NON-RESIDENTIAL TENANTS

SUMMARY OF TEMPORARY RELOCATION ASSISTANCE

Non-Residential Tenants such as businesses/nonprofits/farms that are able to return to a comparable location onsite, must be offered the following advisory and financial assistance:

- Notices: The following notices must be presented at the applicable times. These notices must be adjusted to accommodate the circumstances of each tenant:
  - GIN;
  - Notice of Non-Displacement or NOE/NND (if relocation is more than 12 months);
  - 90-Day Notice (if relocation is more than 12 months) or the 60-Day Notice; and
  - Notice of Moving Date.
- Advisory Services includes referrals to suitable replacement locations, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move. Work closely with the non-residential tenant to identify which costs are reasonable and necessary. Refer to Advisory Services section for more information.
- Payment for Moving and Reestablishment Expenses must be provided. Reestablishment expenses for temporary relocation is required for the duration the tenant is off-site. If relocation is to exceed twelve months, the tenant must be offered displacement assistance but can choose either temporary relocation or permanent displacement. Methods for calculating expenses are as follows:
  - Method A & B - Payment for Actual, Reasonable Moving and Related Expenses. If this payment is chosen, the recipient may also be eligible for a Payment for Reestablishment Expenses, up to $25,000.
  - Method C - Fixed Payment ("In Lieu Of" Payment). As an alternative to receiving payment for actual, reasonable and related moving and reestablishment expenses, certain business/nonprofits are eligible to choose a Fixed Payment in the amount of $1,000 - $40,000.

SUMMARY OF DISPLACEMENT ASSISTANCE

Eligible displaced Non-Residential Tenants, must be offered the following advisory and financial assistance:

- Notices: The following notices must be presented at the applicable times. These notices must be adjusted to accommodate the circumstances of each tenant.
  - GIN;
  - The Notice of Eligibility;
  - 90-Day Notice; and
  - Notice of Moving Date.
- Advisory Services includes referrals to suitable replacement locations, help in preparing claim forms for relocation payments and other assistance to minimize the impact of the move. Work closely with the non-residential tenant to identify which costs are reasonable and necessary. Refer to Advisory Services section for more information.
- Payment for Moving and Reestablishment Expenses fall into two general categories (Method descriptions below):

- Method A & B - Payment for Actual, Reasonable Moving and Related Expenses. If this payment is chosen, the recipient may also be eligible for a Payment for Reestablishment Expenses, up to $25,000.
- Method C - Fixed Payment ("In Lieu Of" Payment). As an alternative to receiving payment for actual, reasonable and related moving and reestablishment expenses, certain business/nonprofits are eligible to choose a Fixed Payment in the amount of $1,000 - $40,000.

MOVING PROCEDURES AND REGULATIONS

The displaced business/nonprofit may elect a method of payment as follows (Method "A", "B", or "C" detailed below):

In addition to Method A-Self Move, or Method B- Actual Cost Move, the following Moving Incidentals will be reimbursed, based on paid receipted bills, if pre-approved by DCA and are considered reasonable and necessary.

- Licenses (prorate);
- Permits (prorated);
- Re-lettering of signs;
- Replacing stationary on hand that is made obsolete by the move;
- Connection to available nearby utilities to improvements at the replacement site;
- Professional Services performed prior to the purchase or lease of a business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site).A reasonable pre-approved hourly rate may be established at the discretion of the Applicant. Note: Professional Services must be pre- approved by a DCA Relocation Specialist; and
- Impact fees or one-time assessments for anticipated heavy utility usage, as determined necessary by the Applicant and their Relocations Specialist.

1. Method A - Self-Move

   The owner or tenant may elect to move themself and under this provision. An estimate by the Applicant's Relocation specialist must be prepared not to exceed $10,000.00. The DCA's Relocation Specialist will review estimates over $10,000 to determine if it is reasonable and in line with similar relocation estimates and a decisions will be made to determine if a second estimate is necessary. (For method "A" moves, the estimates will not include insurance because in choosing Method A moves, the displacee assumes all responsibility. If Method "B" move is chosen, then the insurance may be elected by the displacee and included in the estimate.) Typically, the relocatee/displacee will be reimbursed an amount not to exceed the lower of the estimates obtained. The relocation benefits file should document any reasons why a lower estimate was not used (i.e. less detailed, less reliable, etc.). The displaced business/nonprofit may elect to be reimbursed by submitting paid receipted bills, but no payment can exceed what would have been paid to a commercial contractor. If the move will exceed $10,000.00 and no estimate can be obtained, the displaced business/nonprofit may be reimbursed based on costs incurred supported by receipted bills or other evidence of costs incurred. In this case, the displacee should submit a good faith estimate of anticipated costs prior to move so the costs can be reviewed by DCA's Relocation Specialist.

2. Method B - Reasonable Actual Cost
   The costs involved, including insurance (based on replacement value), and to remove, re-assemble and re-install equipment (including the modification of equipment) will be determined by soliciting at least two qualified moving firms. In most cases, the moving contract should be awarded to the lowest moving estimator and the firm will be paid directly by the Applicant after satisfactorily completing the move. Provided that an estimate is less than $10,000.00, one estimate may be deemed adequate, if it is considered reasonable in comparison with similar moves (must be pre-approved). If there are not two estimates obtained (for over $10,000 situations), the DCA Relocation Specialist will document the relocation benefits file with any reasons or justification.

3. Method C - Actual Direct Loss of Tangible Business/Nonprofit Property (Alternate Payments in addition to Methods "A" or "B")
   Businesses or farms may be eligible for actual direct losses of tangible business/nonprofit property when they are entitled to relocate such business/nonprofit property in whole or in part but elect not to do so. Such payments may only be made after a bona fide effort has been made by the owner to sell the item(s) involved. A bona fide effort to sell means by appropriate publicity such as: newspaper advertisement, public auction, radio announcements, written public notices, posted signs or any other sincere effort, and such method used must be documented by the Owner/Applicant and the documentation furnished to DCA. The sales prices, if any and the actual reasonable costs of advertising and conducting the sale must be supported by a copy of the bills of sale or similar documents and by copies of any advertisement, offers to sell, auction records and other documents supporting the bona fide nature of the sale. A bona fide sale as used in this manual means an authentic, sincere sale made in good faith without the intent of fraud or deceit. A sale to a business associate, partner, wife, husband or relative would not normally be considered a bona fide sale unless it was given appropriate publicity and such sale was competitive bidding open to the public. The district is to obtain, prior to the move, be sold and/or not moved by the displaced business/nonprofit. Such inventory may be prepared by the displaced business/nonprofit(s) and a personal inspection and verification of such items is then made by the District.
   a. If an item of business/nonprofit property which is used in connection with the business is not moved but promptly replaced with substitute item that performs a comparable function at the new location, the reimbursement shall be the lesser of:
      i. The cost of the substitute item including installation costs at the replacement site minus any proceeds from the sale;
      ii. The estimated costs of moving and installing the replaced item based on the approved low bid or estimate, but not to exceed 50 miles and with no allowance for storage; or
      iii. In addition, the reasonable cost incurred in attempting to sell the item(s).
   b. If the item is not to be replaced in the re-established or discontinued business, the payment will be the lesser of:
      i. The fair market value of the item for continued use at its location prior to displacement less the proceeds from its sale. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price;
      ii. The estimated costs of moving and installing the item based on the approved low bid or estimate, but not to exceed 50 miles and with no allowance for storage; or
      iii. Reasonable cost incurred in attempting to sell the item(s).

c. If a bona fide sale is not affected under section (A) or (B) above because no offer is received for the property and the property is abandoned; payment for the actual direct loss of that item(s) may not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the item(s)50 miles but with no allowance for storage, whichever is less, plus the cost of the attempted sale irrespective the cost to the Applicant of removing the item(s). The fair market value or the replacement cost of an item of the business/nonprofit property, whichever is applicable, is to be determined by employing the services of a person who specializes in the manufacture, sale, lease erection, installation or maintenance of the item(s) to the extent that he is considered to be an expert on its value or employing the services of a fee appraiser. The fair market value for continued use or replacement cost of the item(s) must be documented in writing giving a complete description and name of each item including, where applicable, information such as manufacturer's name, age of item/ year built, model serial number, nameplate data as to size, H.P./B.T.U, ratings, voltage class, etc.; give new installed cost including cost of item and cost of installation; give depreciation including physical, functional and economic with the reasoning and method by which it was derived; give the present value in the place of the item; set forth all sources of estimate such as cost manuals, and indexes, manufacturer's quotations, used equipment suppliers, tradesman, etc.; be signed by the person making the determination.

4. Actual Reasonable Expenses in Searching for a replacement Business Site (In addition to Method 'A" or "B"). The owner of a displaced business may be reimbursed for the actual reasonable expenses in searching for a placement business site, not to exceed $2,500.00. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate brokers or agents who assist in the location of a replacement site (Note: this does not mean sales commission.)
    a. Receipted Bills – All expenses claimed except value of time actually spent in search must be supported by receipted bills; and
    b. Time Spent in Search – Payment for time actually spent in search shall be based on applicable hourly wage rate for the person(s) conducting the search. A certified statement of the dates and hours spent searching, including the places visited and the person(s) contacted, must accompany the claim.

5. Average Earnings Business or Farm/ In Lieu Of – Method "C" "In Lieu Of" all other relocation payments, a displaced business (Including a displaced business, which is discontinued) may elect to receive an amount equal to the average annual net earnings of the business except that such payment will not be less than $1,000.00 or more than $40,000.00. The term "average annual net earnings" means one-half of any net earnings of the business before Federal, State and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which the business is displaced. If the business was not in operation for the full two (2) taxable years prior to displacement, net earnings will be based on the actual period of operation at the acquired site during the two (2) taxable years prior to displacement, projected to an annual rate. In addition, if the two (2) taxable years immediately preceding displacement are not representative, an alternate two (2) year period may be used and the average net earnings may then be based upon a different period of time when DCA determines it to be more equitable. Further, it must be determined that the proposed construction has been the cause resulting in a decline in net income or clientele for the business prior to utilizing alternate tax year's procedure. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's

spouse, or dependents. Such earnings and compensation may be established by Federal income tax returns or certified financial statements certified by a Certified Public Accountant, authorized to practice in the state of Georgia, filed by the business its owner, spouse, and dependents during the two (2) year period. In the case of a corporate owner of a business, earnings shall include any compensation paid the spouse or dependents of the owner of majority interest in the corporation. In the purpose of determining majority ownership, stock held by a husband, his wife, and their dependent children shall be treated as one unit.

a. For the owner of a business to be entitled to this payment, DCA must determine that:
    i. The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such a move; and the business vacates or relocates from its displacement site;
    ii. The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless it is determined that it will NOT suffer a substantial loss of its existing patronage;
    iii. The business is not part of a commercial enterprise having more than three (3) other entities which are not being acquired by DCA, and which are under the same ownership and engaged in the same or similar business activities;
    iv. The business is not operated at a displacement dwelling solely for the purpose of renting the dwelling to others;
    v. The business is not operated at the displacement site solely for the purpose of renting the site to others;
    vi. The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement; and
    vii. The "contributed materially" test may be waived by DCA for documented good cause:
        1. *Contribute materially.* The term *contribute materially* means that during the 2 taxable years prior to the taxable year in which displacement occurs, or during such other period as the Agency determines to be more equitable, a business or farm operation:
            a. Had average annual gross receipts of at least $5,000;
            b. Had average annual net earnings of at least $1,000;
            c. Contributed at least 33 1/3 percent of the owner's or operator's average annual gross income from all sources; or
            d. If the application of the above criteria creates an inequity or hardship in any given case, the Agency may approve the use of other criteria as determined appropriate.

b. In determining whether two (2) or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, all pertinent factors will be considered, including to the extent to which:
    i. The same premises and equipment are shared;
    ii. Substantially identical or interrelated Business functions are carried out and business and financial affairs are commingled;
    iii. The entities are held out to the public and to those customarily dealing with them as one business; and
    iv. The same person(s) or closely related persons own control or manage the affairs of the entities.

FARMS

"In Lieu Of" all other relocation payments, a displaced farm operator may elect to receive an amount equal to the average annual net earnings of the farm operation except that such payment will not be less than $1,000.00 or more than $40,000.00.

The term "average annual net earnings" means one-half of any net earnings of the farm operation before Federal, State and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which the farm operation is displaced.

If the farm was not in operation for the full two (2) taxable years prior to displacement, net earnings will be based on the actual period of operation at acquired site during the two (2) taxable years prior to displacement, projected to an annual rate. Net earnings include any compensation obtained from the farm operation by its owner, the owner's spouse or dependents. Such earnings and compensation may be established by federal income tax returns or certified financial statements certified by a CPA (certified public accountant) authorized to practice in the state of Georgia filed by the farm operator, its owner, its spouse, and dependents during the two (2) year period. In the case of a corporate owner or a farm operation, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. In the purpose of determining majority, stock held by a husband, wife and their dependent children would be treated as one unit. For the owner to be eligible for this payment, DCA must determine prior to the move by documentation that:

1. The farm operation products or commodities in sufficient quantity to be capable of contributing materially to the operator's support;
2. The farm operator was required to discontinue his entire farm operation at its present location or was required to relocate the entire farm operation; or
3. In the case of a partial acquisition, the operator will be considered to have been displaced from a farm operation if:
    i. The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or
    ii. The partial acquisition caused substantial change in the nature of the farm operation.

NONPROFIT ORGANIZATIONS

"In Lieu Of" all other relocation payments, displaced nonprofit organizations may elect to receive an amount equal to the average annual net earnings of the farm operation except that such payment will not be less than $1,000.00 or more than $40,000.00 if:

1. The nonprofit organization cannot be relocated without a substantial loss of its existing patronage (members or clientele). A nonprofit organization is assumed to meet this test, unless DCA demonstrates otherwise; and
2. Any payment in excess of $1,000.00 must be supported with financial statements for the two (2) twelve (12)-month periods prior to acquisition. The amount to be used for the payment is the average of two (2) years annual gross revenues less administrative expenses.

OWNER MUST PROVIDE INFORMATION

For the owner of a Non-Residential Tenant to be entitled to the "In Lieu of" moving payment, the owner must provide information to support its net earnings. City and/or County, State or Federal tax returns for the tax years in question are the best sources of this information and would be accepted as evidence of earnings. At the Applicant's discretion, commonly acceptable methods could be accepted such as certified financial statements or an affidavit from the owner stating the net earnings, provided it grants DCA the

right to review the records and accounts of the business. The owner's statement of his income alone would not be sufficient if the amount exceeds $1,000.00.

REESTABLISHMENT COSTS (IN ADDITION TO METHOD "A" OR "B" MOVE)

In addition to expenses for moving and searching for a replacement site, a small business (*see definitions, Uniform Act*), farm or nonprofit organization is entitled to receive a payment, not to exceed $25,000.00 for expenses actually incurred ("arms-length") in relocating and reestablishing such small Non-Residential Tenants at a replacement site. Expenses should be pre-approved in writing as eligible, and reasonable and necessary. The reestablishment payment eligibility extends to the following entities that are required to relocate:

- An owner of a rental dwelling being rented to others;
- An owner of a building being rented for a business;
- An owner who owns a multi-tenant commercial/retail building whereby the owner operates a business and leases the remaining building space to others, is eligible to claim two (2) reestablishment payments (One for his/her business as well as a second payment entitlement for the building being rented to others). In this case, the owner is eligible for up to a maximum of $25,000.00 each for both establishments and operations;
- A tenant who leases the building from others for his/her business operation;
- A tenant who subleases a building to others with the owner's consent;
- An owner of a mobile home lot being rented to others; and
- A tenant who subleases a mobile home lot to others with the owner's consent.

REESTABLISHMENT ELIGIBLE EXPENSES

Reestablishment expenses must be reasonable and necessary, as determined by DCA. A detailed list of the charges were or will be involved in the reestablishment of the business will be reviewed by DCA, and all eligible costs that were actually incurred and paid will be reimbursed, but not to exceed the maximum amount allowed as stated above ($25,000.00). They may include, but not limited to the following:

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance;
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting business;
- Construction and installation costs for exterior signing to advertise the business;
- Redecoration or replacement of soiled or worn surfaces at the replacement site such as paint, paneling and carpeting;
- Advertisement of replacement location; and
- Estimated increased costs of operation during the first two (2) years at the replacement site for such items as:
    - Lease or rental charges;
    - Personal or real property taxes;
    - Insurance premiums;
    - Utility charges excluding impact fees; and
    - Other items that DCA considers essential to the reestablishment of the business.

REESTABLISHMENT INELIGIBLE EXPENSES

The following is a nonexclusive listing of reestablishment expenditures NOT considered reasonable, necessary, or otherwise eligible:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures;

- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation;
- Interest on money borrowed to make the move or purchase the replacement property;
- Payment to a part-time business in the home, which does not contribute materially to the household income; or
- Sites occupied solely by outdoor advertising signs, displays, or devices.

GENERAL MOVING PAYMENTS

Moving payments may be made when any eligible person, families, business, farm, or nonprofit organization is displaced as the result of the acquisition or clearance for construction of a highway project. There is no occupancy time limit for eligibility of moving expenses, except a displaced person must be in legal occupancy at the initiation of negotiations or at the time title passes to DCA. Illegal immigrants are NOT eligible for benefits under the provisions of the Uniform Relocation Act.

NON-RESIDENTIAL TENANT OVERSIGHT (BUSINESS, FARMS AND NONPROFIT ORGANIZATIONS)

It is required by law that all moving expenses be actual and reasonable. To assure this, DCA's Relocation personnel will provide oversight commensurate with the expected expenditures involved. Emphasis will be directed toward those moves that are of a complicated nature and/or a substantial expenditure. All Non-Residential Tenants must provide the Department seven (7) days advance notice of the approximate date of the start of the move or disposition of the personal property.

PERSONAL, MOVABLE (PERSONALTY) INVENTORY

The owner of a Non-Residential Tenant and DCA's Relocation Specialist must be in agreement regarding the items to be moved as personalty, meaning personal and moveable property. The agreed upon inventory of personalty to be moved is determined in the appraisal process (i. e. specialty report such as trade fixture analysis). Upon completion of the move (under Method "A" or "B"), the displaced person must support the bill or his/her claim for payment with a list of actual cost items. If the items moved deviates an appreciable extent from the agreed upon inventory, the amount estimated or agreed to, will be appropriately adjusted before payment is made. Items of personalty, trade fixtures and realty are determined in the appraisal and specialty reporting process.

ABANDONED PERSONAL PROPERTY

When personal property is abandoned, three (3) attempts must be to contact the owner of the property to dispose of it. These attempts must be documented. If the property owner does not dispose of the property, then the buyer and the seller of the sight must arrange for its disposal and the expenses of such.

DISTANCE OF MOVE

There is no limitation on the distance a relocatee/displacee may move either interstate or intrastate; however, reimbursement for transportation charges is limited to a distance of fifty (50) miles. Exceptions will only be allowed when the relocation cannot be accomplished within the fifty-(50) mile area and then only to the nearest available site.

STORAGE

Normally storage will only be approved when Method "B" Move/Actual Cost Move is used. Since this is not a regular relocation benefit extended to all displacees, it must be determined reasonable and necessary by the Relocation Specialist. It must also be necessary for a relocated person to store his/her personal property for a reasonable time, not to exceed twelve (12) months (costs of such storage shall be

eligible for payment as part of the actual cost moving expenses). Storage of personal property on property already owned or leased by the person is NOT eligible for payment.

REMOVAL & RE-INSTALLATION EXPENSES

Physical changes to real property at the replacement location of a Non-Residential Tenant are NOT reimbursements as part of moving costs. Expenses for providing utilities to the building or improvements are excluded.

However, the expenses of disconnecting, dismantling, removing, re-assembling and re-installing relocated machinery, equipment, and other personal property are eligible. This includes connection to utilities available nearby. Also included are modifications to the personal property necessary to adapt it to the replacement structure, the replacement site to the personal property. Such costs are not applicable to items classified as real property and retained by the owner through the owner retention process. Prior to payment of any expenses for removal and re-installation of such property, the owner and DCA shall agree in writing that the property is personalty and state his release from any payment for the property as realty.

LOSSES IN MOVING

The reasonable replacement value of personal property lost, stolen or damaged (not caused by the fault or negligence of the displaced person, his agent or employee) in the process of moving, where insurance coverage for such loss, theft, or damage is not available, is reimbursable.

PROFESSIONAL SERVICES

Professional services necessary for planning the move, moving, and installing the relocated personal property at the replacement location, is reimbursable. This must be pre-approved by the DCA Relocation Specialist prior to payment by including cost in the Application's relocation budget.

INELIGIBLE MOVING COSTS

A displaced business/nonprofit is not entitled to payment for:

1. Additional operating expenses incurred because of operating or living in a new location except as noted under "Professional Services";
2. Cost of moving any structures, or other real property improvements in which the displaced person reserved ownership;
3. Improvements to the replacement site;
4. Interest on loans to cover moving expenses;
5. Loss of goodwill;
6. Loss of trained employees;
7. Loss of business and/or profits;
8. Personal injury;
9. Cost of preparing the application for moving and related expenses;
10. Payment for search cost in connection with locating a replacement dwelling; or
11. Costs for storage of personal property on real property already owned or leased by the displaced person.

NOTICE OF DENIAL OF CLAIM

If DCA disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, the claimant will be promptly notified in writing of this determination and the basis for it.

DOCUMENTATION OF CLAIMS FOR PAYMENT OF REIMBURSABLE RELOCATION EXPENSES

Any such claim must be supported by copies of invoices, estimates, paid receipts, contracts, and/or proposals, which contain breakdowns of associated cost and must be under a company letterhead accompanied by a company representative's signature. The documentation must be verified and initialed by the Acquisition agent assigned to administer the relocatee/displacee's relocation assistance benefits. Since these payments are reimbursements, the documentation should be marked paid and the Acquisition agent must verify that the associated expenses have been incurred.

CLAIM SUBMISSION

All relocation assistance claims must be submitted for payment within six months of the date the tenant moves.

EVICTION FOR CAUSE

Eviction for cause must conform to applicable state law. Any person, business or nonprofit, 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 unless DCA determines that:

- The person, business or nonprofit received an eviction notice prior to initiation of negotiations and as a result of that notice is later evicted;
- The person, business or nonprofit is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease or occupancy agreement; or
- In either case, the eviction was not undertaken in the purpose of evading the obligation to make available the payments and other assistance.