


**WEKIVA PARKWAY
RELOCATION PLAN**

Department: Legal/ROW

Supersedes Policy approved by the Board June 26, 2013

10/1/16: Pursuant to CFX Resolution 2014-263, this policy has been administratively revised to substitute the Central Florida Expressway Authority as the correct legal entity.

Approved: 
Joseph L. Passiatore
General Counsel

Date: October 17, 2016

**CENTRAL FLORIDA EXPRESSWAY AUTHORITY
WEKIVA PARKWAY
RELOCATION PLAN**

INTRODUCTION

The Central Florida Expressway Authority ("CFX") proposes the acquisition of approximately 125 properties for the construction of the Wekiva Parkway Project ("Project") that will require the relocation of a maximum of 10 businesses/non-profit agencies and a maximum of 60 residential households. The careful and sensitive management of the project will ensure availability of resources to accommodate displacees. CFX must utilize all available resources in order to ensure that all persons and entities are relocated in accordance with this Plan and state and federal law. This Relocation Plan will address the process of relocating non-residential concerns in Section I-II and residential households in Section III-IV. The implementation of this Relocation Plan shall be conducted by CFX. The implementation of aspects of this Relocation Plan may be delegated by contract to licensed professionals as set forth herein and other entities as identified by CFX.

CFX retains jurisdiction and oversight over all aspects of the Project, and shall receive copies of all written complaints or appeals regarding the implementation of this Relocation Plan.

CFX and its designated agents will accomplish the entire relocation process with assistance from others as appropriate. The relocation of site occupants will comply with the Uniform Relocation Assistance Act as may be amended from time to time, this Relocation Plan, and local procedures.

The Relocation Plan is divided into five sections as follows:

- I. **Identification of Businesses/Non-Profit Agencies**
- II. **Non-Residential Relocation Assistance Advisory Plan**
- III. **Identification of Residential Units**
- IV. **Residential Relocation Assistance Advisory Plan**
- V. **Procedures for Owners and Tenants**

Section I. Identification of Businesses/Non-Profit Agencies

The businesses that will be relocated are situated throughout the project. A basic survey of the Project Area resulted in the identification of the following non-residential uses on the Project as Nurseries and a possible auto repair facility.

Upon initiation of the project, a CFX designated Agent will meet with each business owner(s) or designated representative to conduct a basic survey. The purpose of the survey will be to document the characteristics (i.e., services or products sold, space occupied) of each business and ultimately determine specifications for a new site. Based upon this information, alternative commercial sites will be identified for these businesses/non-profit agencies. Project relocation agents (the "Agent") will follow the Non-Residential Relocation Assistance Advisory Plan as described herein.

Section II. Non-Residential Relocation Assistance Advisory Plan

A. Surveys To Determine Relocation Needs

Planning Surveys

Interviews will be conducted by the Agent at the earliest possible time with all business concerns located in buildings proposed for acquisition. These surveys are designed to determine the characteristics of each concern which would relate to its possible relocation. These characteristics include tenure, space requirements, number of employees, relocation plans, location preferences, etc. The data to be compiled will be documented in a Supplemental report.

B. Information Program

An informational letter for non-residential occupants will be delivered to all non-residential site occupants by the Agent. This letter will include at least the following elements:

- 1) a complete description of the nature and types of activities which will be undertaken;
- 2) an indication of the availability of relocation payments, including the types of payments, the general eligibility criteria for non-residential occupants, and a precaution that premature moves might make concerns ineligible for benefits;
- 3) a statement that no concern lawfully occupying property will be required to move without at least ninety (90) days written notice;
- 4) a statement of the purpose of the non-residential relocation program with a brief summary of the sources and aids available, including a statement that CFX, by the Agent or designated community groups or other entities, will provide maximum assistance in locating non-residential relocation sites;

- 5) encouragement to site occupants to cooperate with the Agents, to seek their own relocation accommodations, and to notify CFX, through their assigned agent, prior to their move;
- 6) a statement that CFX, by the Agent or designated community groups or other entities, will provide assistance to concerns in obtaining locations of their choice, including assistance in the referral of their complaints of discrimination;
- 7) Contact information for sources of information and assistance, including address and telephone numbers.

C. Services To Be Provided To Non-Residential Concerns

Consultations

Agents will periodically visit or call non-residential concerns being displaced in order to consult with them regarding their relocation. These consultations will keep up to date the information gathered in earlier surveys or consultations, and will enable CFX and these concerns to exchange information on new non-residential listings, listings found to be unsuitable by the concern and other opportunities or problems involved. Special assistance should be given to non-profit businesses that provide a service to the community to relocate them to a site, which will allow this service to continue.

Current Information on Relocation Sites and Referrals

The Agent will be responsible for assembling data relating to relocation sites for non-residential concerns.

1) General Data

The Agent will continuously collect current information on the availability, costs and floor size of comparable relocation sites. It will do this through a systematic review of all advertised vacancies; and direct appeals through agents, brokers and the news media for vacancy listings.

Listings and Referrals

Listings

The Agent will maintain an up-to-date file of known and potential non-residential vacancies and sites for referral to relocation concerns. These listings will include available information concerning each potential location and the results of whatever economic studies may have been conducted.

Referrals

Relocating concerns will be notified of available locations which are comparable and suitable by providing them, in person or by mail, with copies of the relevant listing sheets. The Agent will also assist, through consultation with the relocation concern, in other considerations or discussions of sites. In the course of these referrals and consultations, CFX will avoid involvement in or interference with the relocating concern's daily operation or its decisions.

D. Procedures for Making Relocation Payments

Eligibility

Relocation payments will be made to all eligible project or program area occupants under the provisions of the Uniform Relocation Assistance Act in accordance with the policies, procedures and requirements contained herein.

Notification to Persons in Area

CFX will notify, in person or by mail at the earliest possible time, all non-residential concerns who may be displaced by the Project activities of the availability of relocation payments, the address, telephone numbers and hours of CFX where detailed information about the program may be obtained and the dates governing eligibility for the payments.

Assistance in Making Claim

Upon request of a claimant, the Agent, will provide assistance in the preparation of claims for relocation payments. Claim forms will be provided.

E. Review and Appeals

Determine Eligibility

CFX will promptly review all written appeals in accordance with applicable law, regulations and policies. It will consider a written appeal regardless of form.

A person may file an appeal in any case in which the person believes that CFX has failed to:

- 1) Properly determine that the person qualifies for relocation assistance; Properly determine the amount of any relocation payment;
- 2) Provide appropriate referrals to comparable replacement dwellings or inspect the replacement dwelling in a timely manner; or

- 3) Waive the time limit for (a) the filing of a claim or an appeal or (b) purchasing, renting or occupying a replacement dwelling.

F. Payment of Claims

All non-residential relocation payments will be made to eligible claimants in accordance with the regulations, guidelines and procedures promulgated by state law and CFX procedures.

Eligible businesses may choose to claim either reimbursement for actual moving and related expenses and real property loss or a fixed payment in lieu of moving expenses.

G. Timing of Payment

A payment will be made by CFX as promptly as possible after a claimant's eligibility has been determined. Advance payments may be made in hardship cases if CFX determines such advances to be appropriate (e.g., the claimant needs money for security deposit on a replacement site).

H. Procedures to Avoid Duplicate Payments

Any person or entity who receives a relocation payment as part of an eminent domain award, under state law governing same, shall not receive a duplicate relocation payment which it may be entitled to under these guidelines. However, CFX may make a relocation payment for any difference between the relocation payment prescribed by the court and the amount entitled to such person or entity under these guidelines.

I. Payments Not To Be Considered As Income

Federal and State regulations provide that relocation payments are not to be considered as income for federal income tax purposes or for determining eligibility or extent of eligibility of a person under the Social Security Act or any other federal law.

J. Eviction Policy

Site occupants will be evicted only as a last resort. Eviction in no way effects the eligibility of non-residential concerns for relocation payments. CFX records will be documented to reflect the specific circumstances surrounding the eviction from CFX acquired property. Eviction shall be undertaken only for the following reasons:

- 1) Eviction for cause must conform to applicable State and local law. Any person who occupies the real property and is not in unlawful occupancy on the date of the

initiation of negotiations, is presumed to be entitled to relocation payments and other assistance set forth in this part unless the Agency determines that:

- a) The person received an eviction notice prior to the initiation of negotiations and, as a result of that notice is later evicted; or
- b) The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; and
- c) In either case the eviction was not undertaken for the purpose of evading the obligation to make available the payments and other assistance set forth in this part.
- d) For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves, or if later, the date a comparable replacement dwelling is made available. This section applies only to persons who would otherwise have been displaced by the project.

K. **Relocation Records and Reports**

CFX will keep up-to-date records on the relocation of all site occupants, even if the information is originally obtained by a community group or entity. These records shall be retained for inspection and audit for a period of three (3) years following completion of the project or program or the completion of the making of relocation payments, whichever is later. These records shall be considered confidential documents, which may only be viewed or obtained by the site occupant, CFX personnel or designated community groups or entities. All others must file a request pursuant to the Freedom of Information Act.

Relocation Record

CFX will develop and maintain a relocation record, beginning with the information secured during the first interview to assess the needs of the displaced occupant. The record shall contain all data relating to relocation of the displaced occupant, including the nature and dates of services that are provided, the type and amount of relocation payments made and the location to which those displaced are relocated, including a description and/or inspection certificate for the accommodation. These records shall be considered confidential documents, which may only be viewed or obtained by the site occupant, CFX personnel or designated community groups or entities. All others must file a request pursuant to the Freedom of Information Act.

Section III. Identification of Residential Units

The residential units that will be relocated are situated throughout the project. A basic survey of the Project Area resulted in the identification of single family residences and manufactured housing.

Upon initiation of the project, a CFX designated Agent will meet with each owner(s), tenant(s) or designated representative to conduct a basic survey. The purpose of the survey will be to document the needs of the displaced. Project relocation agents (the "Agent") will follow the Residential Relocation Assistance Advisory Plan as described herein.

Section IV. Residential Relocation Assistance Advisory Plan

A. Survey to Determine Relocation Needs

1) Surveys and Consultations with Residential Occupants

A meeting with each household will be conducted by an Agent at the earliest possible time. These meetings will be designed to determine the tenant needs of each household that will be displaced and record data to include the number of rooms, the total square footage, special needs, location preferences, etc.

2) Social Service Special Needs Assessment

If the Agent determines the tenant's needs surpass the amenities and services offered in traditional rental housing, a tenant needs assessment will be conducted by an appropriate public service professional/provider. The tenant's needs assessments - a more detailed survey - will cite the specific needs of each such household/tenant.

B. Information Program

An information letter for residential occupants will be delivered to all residential site occupants by CFX as soon as feasible after approval of the Redevelopment Plan by CFX. This letter will include at least the following elements:

- 1) A complete description of the nature and types of activities which will be undertaken in the project area and a map showing the project area boundaries; and
- 2) The notice to persons to be displaced shall:
 - a) Explain that a project has been approved and caution the person not to move before the person received a notice of eligibility for relocation assistance; and
 - b) Generally describe the relocation payments for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payments; and
 - c) Inform the person that he or she will be given reasonable relocation advisory services; special assistance for those with special needs such as

senior citizens, families with school aged children, and those with medical disabilities; including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate; and

- d) Inform the person that he or she will not be required to move without at least ninety (90) days advance written notice; and
- e) Describe the person's right to appeal CFX's determination concerning relocation assistance; and

3) Notice of Eligibility for Relocation Assistance. This notice shall:

- a) Inform the person of his or her eligibility for the relocation assistance, effective on the date of the initiation of negotiations; and
- b) Describe assistance, the estimated amount of assistance and the procedures for obtaining the assistance.

4) Ninety Day Notice (Covers Persons to be Displaced)

- a) General - No lawful occupant to be displaced shall be required to move unless he or she has received at least ninety (90) days' advance written notice (the "90 Day Notice") of the earliest date by which he or she may be required to move.
- b) Timing of Notice - The 90 Day Notice shall not be given before the person is issued a notice of eligibility for relocation assistance.
- c) Content of Notice - The 90 Day Notice shall either: (1) state the specific date by which the property must be vacated and indicate that this notice also serves as an eviction notice for that specific date; or, (2) specify the earliest date which the occupant may be required to move and indicate that the occupant will receive a vacate and eviction notice indicating, at least thirty (30) days in advance, the specific date by which he or she must move.
- d) Urgent Need - In unusual circumstances, an occupant may be required to vacate the property on less than one ninety (90) days advance written notice if CFX determines that a 90 Day Notice is impracticable, but only when the condition of the property cannot be repaired and maintained by CFX and therefore the person's continued occupancy of the property would constitute a substantial danger to health or safety. A copy of CFX's determination shall be included in the applicable case file.
- e) Notice Not Required - The 90 Day Notice need not be issued if (1) there is no structure or personal property on the real property, or (2) the occupant makes an informed decision to relocate and vacates the property without prior notice, or (3) the occupant owns the property and enters into a negotiated agreement for delivering possession of the property (e.g., delivery

of possession is specified in the purchase contract), of (4) the occupant will not qualify as a displaced person.

- f) Delivery of Notices - Each notice shall be sent by certified mail, return receipt requested, or delivered in person. Each notice shall indicated the name and telephone number of a person who may be contacted for answers to questions or other needed help.

C. Replacement Housing Assistance

- 1) Written Notice of Comparable Replacement Dwelling - No tenant to be displaced shall be issued a 90 Day Notice until such tenant has been given a written notice of the availability of a comparable replacement dwelling.
- 2) Definition of Comparable Replacement.
 - a) Decent, safe and sanitary.
 - b) Functionally equivalent to the displacement dwelling. The term "functionally equivalent" means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard reflecting the range of purposes for which the various physical features of a dwelling may be used. However, when determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, CFX may consider reasonable trade-offs for specific features when the replacement unit is "equal to or better than" the displacement dwelling.
 - c) Examples of Trade-Offs: If the displacement dwelling contains a pantry and a similar dwelling with pantry is not available, a replacement dwelling with ample cupboards may be acceptable. Insulated and heated space in a garage might prove an adequate substitute for basement workshop space. A dining area may substitute for a separate dining room. Under some circumstances, could substitute for basement space for storage purposes, and vice versa. Generally, a comparable replacement dwelling must contain approximately the same amount of space and square footage as the displacement dwelling. However, when the displacement dwelling is dilapidated, a smaller "decent, safe and sanitary" replacement dwelling (which by definition is "adequate to accommodate the displaced person") may be determined to be functionally equivalent to the displacement dwelling.
 - d) In an area not subject to unreasonable adverse environmental conditions from either natural or human sources.

- e) Currently available to the displaced person. A dwelling is considered "available" if the person is informed of the location of the dwelling; has sufficient time to negotiate and enter into a purchase agreement or lease for the dwelling; and, subject to reasonable safeguards, is assured of receiving the relocation assistance in sufficient time to complete the purchase or lease.
- f) If the person does not receive a government housing subsidy before displacement, the comparable replacement dwelling must be available on the private market and not require a government housing subsidy.
- g) A comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance, such as:
 - (1) A privately owned dwelling with a project-based housing subsidy (i.e., subsidy tied to the unit) may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or government-owned public housing unit.
 - (2) A privately owned dwelling made affordable by a housing program subsidy to a person (i.e., subsidy not tied to the building), such as Section 8 Existing Housing Program Certificate or Housing Voucher, may qualify as a comparable replacement dwelling for a person receiving a similar subsidy before displacement from a unit with a project-based subsidy.

D. Replacement Housing Referrals

Gathering information on replacement housing will be the responsibility of CFX. However, this responsibility may be delegated to brokers and real estate agents hired by CFX. This information shall be updated on a regular basis and maintained by CFX.

1) Current Information

CFX will continuously collect current information on the availability of rental units, rental costs and room size of comparable relocation sites. It will do this through a systematic review of all advertised vacancies, and direct appeals through agents, brokers and the news media for vacancy listings.

- a) In an area not subject to unreasonable adverse environmental conditions from either natural or human sources.
- b) Currently available to the displaced person. A dwelling is considered "available" if the person is informed of the location of the dwelling; has sufficient time to negotiate and enter into a purchase agreement or lease for the dwelling; and, subject to reasonable safeguards, is

assured of receiving the relocation assistance in sufficient time to complete the purchase or lease.

- c) If the person does not receive a government housing subsidy before displacement, the comparable replacement dwelling must be available on the private market and not require a government housing subsidy.
- d) A comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance, such as:
 - (1) A privately owned dwelling with a project-based housing subsidy (i.e., subsidy tied to the unit) may qualify as a comparable replacement dwelling only for a person displaced from a similarly subsidized unit or government-owned public housing unit.
 - (2) A privately owned dwelling made affordable by a housing program subsidy to a person (i.e., subsidy not tied to the building), such as Section 8 Existing Housing Program Certificate or Housing Voucher, may qualify as a comparable replacement dwelling for a person receiving a similar subsidy before displacement from a unit with a project-based subsidy.

2) Housing Information and Listings

Whenever and as often as it is deemed necessary and feasible by CFX, studies will be conducted and data compiled relating to the current residential rental costs such as a newspaper rent survey.

3) Referrals

Relocating households will be notified of available locations, which are comparable and suitable by providing them, in person or by mail, with copies of the relevant listing sheets. CFX will also assist, through consultation with the relocating household, in other considerations or discussion of sites. In the course of these referrals and consultations, CFX will avoid involvement in or interference with the relocating household's daily operation or its decisions.

E. Procedures for Making Relocation Payments

Eligibility

Relocation payments will be made to all eligible project or program area occupants under the provisions of the Uniform Relocation Assistance Act in accordance with policies, procedures and requirements contained herein.

Notification To Persons to Be Displaced

CFX will notify, in person or by mail, at the earliest possible time, all residential tenants who will be displaced by the project. Relocation payment eligibility, and the office where detailed information about the project may be obtained, will also be described in the notice to tenants.

Assistance In Making Claims

The Agent will provide assistance in the preparation of claims for relocation payments, including providing the necessary forms.

F. Review and Appeals

Determining Eligibility

CFX will be responsible for determining the eligibility of a claim for, and the amount of, payment in accordance with the Uniform Relocation Assistance Act and CFX procedures. Once the final determination is made, adjustments may be made as a result of the grievance procedures or CFX is directed by a court, to make an adjustment as a result of a review of a claimant's grievance.

Appeals

The General Counsel's Office will promptly review all written appeals in accordance with applicable law, regulations and policies. It will consider a written appeal regardless of form.

A person may file an appeal in any case in which the person believes that CFX has failed to:

- 1) Properly determine that the person qualifies for relocation assistance;
- 2) Properly determine the amount of any relocation payment;
- 3) Provide appropriate referrals to comparable replacement dwellings or inspect the replacement dwelling in a timely manner; or
- 4) Waive the time limit for (a) the filing of a claim or an appeal or (b) purchasing, renting or occupying a replacement dwelling.

Refer to the Grievance Procedure contained in Appendix A for an explanation of the process of appeal. Appendix A is in the form of a notice to be provided to all tenants to be displaced.

Relocation Payments Documentation

CFX will maintain in its files complete and proper documentation supporting the determination made with respect to each claim. The determination will be made or approved by CFX, or a duly authorized designee. These records shall be considered confidential documents, which may only be viewed or obtained by the site occupant, CFX personnel or designated community groups or entities. All others must file a request pursuant to the Freedom Of Information Act.

G. Payment of Claims

All residential relocation payments will be made in accordance with the regulations, guidelines and procedures promulgated by state law.

Timing Of Payment

A payment will be made by CFX as promptly as possible after a claimant's eligibility has been determined. Advance payments may be made in hardship cases or as required by state law, if CFX determines such advances to be appropriate (e.g., the claimant needs money for security deposit on a replacement site).

H. Procedures To Avoid Duplicate Payments

Any person who receives a relocation payment as part of an eminent domain award, under the state laws governing it, shall not receive a duplicate relocation payment which he may be entitled to under these guidelines. However, CFX may make a relocation payment for any difference between the relocation payment prescribed by the court and the amount entitled to such person under these guidelines.

I. Payment Not To Be Considered As Income

Federal and State regulations provide that relocation payments are not to be considered as income for federal income tax purposes or for determining eligibility or extent of eligibility of a person under the Social Security Act or any other federal law.

J. Relocation Records and Reports

CFX will keep up-to-date records on the relocation of all site occupants. These records shall be retained for inspection and audit for a period of three (3) years following completion of the project or program or the completion of the making of relocation payments, whichever is later. These records shall be considered confidential documents, which may only be viewed or obtained by the site occupant, CFX personnel or designated community groups or entities. All others must file a request pursuant to the Freedom of Information Act.

Relocation Tenant File

CFX will develop and also maintain a relocation record, beginning with the information secured during the first interview to assess the needs of the displaced occupant. The record shall contain all data relating to relocation of the displaced occupant, including the nature and dates of services that were provided, the type and amount of relocation payments made and the location to which those displaced are relocated, including a description and/or inspection certificate for the accommodation. These records shall be considered confidential documents, which may only be viewed or obtained by the site occupant, CFX personnel or designated community groups or entities. All others must file a request pursuant to the Freedom of Information Act.

Section V. Procedures for Owners and Tenants of Properties

CFX shall negotiate with owners and tenants of all properties to determine the fair market value of said property or interest. If a settlement as to value cannot be determined CFX shall commence eminent domain proceedings in accordance with state and local laws.

10/1/16: Pursuant to CFX Resolution 2014-263, this policy has been administratively revised to substitute the Central Florida Expressway Authority as the correct legal entity.