxable years prior to displacement.

SECTION 4.03(b) – FARM OWNER ELIGIBILITY FOR FIXED PAYMENT

In order for the owner of a Farm to be eligible for a fixed payment, the farm operation must be displaced either by total or partial acquisition. In the case of partial acquisition, the County must determine that the acquisition either caused the operator to be displaced or caused a substantial change in the nature of the farm operation.

SECTION 4.03(c) – NONPROFIT ORGANIZATION ELIGIBILITY FOR FIXED PAYMENT

In order for a Nonprofit Organization to be eligible for a fixed payment, it must furnish proof of its nonprofit status under applicable Federal or State law.

SECTION 4.04 – ADVERTISING SIGNS

The properly permitted current owner of a displaced outdoor advertising display is eligible for a relocation payment for actual moving and related expenses and the reasonable and necessary costs to reestablish the display. The provisions of this section do not apply to 1) illegal or abandoned signs, 2) eligible signs that are moved or proposed to be moved to a site in violation of State, Federal, or local regulations, 3) signs owned by and located on the same premises as a displaced Business, Farm operation, or Nonprofit Organization, as these signs are considered items of the Displaced Person, 4) signs if the owner is entitled to other payments having the same general purpose, and 5) outdoor advertising signs that are buried on an acquired property unless the sign is tenant-owned.

SECTION 4.04(a) – ACTUAL COSTS

Actual reasonable moving expenses may be paid when the move is performed by a qualified mover. Claims for such expenses must be supported with itemized receipts or other verifiable evidence of the expense(s) incurred.

SECTION 4.04(b) – SELF-MOVE

If the Displaced Person elects to take full responsibility for all or part of the move, the County may approve a negotiated payment as described in “SECTION 4.01(b) – SELF-MOVE” above. Negotiated self-move payments must be approved by the County prior to the start of the planned move.

SECTION 4.04(c) – DIRECT LOSS OF PERSONAL PROPERTY

This payment will be based upon the depreciated reproduction cost of the sign less the proceeds from its sale; or the estimated cost of moving the sign without an allowance for storage, whichever is the lesser amount.

SECTION 4.04(d) – SEARCHING EXPENSES

Owners of the displaced advertising signs are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement sign site, not to exceed the Statutory Limit.

SECTION 4.04(e) – ADVANCED WRITTEN NOTICE

The Displaced Person must provide the County with advance written notice of the approximate date of the planned move and a sketch of the number of poles, type materials, lighting and advertisement.

SECTION 4.05 - RELOCATION ASSISTANCE SERVICES

Any Business or Farm displaced by a County program will be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services are provided by qualified personnel employed by Harris County. The goal and desire of the Relocation Assistance Service is to be of service to the Displaced Person, and assist the Displaced Person in any way possible to help them successfully relocate.

SECTION 4.05(a) – RELOCATION AGENT

The Relocation Agent will maintain listings of commercial properties and farms whenever Businesses and Farms are displaced. Steps will be taken to minimize economic harm to displaced businesses and to increase the likelihood of a Displaced Person's ability to relocate back into the same community. The Relocation Agent will explore and provide advice as to possible sources of funding and assistance from other local, State, and Federal agencies. The Relocation Agent will be familiar with the services provided by other public and private agencies in your community.

SECTION 4.05(b) - RELOCATION ADVISORY ASSISTANCE

The County will provide to the Displaced Person relocation advisory assistance. The Relocation Agent will interview Displaced Persons for purposes not limited to the following: 1) to determine the Displaced Person's needs and preferences, 2) explain relocation benefits, 3) offer assistance, 4) offer transportation, if necessary, 5) assure the availability of a comparable property in advance of displacement, 6) supply information on other state and local programs offering assistance to Displaced Persons, and 7) provide counseling to minimize hardships. In addition to the services listed above, the County will coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

SECTION 4.05(c) - CLAIM FOR PAYMENT

The Displaced Person must file a claim within eighteen (18) months after the displacement property is vacated to be eligible for reimbursement. The County will provide Displaced

Person with the required claim forms, assist Displaced Person in completion of the forms, and explain the type of documentation, if any, that must be submitted in order for Displaced Person to receive relocation payments. After an acceptable claim is filed, County must promptly pay the claim. The Displaced Person may be able to obtain an advance payment to help pay the costs that they may have to meet before they move.

Any relocation payment received will not be considered as income for the purpose of the Internal Revenue Code or for the purposes of determining eligibility or the extent of eligibility of any person under the Social Security Act or any other Federal law.

SECTION 4.05(d) - DUPLICATE PAYMENTS

No payment will be made under the Relocation Program if the Displaced Person is eligible to receive another payment provided by law that has substantially the same purpose and effect as the relocation payment.

PART 5-ADMINISTRATIVE ADJUDICATION PROCEDURE

SECTION 5.01- HEARING EXAMINER

If the Displaced Person believes that his or her eligibility or the amount of a payment was not properly determined, the Displaced Person shall have the opportunity to make a written request for a hearing to dispute such determination before a hearing examiner appointed by the Harris County Engineer. The hearing examiner shall not have had any involvement in the actions being disputed and shall implement this administrative adjudication procedure.

SECTION 5.02- HEARING REQUESTS

All requests for hearings must be in writing and delivered to the Harris County Real Property Division no less than 60 days after the Displaced Person receives notice of relocation entitlements. The hearing shall be held within twenty one (21) days of the receipt of request for a hearing. The Displaced Person shall be entitled to at least ten (10) days' notice prior to a hearing.

A request for the continuance of a scheduled hearing must be made on or before the 7th day before the date of the scheduled hearing. The hearing will be rescheduled to a date not later than thirty (30) days from the date of the original hearing. Only one continuance may be granted.

SECTION 5.03- HEARING PROCEDURE

The Displaced Person and the Relocation Agent shall be provided an opportunity to present evidence, cross-examine witnesses, and be represented by legal counsel at the hearing before the hearing examiner. Displaced Person's legal representation shall be at Displaced Person's own expense. The formal rules of evidence shall not apply. The Displaced Person shall be present in person at the hearing. The Displaced Person has the right to have a court reporter and an interpreter, if necessary, present at the hearing at the Displaced Person's own expense.

The hearing examiner shall consider all pertinent justification and material submitted to them, and other available information needed to ensure a fair review. The hearing examiner shall issue a written order (“Order”) based on his or her determination within twenty one (21) days of the hearing. A copy of the Order shall be mailed by regular mail to the Displaced Person’s last known address as maintained by Harris County. The Order shall be deemed delivered to the Displaced Person three (3) days after the date of deposit in the United States Mail.

The decision of the hearing examiner shall be final. Upon the issuance of the final decision of the hearing examiner, if full relief is not granted, the Displaced Person may seek judicial review of the determination.

SECTION 5.04- APPEALS PROCESS

A final decision of the hearing examiner may be appealed to a state court of competent jurisdiction in Houston, Harris County, Texas (the “Court”).

To appeal, the Displaced Person must file a petition with the Clerk of the Court no later than the 30th day after date the final decision of the hearing examiner has been issued. The petition must be accompanied by payment of the costs required by law for filing petitions with the Court.

The Displaced Person shall deliver a copy of the petition to Harris County no later than the 3rd business day after the filing of the appeal.

The Clerk of the reviewing Court (“Reviewing Court”) shall schedule a hearing and notify all parties of the date, time, and place of the hearing.

The Displaced Person may request the hearing examiner to prepare a record of the administrative adjudication hearing, including the court reporter’s transcript of the hearing if the Displaced Person provided a court reporter at the hearing. A record must be requested from the hearing examiner no later than the 3rd business day after the filing of the petition initiating the appeal. At the time of making the request, the Displaced Person shall pay the sum of \$125.00 for preparation of the record.

The record of the administrative adjudication hearing, including the transcript, if any, shall be delivered to the Clerk of the Reviewing Court in which the appeal is filed no later than the 30th day after the date the petition initiating the appeal was filed.

The Reviewing Court may not substitute its judgment for the judgment of the hearing examiner on the weight of the evidence on questions committed to the hearing examiner’s discretion, but:

- (i) May affirm the decision of the hearing examiner in whole or in part; or
- (ii) Shall reverse, or remand for further proceedings if substantial rights of the Displaced Person have been prejudiced because the decision of the hearing officer is:
 - (a) in violation of a constitutional or statutory provision;

- (b) in excess of the hearing officer's statutory authority;
- (c) made through unlawful procedure;
- (d) affected by other error of law;
- (e) not reasonably supported by substantial evidence considering the reliable and probative evidence in the record as a whole; or
- (f) arbitrary or capricious or characterized by abuse of discretion of clearly unwarranted exercise of discretion.

The Displaced Person may apply to the Reviewing Court to present additional evidence.

The Displaced Person shall offer, and the Reviewing Court shall admit, the record into evidence as an exhibit.

The Reviewing Court shall conduct the review sitting without a jury and is confined to the record of the administrative adjudication hearing.

APPENDIX A- STATUTORY LIMITS

STATUTORY LIMITS

(In accordance with latest amendment to federal statutory limits effective October 1, 2014)

Purchase Supplement: \$31,000.00

Rental Assistance Payment: \$ 7,200.00

Payment In Lieu of Actual Cost: \$40,000.00

Business Reestablishment Payment: \$25,000.00