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A.J. Jim Spalla, Director
Office of Right of Way

Guidance Document 12

Implementation of MAP-21 Uniform Act Benefit and Eligibility Changes Which “Straddle” the Effective Date of October 1, 2014

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Guidance Document 12

Implementation of MAP-21 Uniform Act Benefit and Eligibility Changes Which “Straddle” the Effective Date of October 1, 2014

PURPOSE

The purpose of this guidance is for the Implementation of MAP-21, Uniform Act Benefit and Eligibility Changes Which “Straddle” the Effective Date of October 1, 2014.

Adherence to all other requirements of CFR 49 Part 24 remain applicable.

AUTHORITY

49 Code of Federal Regulations, Part 24

FHWA Memorandum dated March 25, 2014, Subject: Guidance: Implementation of MAP-21 Uniform Act Benefit and Eligibility Change

Section 334.044(2), Florida Statutes

Administrative Rule Chapter 14-66, Florida Administrative Code

REFERENCES

49 Code of Federal Regulations, Part 24

Administrative Rule Chapter 14-66, Florida Administrative Code

Right of Way Manual, Section 9.1, Relocation Assistance Program

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 9.5, Relocation Assistance for Mobile Homes

Right of Way Manual, Section 9.6, Last Resort Housing

FORMS

Form Number 575-040-03, Statement of Eligibility for Supplementary Replacement Housing Payment for 90 Day Occupant.

Form Number 575-040-14, Application and Claim for Replacement Housing Payment.

Form Number 575-040-20, Moving Expense Calculation and Payment Determination.

12.1 New Eligibility Standards for MAP-21

The new eligibility standard will apply whenever the initiation of negotiations occurs on or after October 1, 2014. The application of the new benefit amounts presents a more complex question. We anticipate that there will be projects on which the initiation of negotiations for some parcels occurs before October 1, 2014, but relocation assistance activities may not be completed until sometime after October 1, 2014. Based on our research on the application of prior statutory changes in relocation benefits, we provide the following guidance on how to determine when the MAP-21 increased benefits may be provided.

12.2 Effective Date of Higher Benefit Limits

On and after October 1, 2014, the higher benefit limits apply to an individual who qualifies as a displaced person under the definition in 49 CFR 24.2(a)(9)(i) if:

12.2.1 For relocation benefits **other than replacement housing payments for homeowners**: The individual is not required to move from the acquired property before October 1, 2014, and has not moved before that date.

Example: What if title transferred September 3, 2014 for a parcel, but a tenant was granted a 90 day lease by FDOT and remained on property until November 1, 2014, would the tenant be eligible for the new limits?

Yes-tenant is not required to move until after **October 1, 2014**.

12.2.2 For replacement housing payments **for homeowners**: On or after October 1, 2014, the displaced person holds title to the real property to be acquired: The individual is not required to move from the acquired property before October 1, 2014, and has not moved before that date.

Example: If the title transfers prior to October 1st (let's say it transfers on September 20, 2014) for a homeowner occupant, but the Notice to Vacate expires on or after October 1, 2014 and the homeowner moves on or after Oct 1, 2014, are they eligible for the new limits?

No-the trigger date for homeowners is the **transfer of title**.

HISTORY, None