Supplemental Guidelines to the WVDOH Right of Way Manual

Effective November 25, 2025 | Pursuant to Revised 49 CFR Part 24 (June 3, 2024)

Supplemental Compliance Guidelines

Overview

These guidelines serve to supplement the existing WVDOH Right of Way Manual and ensure compliance with the updated requirements of 49 CFR Part 24, effective June 3, 2024.

General Clarifications to the Manual

- The person that performs the waiver valuation, appraisal, or review appraisal for a parcel cannot negotiate the offer for that parcel.
- The use of the verb "develop" (in all tenses) when referring to waiver valuations, appraisals or review appraisals shall be replaced with the word "perform" (in the appropriate tense).

Section 5.21 – INFORMATION FOR THE PURPOSE OF NEGOTIATING

The following paragraph to be added after the last paragraph in this section (Chapter 5, page 3).

Just compensation offers may be delivered electronically, provided that a signed summary statement of just compensation, offer letter, clear record of any administrative settlements, and owner acknowledgement are included.

Section 5.21.5 – NEGOTIATION FOR PROPERTY USING APPRAISAL WAIVER (AKA WAIVER VALUATION) CRITERIA

The first paragraph in section 5.21.5(Chapter 5, page 7) shall be replaced with the following paragraph.

Negotiations for property using the Appraisal Waiver Criteria will be, in most instances, those projects that are small with few complications. The Appraisal Waiver tasks will be assigned by the Acquisition Manager, the District Right of Way Manager, or a licensed appraiser. Waiver Valuations are not appraisals and are to be used when it is determined that an appraisal is not required.

The first paragraph on page 8 of Chapter 5 shall be replaced with the following paragraph.

An appraisal is not required if the Division determines that an appraisal is unnecessary because the valuation problem is uncomplicated, and the fair market value of the take is estimated at $35,000 or less, based on a review of available data. An appraisal waiver may NOT exceed $35,000, even when cost to cure or minor damages are included. The threshold for Appraisal Waivers may be raised to $50,000, with approval from the Federal Highway Administration on a project-by-project basis. Reference is made to Chapter 6, Subsection 6.25 of this manual. If the value of the appraisal waiver offer exceeds $15,000, the property owner may request a formal appraisal by checking the “yes” box on the “Notification of Waiver Valuation and Request for Appraisal” letter (see Appendix 5-29) that is presented to the property owner at the time of the offer when the estimate for just compensation has been valued by the Waiver of Appraisal method. If the property owner does not desire a formal appraisal, then the “No” box must be checked, and the letter signed by the property owner.

<u>NEW SECTION</u> – Section 5.21.6 – VOLUNTARY ACQUISITION

Pursuant to 49 CFR 24.101(b), the following provisions will be followed for projects receiving federal funds that are scoped to only pursue voluntary acquisitions of real property from the start of the project:

- The Division will not use the power of eminent domain for voluntary acquisitions.
- The Division will notify the owner in writing of the fair market value for the property to be acquired and that eminent domain will not be exercised if negotiations fail to result in an amicable agreement.
- If voluntary acquisition is exercised for one property owner, the remaining property owners in the general geographic area shall be offered the same opportunity for voluntary acquisition.

5.40 – CONTACT WITH REPRESENTATIVE

The entire section shall be replaced with the paragraph below.

A property owner may designate a representative to receive all required notifications and documents from the Division. The property owner must provide the Division with written notification which states that they are designating a representative, provide the person’s name and contact information, and what if any notices or information the representative is not authorized to receive.

Section 6.25 – WAIVER VALUATION CRITERIA

Item #2 (Chapter 6, page 4) shall be replaced with the following.

2. <u>Nominal Value</u> – An appraisal is not required if the WVDOH determines that an appraisal is unnecessary because the valuation problem is uncomplicated, and the fair market value of the take is estimated at $35,000 or less, based on the review of available data. A waiver valuation may **NOT** exceed $35,000, even when cost to cure or minor damages are included, except under a project exemption granted by FHWA.

Section 12.07.9 – WITHHOLDING OF PAYMENT

The entire section shall be replaced with the paragraph below.

The WVDOH shall not withhold all or any part of any relocation payment to the displace to satisfy an obligation to any creditor except the IRS. The WVDOH may deduct from the relocation payments any amount already paid as an advance relocation payment or any rent that the displace owes the WVDOH; except that no deduction shall be made if it would prevent the displace from obtaining comparable replacement housing.

Section 12.08.1 – ELIGIBILITY

The entire section shall be replaced with the paragraph below.

Relocation assistance advisory services shall be offered to any "displaced person." Displaced Person is defined in 49 CFR 24.2(a).

Section 12.08.2 – MINIMUM ADVISORY SERVICES REQUIREMENTS

Items#2 and #5 of this section shall be replaced with the following.

2. Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available. If available, at least 3 comparable dwellings should be considered when selecting a comparable dwelling when determining and calculating a replacement housing payment eligibility.

5. Whenever possible, minority persons, including those temporarily displaced, shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings, not located in an area of minority concentration, that are within their financial means. This does not require the Division to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling. (See appendix A to 49 CFR 24.205(c)(2)(ii)(D).)

Section 12.08.5 – ALIENS NOT LAWFULLY PRESENT IN THE UNITED STATES

The following paragraphs shall be added after the last paragraph in this section.

"Exceptional and extremely unusual hardship" to the spouse, parent, or child of the person not lawfully present in the United States means that the denial of relocation payments and advisory assistance to such person will directly result in:

1. A significant and demonstrable adverse impact on the health or safety of such spouse, parent, or child

2. A significant and demonstrable adverse impact on the continued existence of the family unit of which such spouse, parent, or child is a member
3. Any other impact that the Division determines will have a significant and demonstrable adverse impact on such spouse, parent, or child

If a person who is a member of a family being displaced is not eligible for and does not receive Uniform Act benefits because he or she is not lawfully in the United States, that person's income shall not be excluded from the computation of family income. The person's income is counted unless the Division is certain that the ineligible person will not continue to reside with the family. Excluding the ineligible person's income would result in a windfall by providing a higher relocation payment. See Appendix A to part 24 of 49 CFR for examples.

If, based on a review of a person's documentation or other credible evidence, the Division has reason to believe that a person's certification is invalid (for example a document reviewed does not on its face reasonably appear to be genuine), and that, as a result, such person may be an alien not lawfully present in the United States, it shall obtain the following information before making a final determination:

1. For a person who has certified that they are an alien lawfully present in the United States, the Division shall obtain verification of the person's status by using the Systematic Alien Verification for Entitlements (SAVE) program administered by USCIS to verify immigration status.
2. For a person who has certified that they are a citizen or national, if the Division has reason to believe that the certification is invalid, the Division shall request evidence of United States citizenship or nationality and, if considered necessary, verify the accuracy of such evidence with the issuer or other appropriate source.

Section 12.09.7 – STORAGE

The entire section shall be replaced with the paragraph below.

When an actual expense basis is used, and it is necessary for a relocatee to store his or her personal property for a reasonable period not to exceed 12 months, the cost of such storage is eligible as a moving expense. Storage on the residue or on other property owned by the relocatee or their immediate family is not eligible as a moving expense. The Relocation Manager may extend the 12-month limitation if it is deemed by him or her to be necessary. Any request submitted for storage must be reasonable and necessary. All requests must be pre-approved and requested in writing to the Relocation Manager. See Section 12.10.3 for limitations on Moving Expense payments related to storage of personal property.

Section 12.09.10 – EXCLUSION OF MOVING EXPENSES AND LOSSES

The entire section shall be replaced with the paragraph below.

The following listed moving expenses are not reimbursable:

1. The cost of moving any structure or other real property improvement in which the displaced person reserved ownership
2. Interest on a loan to cover moving expenses
3. Loss of goodwill
4. Loss of profits
5. Loss of trained employees
6. Additional operating expenses of a business or fam operation incurred because of operating in a new location
7. Personal injury
8. Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the Division
9. Expenses for searching for a temporary or replacement dwelling which include costs for mileage, meals, lodging, time and professional real estate broker or attorney's fees
10. Physical changes to the real property at the temporary or replacement location of a business or farm operation except those allowable in paragraph 12.12.0(1) and12.12.0(2)(c)
11. Costs for storage of personal property on real property already owned or leased by the displaced person or person to be moved temporarily
12. Refundable security and utility deposits
13. Cosmetic changes to a replacement or temporary dwelling, which are not required by State or local law, such as painting, draperies, or replacement carpet or flooring

Section 12.10 – MOVING EXPENSE INDIVIDUALS AND FAMILIES

The entire section shall be replaced with the paragraph below.

A relocated individual’s or family’s actual, reasonable, and necessary moving expenses for moving personal property from a dwelling may be determined based on one or a combination of the methods listed below:

- Commercial Move
- Self-Move
    - Fixed Moving Expense Schedule
    - Actual Cost
    - Moving Cost Estimate (determined by Division staff)
    - Commercial Mover Estimate (lower of 2 bids)

Section 12.10.3 – FIXED MOVING EXPENSE SCHEDULE

The following paragraph will be added at the end of the existing section.

The Fixed Moving Expense Schedule provides a one-time payment for one move from the displaced dwelling to the replacement dwelling, or a storage facility if storage is required and approved. Displaced persons must be fulling informed that reimbursement of costs to move personal property to storage and the cost of approved storage fees, if applicable, represent a full reimbursement of the eligibility for moving costs under this section.

NEW SECTION **– Section 12.10.7 – 90-DAY TENANT APPLICATION FEE/CREDIT REPORT FEE**

A displaced tenant is entitled to reasonable reimbursement, as determined by the Division, for actual expenses, not to exceed $1,000, for rental replacement dwelling application fees or credit reports required to lease a replacement dwelling.

Section 12.11 – GENERAL

The entire section shall be replaced with the paragraph below.

A tenant or owner/occupant displaced from a mobile home or mobile home site is entitled to a payment for the cost of moving his or her personal property by one of the following methods:

- Commercial Move
- Self-Move
    - Fixed Moving Expense Schedule
    - Actual Cost
    - Moving Cost Estimate (determined by Division staff)
    - Commercial Mover Estimate (lower of 2 bids)

Section 12.11.2 – MOVING EXPENSES OCCUPANT WHO MOVES FROM THE MOBILE HOME

The entire section shall be replaced with the paragraph below.

A displaced occupant of a mobile home may be reimbursed for the personal property moving expenses by the actual cost of a commercial mover or one of the 4 self-move options listed in Section 12.11.

Section 12.12 – GENERAL

Items 9, 10, 13, 14, 16, 17 (Chapter 12, pages XXXX) shall be replaced with the following:

9. Relettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move. This includes other media, such as DVDs, CDs, and website modifications.

10. Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of:

i. If the item is currently in use, the lessor of:
   a. The estimated cost to move the item up to 50 miles and reinstall
   b. The fair market value in place of the item, as is for continued use, less the proceeds from its sale. To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the Division determines that such effort is not necessary.

ii. If the item is not currently in use: The estimated cost of moving the item 50 miles, as is.

iii. 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 prices.

13. Searching for a replacement location. A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed $5,000.00, as the WVDOH determines to be reasonable, which are incurred for a replacement location including:

a) Transportation
b) Meals and lodging away from home
c) Time spent searching, based on reasonable salary or earnings
d) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site
e) Time spent in obtaining permits and attending zoning hearings
f) Expenses negotiating the purchase of a replacement site based on reasonable salary or fee, including actual, reasonable, and necessary attorney's fees

NOTE: The following documentation and forms are required to process this claim:

- Form RW 12.06 – Relocation Claim
- Form RW12.06B – Searching Time for Replacement Site
- Receipts for transportation, meals, lodging, and fees of real estate agents or real estate brokers
- Form RW 12.02B – Final Contact Sheet

As an alternative, a one-time payment of $1,000 for search expenses with minimal or no documentation required.

14. Connection to available utilities from the replacement site's property line to the improvements at the replacement site. This would include utility upgrades required to make the replacement site operational for the business.

16. Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including, but not limited to, soil testing or feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the Division a reasonable pre-approved hourly rate may be established.

17. Impact fees and one-time assessments for anticipated heavy utility usage, as determined necessary by the Division. Such fees or assessments related to infrastructure construction, such as roads, fire stations, regional drainage improvements and parks, are not eligible.

Section 12.12.0 – SMALL BUSINESS REESTABLISHMENT EXPENSES

The first paragraph of the section (chapter 12, page 18) shall be replaced with the paragraph below.

In addition to the payments available under Paragraph 12.12, a small business, farm, or non-profit organization may be eligible to receive a payment, not to exceed $33,200, for expenses actually incurred in relocating and reestablishing at a replacement site.

Note: The following documentation and forms are required to process this claim:
- Form RW 12.06 – Residential Claim
- Receipts for work performed to reestablish the business.
- Memorandum from the Relocation Agent explaining the receipts and the work that was completed. This memorandum should include a tally that will ensure that the $33,200 is not being exceeded.
- Form RW 12.02B – Final Contact Sheet (It should be noted on this form that the payment is for reestablishment expenses).

Section 12.12.6 – BUSINESS MOVING COST FINDING ($5,000 MAXIUM)

The second paragraph in this section (Chapter 12, page 21) shall be replaced with the following:

This method should be used only for non-complicated moves and cannot exceed $5,000.00 unless prior approval is received by the Relocation Manager.

Section 12.12.8 – BUSINESS FIXED PAYMENT "IN LIEU OF"

The entire section shall be replaced with the paragraph below.

In lieu of all other moving cost payments, an owner of a discontinued or relocated business is eligible to receive a payment equal to the "average annual net earnings" of the business except that such payment is not less than $1,000 or more than $53,200. (See Appendix 12-12)

Note: The following documentation and forms are required to process this claim:

- Form RW 12.06A – Fixed Payment Claim
- One (1) signed copy of the relocatee's filed Federal Income Tax Return and supplemental sheets to support this return for each of the two (2) years immediately preceding the taxable year in which the claimant relocated or discontinued the business.
  Note: Form 1040 and Form 1040-Schedule C (Profit/Loss Statement) are the most commonly used forms
- Form RW 12.02B – Final Contact Sheet

Section 12.12.9 – ELIGIBILITY DETERMINATION

The entire section shall be replaced with the paragraph below.

A displaced business may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses, and actual reasonable reestablishment expenses. Such fixed payment, except for payment to a non-profit organization, shall equal the average annual net earnings of the business, as computed in accordance with paragraph 12.12.12 of this section, but not less than $1,000 or more than $55,200. The displaced business is eligible for the payment if the District Manager determines that:

1. 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 move; and the business vacates or relocates from its displacement site;

2. 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 the District Manager determines that it will not suffer a substantial loss of its existing patronage;

3. The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the WVDOH, and which are under the same ownership and engaged in the same or similar business activities;

4. The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others;

5. The business is not operated 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 2 taxable years prior to displacement.

Section 12.12.10 – FARM FIXED PAYMENT "IN LIEU OF"

The entire section shall be replaced with the paragraph below.

A displaced farm operation may choose a fixed payment, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, in an amount equal to its average annual net earnings as computed in accordance with paragraph 12.12.12 of this section, but not less than $1,000 or more than $55,200. In the case of a partial acquisition of land which was a farm operation before the acquisition, the fixed payment shall be made only if the District Manager determines that:

1. The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

2. The partial acquisition caused a substantial change in the nature of the farm operation.

Section 12.12.11 - NONPROFIT FIXED PAYMENT "IN LIEU OF"

The entire section shall be replaced with the paragraph below.

A displaced nonprofit organization may choose a fixed payment of $1,000 to $55,200, in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses, if the District Manager determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless the District is supported with financial statements for the two 12-month periods prior to the acquisition. The amount to be used for the payment is the average of 2 years annual gross revenues less administrative expenses. The Right of Way Forms utilized for this payment are the same as a business. Any payment in excess of $1,000 must be supported with financial statements for the twelve (12) month period prior to the acquisition. The amount to be used for the payment is the average of two (2) years annual gross revenues less administrative expenses.

Section 12.13.3 – INSPECTION FOR DECENT, SAFE AND SANITARY STANDARDS

The entire section shall be replaced with the paragraph below.

Before making payment to the relocatee, a Relocation Agent inspects the internal and eternal inspection of the replacement dwelling and determines that it meets the standards for decent safe, and sanitary housing, as defined in 49 CFR 24.2(a). The District Manager may utilize the services of any public agency ordinarily engaged in housing inspection to make the inspection. Such determination by the Relocation Agent that a dwelling meets the standards for decent, safe, and sanitary housing is made solely for the purpose of determining the eligibility of relocated individuals and families for payments under these procedures and is not a representation for any other purpose. (See Form RW12.10 – Replacement Housing Inspection Sheet)

Section 12.13.10 – REPLACEMENT HOUSING PAYMENT ELIGIBILITY CLASSIFCATIONS

The entire section shall be replaced with the paragraphs below.

<u>90 Day Owner-Occupants</u> - Owners who have owned and occupied the subject property not less than 90 days immediately prior to the start of negotiations. Eligibility includes Price Differential, Incidental Closing Expenses and Increased Mortgage Interest Payments not to exceed $41,200.

<u>90 Day Occupants</u> - Tenants who have occupied the subject property not less than 90 days immediately prior to the start of negotiations. Eligibility includes rental replacement housing payment or down payment assistance payment not to exceed $9,570.

<u>Less Than 90 Day Occupants</u> – Displaced persons who do not meet the 90-day occupancy requirement as an owner or tenant may be eligible for replacement housing payments under Last Resort Housing when comparable replacement rental housing is not available within the displaced person's financial means. (See 12.31, Definition of "Comparable Replacement Dwelling, 8(c)") Replacement housing payments for less than 90-day occupants must be approved in writing by the Relocation Manager.

Section 12.13.11 - WHEN PAYMENTS EXCEED $9,570 OR $41,200

Change in title of this section only. The paragraph below is unchanged.

If the WVDOH determines that comparable replacement housing is not available within the maximum statutory payment amounts, the parcel file will be so documented and "Last Resort Housing" procedures (paragraph 12.28 *et seq.*) will apply.

Section 12.14 – REPLACEMENT HOUSING PAYMENTS FOR 90 DAY OWNER-OCCUPANT

The first paragraph of this section will be replaced with the paragraph below.

An eligible 90-day owner-occupant of a dwelling may receive replacement housing payments, the combined total of which may not exceed $41,200. This amount shall be the sum of:

Section 12.14.7 – "BREAKOUT" MAJOR EXTERIOR ATTRIBUTE

The entire section shall be replaced with the paragraphs below.

If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site, (e.g., the site is significantly smaller or does not contain a swimming pool), the contributory value of such attribute as determined by the Division shall be subtracted from the acquisition cost of the displacement dwelling for purposes of computing the payment.

NEW SECTION **– Section 12.14.14 – REPLACEMENT HOUSING PAYMENT WITH REMNANT RETENTION**

If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the Division determines that the remainder has economic value to the owner, the Division may offer to purchase the entire property. If the owner refuses to sell the remainder to the Division, the fair market value of the remainder may be added to the acquisition cost of the displacement dwelling for purposes of computing the replacement housing payment.

NEW SECTION **– Section 12.14.15 – REPLACEMENT HOUSING PAYMENT FOR MIXED-USE AND MULTIFAMILY PROPERTIES**

For mixed-use and multifamily properties, if the displacement dwelling was part of a property that contained another dwelling unit and/or space used for nonresidential purposes, and/or is located on a lot larger than typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered the acquisition cost when computing the replacement housing payment.

NEW SECTION **– Section12.14.16 – REPLACEMENT HOUSING PAYMENT FOR OWNER-OCCUPANT WITH REVERSE MORTGAGE**

The payment for replacing a reverse mortgage shall be the difference between the existing reverse mortgage balance and the minimum dollar amount necessary to purchase a replacement reverse mortgage which will provide the same or similar terms as that for the reverse mortgage on the displacement dwelling. In addition, payments shall include other debt service costs, if not paid as incidental costs, and shall be based only on reverse mortgages that were valid liens on the displacement dwelling for at least 180 days prior to the initiation of negotiations. A mortgage interest differential payment in this situation shall be contingent upon a new reverse mortgage being purchased for the replacement dwelling.

- The payment shall be based on the difference between the reverse mortgage balance and the minimum amount needed to qualify for a reverse mortgage with the similar terms as the reverse mortgage on the displacement dwelling; however, in the event the displaced person obtains a reverse mortgage with a smaller principal balance than the reverse mortgage balance(s) computed in the buydown determination, the payment will be prorated and reduced accordingly. The reverse mortgage balance shall be that balance which existed 180 days prior to the initiation of negotiations or the reverse mortgage balance on the date of acquisition, whichever is less.
- The interest rate on the new reverse mortgage used in determining the amount of the eligibility shall not exceed the prevailing rate for reverse mortgages currently charged by mortgage lending institutions for owners with similar amounts of equity in their units in the area in which the replacement dwelling is located.
- Purchaser's points and loan origination, but not seller's points, shall be paid to the extent:
  - They are not paid as incidental expenses;
  - They do not exceed rates normal to similar real estate transactions in the area;
  - The Division determines them to be necessary; and
  - The computation of such points and fees shall be based on the reverse mortgage balance on the displacement dwelling plus any amount necessary to purchase the new reverse mortgage.
- The displaced person or their representative shall be advised of the approximate amount of this eligibility and the conditions that must be met to receive the reimbursement as soon as the facts relative to the person's current reverse mortgage are known; the payment shall be made available at or near the time of closing on the replacement dwelling in order to purchase the new reverse mortgage as intended.

Section 12.17 – COMBINED PAYMENTS NOT TO EXCEED $41,200

The entire section shall be replaced with the paragraph below.

The combined total relocation payments, excluding moving costs and last resort housing payments for a 90-day owner-occupant who purchases may not exceed $41,200. This payment may include price differential, mortgage interest differential, and certain incidental closing costs.

Section 12.19.7 – COMBINED PAYMENTS NOT TO EXCEED $41,200

The entire section shall be replaced with the paragraph below.

If an owner-occupant has received a rental payment and within one (1) year after relocation elects to purchase a decent, safe, and sanitary dwelling, he/she may receive an additional replacement housing payment, less the rental payment previously received; however, the combined total may not exceed the original determination.

Section 12.20 – GENERAL

The entire section shall be replaced with the paragraph below.

A displaced tenant displaced from a dwelling may receive a replacement housing payment not to exceed $9,570 for either rental assistance or down payment assistance.

Section 12.21 – 90-DAY TENANT RENTAL REPLACEMENT HOUSING PAYMENT CALCULATION

The entire section shall be replaced with the paragraph below.

The amount of the rental replacement housing payment is determined by the Replacement Housing Appraiser and shall not exceed $9,570. Such payment shall be 42 times the amount obtained by subtracting the base monthly rental for the subject dwelling from the lesser of:

1. The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or

2. The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary replacement dwelling actually occupied by the displaced person.

Note: The following documentation and forms are required to process this claim:

- Form RW 12.04 – Relocation Claim, Residential
- Form RW 12.10 – Replacement Housing Inspection Sheet (This must include the floorplan and pictures)
- Form RW 12.11, Form RW 12.11D, and Form RW 12.11E from the Replacement Housing Appraisal
- Supporting documentation such as a copy of the lease, rent receipts, etc. to support the rent at the new location.
- Form RW 12.02B – Final Contact Sheet

Section 12.21.3 – DISBURSEMENT OF RENTAL PAYMENT

The last paragraph shall be replaced with the paragraph below.

In Last Resort Housing cases where the replacement payment exceeds $9,570, the payment will be disbursed to the relocatee in one lump sum payment. Exceptions to this may be made on a case-by-case basis with prior approval of Central Office.

Section 12.21.4 – COMBINED PAYMENTS NOT TO EXCEED $9,570

Change in title of this section only. The paragraph below is unchanged.

If a 90-day tenant occupant has received a rental payment and within one (1) year after relocation elects to purchase a decent, safe and sanitary dwelling, he or she may receive an additional replacement housing payment, less the rental payment previously received; however, the combined total may not exceed the original determination.

Section 12.22 – 90-DAY TENANT DOWN PAYMENT COMPUTATION

The entire section shall be replaced with the paragraph below.

An eligible displaced tenant who purchases a replacement dwelling is entitled to a payment for down payment assistance up to, but not to exceed, $9,570, unless the rental assistance payment was originally computed under housing of last resort.

If a relocatee chooses to purchase and occupy a decent, safe, and sanitary replacement, he or she can apply any or all of his or her $9,570 replacement housing eligibility toward the down payment and related incidental expenses.

The full amount of the payment must be applied to the purchase price of the replacement dwelling and its related incidental expenses.

Note: The following documentation and forms are required to process this claim:

- Form RW 12.04 – Relocation Claim, Residential
- Form RW 12.10 – Replacement Housing Inspection Sheet (This must include the floorplan and pictures).
- Supporting documentation showing the relocatee has spent the full amount for the payment on the new replacement site.
- Form RW 12.02B – Final Contact Sheet

NOTE: A displaced owner who is eligible for 90-day owner-occupant benefits is <u>not</u> eligible for down payment benefits as described above.

Section 12.24.7 – PERSONS WITH BOTH AN OWNERSHIP AND TENANT INTEREST

The entire section shall be replaced with the paragraph below.

A displaced mobile home occupant may own the displacement mobile home and rent the site or may have rented the displacement mobile home and owned the site. Also, a person may elect to purchase a replacement mobile home and rent a replacement site or rent a replacement mobile home and purchase a replacement site. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under the applicable section. The total replacement housing payment to a person shall not exceed the maximum payment (either $41,200 or $9,570) permitted under the section that governs the computation of the mobile home.

Section 12.31 – DEFINITIONS

The following definitions are added to this section.

FEDERAL FINANCIAL ASSITANCE means a grant, loan, or contribution provided by the United States, except any Federal guarantee, insurance or tax credits (Low Income Housing Tax Credit) and any interest reduction payment to an individual in connection with the purchase and occupancy of a residence by that individual.

MOBILE HOME (MANUFACTURED HOME) when used in this manual, includes manufactured homes and recreational vehicles used as residences.

REVERSE MORTGAGE (aka HOME EQUITY CONVERSION MORTGAGE (HECM)) means a first mortgage which provides for future payments to the homeowner based on accumulated equity and which a housing creditor is authorized to make under any Federal law or State constitution, law, or regulation.

TEMPORARY, DAILY, OR EMERGENCY SHELTER (SHELTER) means any facility, the primary purpose of which is to provide a person with a temporary overnight shelter which does not allow prolonged or guaranteed occupancy. A shelter typically requires the occupants to remove their personal property and themselves from the premises on a daily basis, offers no guarantee of reentry in the evening, and in most cases does not meet the definition of dwelling as used in this part.

LIST OF UPDATED FORMS/APPENDICES

Appendix No. 5-29 – Notification of Waiver Valuation and Request for Appraisal Letter

Use Current Letterhead

DATE

NOTIFICATION OF WAIVER VALUATION AND REQUEST FOR APPRAISAL

Property Owner Name
Property Owner Address

Project #:
Parcel:
Project Name:
County:

In reference to the above-mentioned West Virginia Division of Highways (WVDOH) project, it has been determined that property you own is needed for the construction of the proposed project. The WVDOH values property in two ways: one is by a formal appraisal, which is prepared by a qualified licensed real estate appraiser. The other, is by the appraisal waiver method which is used on uncomplicated valuations up to $35,000.00. Appraisal waivers are prepared by District Right of Way personnel who have knowledge of the local real estate market in your area. The waiver amounts should be at least what the property would appraise for if a formal appraisal were prepared.

The WVDOH has determined that the area that will be acquired from you represents an uncomplicated valuation problem; therefore, the area has been valued using the appraisal waiver method.

If WVDOH's appraisal waiver valuation exceeds $15,000, but is less than $35,000, you have the right to request a formal appraisal. Please keep in mind, if the property is appraised the approved appraised value is what your offer will be. Please take time to reflect on how you wish to proceed. Once you have made a decision, please indicate your preference below.

I understand this selection will in no way affect my rights to contest the WVDOH's valuation in eminent domain proceedings.

Yes ☐ I request a formal appraisal be prepared.

Signed ____

No ☐ I do not wish to have a formal appraisal prepared.

Signed ____

Delivered by: ______________________ **Date:** ________________

(Rev. 11/2025)