

SECTION 9.5

RELOCATION ASSISTANCE FOR MOBILE HOMES

Table of Contents

PURPOSE.....	9.5-1
AUTHORITY	9.5-1
SCOPE	9.5-1
REFERENCES.....	9.5-1
TRAINING	9.5-1
FORMS	9.5-1
DEFINITIONS	9.5-2
9.5.1 General Provisions.....	9.5-2
9.5.2 Occupancy Status.....	9.5-2
9.5.3 Acquired Versus Purchased	9.5-3
9.5.4 Determination to Relocate the Mobile Home	9.5-3
9.5.5 Purchase of Mobile Homes.....	9.5-4
9.5.6 Partial Acquisition of Mobile Home Park	9.5-4
9.5.7 Cost of Comparable Replacement Dwelling	9.5-5
9.5.8 Eligibility for Move Costs.....	9.5-5
9.5.9 Eligible Moving Expenses for a Mobile Home	9.5-6
9.5.10 RHP for 90-Day Mobile Home Owner-Tenants.....	9.5-6
9.5.11 Replacement Housing Payments for 90-Day Mobile Home Tenants	9.5-7
9.5.12 Replacement Housing Payments for Less than 90-Day Mobile Home Tenants.....	9.5-7

9.5.13 Basis for Replacement Housing Payment (RHP) Computation 9.5-7
HISTORY 9.5-8

SECTION 9.5

RELOCATION ASSISTANCE FOR MOBILE HOMES

PURPOSE

To describe the provisions governing relocation assistance payments to a person displaced from a mobile home and/or mobile home site.

AUTHORITY

49 Code of Federal Regulations, Part 24
Section 20.23(4) (a), Florida Statutes
Section 334.048(3), Florida Statutes
Section 339.09 (2) & (3), Florida Statutes
Section 421.55, Florida Statutes

SCOPE

This section will be used by appropriate District and Central Office Right of Way and Office of the General Counsel Staff.

REFERENCES

Guidance Document 11, Temporary Waiver of Methodology for Calculating Replacement Housing Payments for Negative Equity
Guidance Document 12, Implementation of MAP-21 Uniform Act Benefit and Eligibility Change Which “Straddle” the Effective Date of October 1, 2014
Right of Way Manual, Section 9.2, General Relocation Requirements
Right of Way Manual, Section 9.3, Payment for Moving and Related Expenses
Right of Way Manual, Section 9.4, Replacement Housing Payments
Right of Way Manual, Section 9.6, Last Resort Housing

TRAINING

Training for this section is provided to all participants in the ***Right of Way Fundamentals*** course, a required element of the ***Right of Way Training Program***.

FORMS

575-040-39, Mobile Home Bill of Sale

DEFINITIONS

Mobile Home: A structure, transportable in one or more sections, with a body width of 8 feet or more and which is built on an integral chassis, and designed to be used as a dwelling when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems, as applicable, contained therein. This includes manufactured homes and recreational vehicles used as residences, provided they meet local, and/or State and Federal requirements for decent, safe and sanitary dwellings.

Mobile Home Owner: A person who owns a mobile home, but does not occupy it as a dwelling.

Mobile Home Owner-Tenant: A person who owns a mobile home and occupies it as a dwelling.

Mobile Home Tenant: A person who rents and occupies a mobile home as a dwelling.

9.5.1 General Provisions

9.5.1.1 Unless modified by this procedure, a mobile home or a recreational vehicle capable of providing living accommodations may be considered a replacement dwelling if the following criteria are met: the mobile home or recreational vehicle is purchased and occupied as the “primary” place of residence; it is located on a purchased or leased site with required utilities available for functioning as a housing unit on the date of the displacing Agency’s inspection.

9.5.1.2 Any other non-standard structure used as a residential dwelling will be addressed on an individual basis and approved for relocation assistance by the District Relocation Administrator.

9.5.1.3 Persons displaced from a mobile home may be entitled to a moving expense payment in accordance with *Right of Way Manual, Section 9.3(items A-J), Payment for Moving and Related Expenses*; and a replacement housing payment in accordance with the *Right of Way Manual, Section 9.4, Replacement Housing Payments*, to the same extent as persons displaced from conventional dwellings. (The regulations of some local jurisdictions will not permit the consideration of recreational vehicles as decent, safe and sanitary dwellings. In those cases, the recreational vehicle will not qualify as a replacement dwelling.)

9.5.2 Occupancy Status

The following provisions apply to the determination of a mobile home displacee's occupancy status.

- (A) The ownership or tenancy of the mobile home (not the land on which it is located) determines the tenant's status as an owner or tenant.

- (B) The length of occupancy of the mobile home tenant on the site will determine the tenant's status as 90-day owner/tenant, 90-day tenant or less than 90-day tenant.

9.5.3 Acquired Versus Purchased

For the purposes of this procedure "acquired" refers to a mobile home that is considered part of the real property and is included in the Department's acquisition of the fee parcel. "Purchased" refers to a mobile home that is considered personal property, is not included in the Department's acquisition of the fee parcel and is subsequently bought under the provisions of this procedure.

9.5.4 Determination to Relocate the Mobile Home

If the mobile home is considered personal property the District Relocation Administrator will determine whether or not the mobile home can be relocated.

9.5.4.1 If the mobile home can be relocated the owner is eligible for reimbursement for costs to move the mobile home. If the owner-tenant of the mobile home relocates it and is reimbursed for that move, he/she will not be eligible for a replacement housing payment. However, the owner-tenant may be eligible for a purchase additive to assist in the purchase of an appropriate replacement site under the provisions of the *Right of Way Manual, Section 9.4, Replacement Housing Payments*.

9.5.4.2 If the mobile home cannot be relocated the Department will make an offer to purchase it. Acceptable reasons why a mobile home cannot be relocated are:

- (A) The structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable costs: "Substantial damage" or "unreasonable costs" apply if the cost to relocate the mobile home and reestablish it on a new site would equal or exceed the entitlement calculated in the replacement housing payment computation;
- (B) The mobile home is not and cannot economically be made decent, safe and sanitary (DS&S);
- (C) The mobile home does not meet comparable mobile home park eligibility requirements in areas where relocation to a park is the only option available;
- (D) There is no available comparable site.
- (E) The District Relocation Administrator determines on a case-by-case basis other conditions which would prohibit the relocation of a mobile home. An offer to purchase will be based on the fair market value of the mobile home and will be made regardless of the owner's length of occupancy. The fair market value will be established by a person qualified to appraise mobile homes in the subject area. The value will be used as a basis for determining

a replacement housing payment for a mobile home owner-tenant. If the mobile home owner does not agree to sell the mobile home for the amount of the offer, the Department may either negotiate to pay a higher amount and document the reason for any increase in the purchase price, or decline to purchase the mobile home. If the mobile home is not purchased and the displaced person is the owner-tenant of the mobile home the purchase additive amount will be calculated as described in **Section 9.5.10.1**.

9.5.4.3 If a mobile home owner-tenant retains and re-occupies a mobile home that the Department determines cannot be relocated, and it does not meet decent, safe and sanitary (DS&S) standards, the costs necessary to move it and bring it up to these standards may be claimed from the available purchase additive or down payment supplement. The total amount claimed may not exceed the amount allowed in the replacement housing payment computation.

Example: The Department's fair market value offer to purchase the displacee's non-DS&S mobile home is \$5,000. The cost of a comparable, DS&S mobile home is determined to be \$12,000; therefore, the displacee is eligible for a maximum \$7,000 purchase additive. The displacee elects instead to keep his mobile home and relocates it to a replacement site. The actual cost of the move is \$1,000 and the costs to make the necessary DS&S repairs are \$1,500. The displacee may be reimbursed for the total of \$2,500 as a move cost since it does not exceed the calculated \$7,000 purchase additive. The mobile home owner-tenant may also be eligible for a rental assistance payment or down payment supplement for the replacement site.

9.5.4.4 If the mobile home is not purchased, but the tenant is considered displaced under these procedures, the initiation of negotiations is:

- (A) The date that negotiations to acquire the land began; or
- (B) If the land is not acquired, the date that the tenant receives written notification from the Department that he or she is a displaced person.

9.5.5 Purchase of Mobile Homes

The Departments purchase of a mobile home shall be evidenced by a **Mobile Home Bill of Sale, Form 575-040-39**, and the title for the mobile home. The District Relocation Administrator shall forward the bill of sale and the title to the District Property Management Administrator not later than ten (10) working days from the date of execution by the mobile home owner.

9.5.6 Partial Acquisition of Mobile Home Park

9.5.6.1 The District Right of Way Manager will determine if acquisition of a portion of a mobile home park leaves a remainder that is not adequate to continue operation of the park.

9.5.6.2 If the District Right of Way Manager's determination requires that a mobile home be relocated from the remainder, the owner, owner-tenant and any tenant will be considered displaced persons entitled to appropriate assistance and payment(s) under the Department's Relocation Assistance program.

9.5.7 Cost of Comparable Replacement Dwelling

If a comparable replacement mobile home is not available, the replacement housing payment calculation will be based on the reasonable cost of a conventional comparable replacement dwelling.

The conventional comparable should be similar to the subject mobile home in size and utility, unless a larger dwelling is necessary to meet decent, safe and sanitary housing standards.

If the District Relocation Administrator determines it is practical to relocate the mobile home, but the owner-tenant disagrees with this determination or elects not to move the mobile home, the owner-tenant is not entitled to a replacement housing payment for the purchase of a replacement mobile home. The owner-tenant is eligible for applicable moving costs under ***Right of Way Manual, Section 9.3, Payment for Moving and Related Expenses*** and a replacement housing payment for the purchase or rental of a comparable replacement 'site' in accordance with ***Right of Way Manual, Section 9.4, Replacement Housing Payments***.

Close coordination between Acquisition and Relocation staff must occur in these situations. Purchase Agreements relating to land purchases should clarify that certain personal property was not acquired, but is expected to be moved within a specific period of time. Personal property that is not moved within required timeframes will be considered abandoned and handled by the Department.

9.5.8 Eligibility for Move Costs

9.5.8.1 A tenant, owner-tenant, or seasonal residential tenant displaced from a mobile home or mobile home site is entitled to reimbursement for the cost of moving his/her personal property on an actual cost or fixed (schedule) payment basis in accordance with the ***Right of Way Manual, Section 9.3, Payment for Moving and Related Expenses***.

9.5.8.2 A non-tenant owner of a mobile home is eligible for actual cost reimbursement in accordance with the ***Right of Way Manual, Section 9.3, Payment for Moving and Related Expenses***.

9.5.8.3 If the mobile home is not acquired or purchased by the Department, it is treated as personal property and the owner is eligible for reimbursement for the actual, reasonable cost to move the mobile home.

9.5.8.4 If the owner-tenant obtains a replacement housing payment due to circumstances described in **Section 9.5.4.2**, he/she is not eligible for reimbursement of the cost of moving the mobile home.

9.5.9 Eligible Moving Expenses for a Mobile Home

The owner-tenant of a displaced mobile home classified as personal property and not acquired or purchased by the Department may be reimbursed for actual, reasonable moving expenses in accordance with the **Right of Way Manual, Section 9.3, Payment for Moving and Related Expenses**.

9.5.10 Replacement Housing Payments for 90-Day Mobile Home Owner-Tenants

A displaced owner-tenant of a mobile home is entitled to a replacement housing payment, not to exceed \$31,000, under the **Right of Way Manual, Section 9.4, Replacement Housing Payments** if:

- (A) The person both owned the displaced mobile home and occupied it as their dwelling (domicile) on the displacement site for at least 90 days immediately prior to the initiation of negotiations; and
- (B) The person meets the other basic eligibility requirements of the **Right of Way Manual, Section 9.4, Replacement Housing Payments**; and
- (C) The Department either:
 - (1) Acquires the mobile home site and/or acquires or purchases the mobile home; or
 - (2) The mobile home is not acquired or purchased but the owner is displaced from the mobile home because of one of the reasons cited in **Section 9.5.4.2**.

If the mobile home is not acquired or purchased, but the District Relocation Administrator determines that it is not practical to relocate it, the purchase additive amount, described in the **Right of Way Manual, Section 9.4, Replacement Housing Payments**, will be:

- (A) The lesser of:
 - (1) The reasonable cost of a comparable replacement dwelling less the Department's estimate of the salvage or trade-in value of the displacement mobile home; or

- (2) The purchase price of the replacement mobile home actually purchased less the trade-in or sale proceeds of the displacement mobile home.

9.5.11 Replacement Housing Payments for 90-Day Mobile Home Tenants

A displaced tenant of a mobile home is eligible for a replacement housing payment not to exceed \$7,200 if:

- (A) The person actually occupied the displacement mobile home as their dwelling (domicile) on the displacement site for at least 90 days immediately prior to the initiation of negotiations;
- (B) The person meets the other basic eligibility requirements contained in the above referenced procedural section in the ***Right of Way Manual, Section 9.4, Replacement Housing Payments***; and
- (C) The Department either:
 - (1) Acquires the mobile home site and/or acquires or purchases the mobile home; **or**
 - (2) The mobile home is not acquired by the Department, but the owner-tenant or tenant is displaced from the mobile home because of one of the circumstances described in ***Section 9.5.4.2***.

9.5.12 Replacement Housing Payments for Less than 90-Day Mobile Home Tenants

9.5.12.1 A displaced tenant or owner-tenant of a mobile home, who has resided on the site being acquired for less than 90 days prior to the initiation of negotiations, may be eligible to receive a replacement housing payment in accordance with the ***Right of Way Manual, Section 9.6, Last Resort Housing***, when all eligibility criteria as stated therein are met.

9.5.12.2 All displaced persons who are less than 90- day mobile home tenants are eligible to receive advisory assistance and move cost reimbursement in accordance with ***Right of Way Manual, Sections 9.2, General Relocation Requirements and 9.3 Payment for Moving and Related Expenses***.

9.5.13 Basis for Replacement Housing Payment (RHP) Computation

9.5.13.1 The replacement housing payment will be computed in accordance with applicable provisions of the ***Right of Way Manual, Section 9.4, Replacement Housing Payments and Section 9.6, Last Resort Housing***.

9.5.13.2 Status and length of occupancy for both the mobile home and mobile home site must be considered when computing a payment.

If the status of the mobile home and mobile home site differ, for example, one is owned and the other is rented, the total replacement housing payment will consist of a payment for a dwelling and a payment for a site, or a combined payment, as follows:

- (A)** If the purchase additive and/or rent supplement amounts claimed for the actual replacement mobile home and site exceeds the combined eligibility amounts computed by using comparables, reimbursement will be limited to the original replacement housing computation amounts.
Example: Assume the displacee owns the mobile home and rents the site and they are determined to be eligible for a \$6,000 purchase additive for the dwelling and a \$5,500 rent supplement for the site. There is no mortgage on the mobile home and the incidental expenses are estimated to be \$600.00. Based on actual replacement costs the displacee claims a \$5000.00 purchase additive (\$1,000 less than the price of the first comparable) and a \$5,750 rent supplement (\$250 more than the first comparable). The displacee's payment entitlement, based on the above data, would be \$10,500 plus incidentals since they rented a more expensive site than the comparable site used in the RHP computation.
- (B)** If the rent supplement portion of a combined payment to a 90-day owner/tenant who is a tenant on the site exceeds \$7,200, the payment will not be considered Last Resort unless the combined total of the RHP's for the mobile home and the site exceeds \$31,000.

Example: A mobile home owner/tenant who has been a tenant on the site for over 90 days is offered a replacement housing payment package consisting of a \$8,000 purchase additive for a replacement mobile home and \$7,500 as a rent supplement for a replacement site and there was no mortgage on the mobile home and incidentals are estimated to be \$600.

Since the total package is less than \$31,000, this is not a Last Resort situation, even though the rent supplement portion of the payment exceeds \$7,200.

	Mobile Home	Site	Totals
Max. Eligibility	\$8,000	\$7,500	\$15,500
Actual Costs	\$7,000	\$7,750	\$14,750
Payment Eligibility	\$7,000	\$7,500	\$14,500*

*plus incidentals up to \$600.

HISTORY

04/15/99; 07/26/01; 9/27/05, 01/13/10, 07/15/11, 10/01/2014, 10/01/2015