RELOCATION ASSISTANCE – EMINENT DOMAIN

RELOCATION ASSISTANCE PLAN

The Dallas Independent School District (the “District”) has adopted the following provisions for its Relocation Assistance Plan as required under Title 4, Chapter 21, Section 21.046 of the Texas Property Code (the “Plan”).

SECTION I

SCOPE OF PLAN

1.1 The provisions of this Plan will apply only to acquisitions of real property by the District. The provisions of this Plan will be performed by the District’s employees or agents of the District as the Chief Operating Officer of the District will from time to time designate. All departments involved in land acquisition will cooperate to the fullest extent to achieve the purposes of this Plan.

SECTION II

DEFINITIONS AND GENERAL

For the purposes of this Plan, the following words and phrases will be defined as stated below:

2.1 BUSINESS. The term “business” means any lawful activity, excepting a farm operation, conducted primarily:

(a) For the purchase, sale, lease, and rental of personal and real property, or for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) For the sale of services to the public;

(c) By a nonprofit organization; or

(d) For assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

2.2 COMPARABLE REPLACEMENT DWELLING. A comparable replacement dwelling is one that is:

(a) Substantially in the same condition as the dwelling being acquired by the District;

(b) The same or similar with regard to facilities and provisions for utilities, heating, cooling, plumbing, bathroom, kitchen, and habitability as the dwelling being acquired by the District;
(c) Functionally equivalent;

(d) Fair housing – open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of Title VII of the Civil Rights Act of 1968;

(e) Located in areas not generally less desirable than the dwelling to be acquired by the District with regard to:
   (1) Public utilities;
   (2) Public facilities;
   (3) Public services; and
   (4) The relocatee’s place of employment.

(f) Located in an area not subject to unreasonable adverse environmental conditions; and

(g) Adequate in size to accommodate the relocatee.

2.3 DISPLACED PERSON.

(a) A person is displaced when:

   (1) The person is in occupancy of a property at the time public notice is given by the adoption of a resolution by the District’s Board that the real property or a portion of the real property will probably be included in the project area;

   (2) The person is in occupancy at the time of the District making the Initial Offer required under Section 21.0113(b)(1) of the Texas Property Code (the “Initial Offer”) for the acquisition of the real property in whole or in part;

   (3) The person as a direct result of such notice or offer permanently moves from the real property or permanently moves personal property from the real property subsequent to the dates established in Paragraph (1) or (2), above; and

   (4) The real property is subsequently acquired, except that if the move occurs after a written order to vacate is issued, the occupant is eligible even though the property is not acquired.

(b) Expressly excluded from the definition of “displaced person” is:

   (1) Any person who is unlawfully occupying the property the District is acquiring; and

   (2) Any person found to have occupied the property the District is acquiring for the purpose of obtaining assistance under this Plan.
2.4 **DWELLING.** The term “dwelling” means any single family house, a single family unit in a multi-family building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

2.5 **FAMILY.** The term “family” means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they will be treated as one family for replacement housing payment purposes.

2.6 **FARM OPERATION.** The term “farm operation” means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support. The term “contributing materially” used in this definition means that the farm operation contributes at least one-third of the operator’s income, however, in instances where such operation is obviously a farm operation, it need not contribute one-third to the operator’s income for him to be eligible for relocation payments.

2.7 **INITIATION OF NEGOTIATIONS FOR A PARCEL.** The term “initiation of negotiations for a parcel” means the date the District sends the Initial Offer to the owner of the real property to be acquired or his designated representative.

2.8 **NONPROFIT ORGANIZATION.** The term “nonprofit organization” means a corporation, partnership, individual, or other public or private entity, engaged in a business, professional or instructional activity on a nonprofit basis having a state and federal statutory or certification of tax status as such, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession, or institutional activity on the premises.

2.9 **OWNER.** The term “owner” means an individual (or individuals):

(a) Owning, legally or equitably, the fee simple estate, a life estate, or other proprietary interest in the property legally recognized pursuant to the Texas laws of eminent domain;

(b) The contract purchaser of any of the foregoing estates or interests; or

(c) Who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law. For the purpose of this Plan in the event of acquisition of ownership by any of the foregoing methods in this Subparagraph (c), the tenure of ownership, not occupancy, of the succeeding owner will include the tenure of the preceding owner.

2.10 **PERSON.** The term “person” means any individual, partnership, corporation, or association.

2.11 **RELOCATEE.** The term “relocatee” means any person who meets the definition of a displaced person in Section 2.3, above.
2.12 **TITLES OF DISTRICT EMPLOYEES.** In the event of a change of the title or duties of any District position or person mentioned or used herein as having responsibility in the implementation or administration of this Plan, the District representative who after such change most closely is performing the duties of the previously titled position, as determined by the District’s administration, will thereafter perform those duties.

2.13 **GENDER; NUMBER.** Unless the context requires otherwise, all pronouns used herein will be held and construed to include the other genders, whether used in the masculine, feminine, or neuter gender, and words in the singular number will be held and construed to include the plural, and words in the plural will be held and construed to include the singular.

**SECTION III**

**RELOCATION ADVISORY SERVICES**

3.1 **PUBLIC INFORMATION.**

(a) General requirements. In order to ensure that the public has adequate knowledge of this Plan, the District will prepare a relocation brochure and give full and adequate public notice of the services and benefits provided under this Plan to displaced persons on its Web site.

(b) Brochure. The District will prepare a brochure adequately describing the services and benefits provided under this Plan and distribute the same without cost to all individuals and organizations as appropriate. The brochure will state where copies of this Plan can be obtained. The relocation brochure will be printed in the English and Spanish languages. Upon request, the brochure may be translated to such other languages as reasonably necessary.

3.2 **RELOCATION ASSISTANCE ADVISORY SERVICES.**

(a) General. The District will establish a relocation assistance advisory service program in order to provide assistance to persons required to relocate. The District will provide written notice as provided herein to such relocatees of the availability of the advisory services, and thereafter the services will be provided personally by a designated District advisor therefore, if the relocatee chooses to avail themselves of the advisory services.

(b) Eligibility. Relocation assistance advisory services will be offered to all displaced persons as defined herein.

(c) Advisory services. The District’s relocation assistance advisory service will:

1. Include in-person interviews of displaced persons with a relocation advisor assigned by the District to determine the relocation needs and preferences of the relocatee, determine replacement site requirements, time required to vacate site, and need for outside qualified third parties to accomplish the move;
(2) Include discussion and explanation of services available, relocation payments and eligibility requirements therefore, and assistance in completing any applications or other forms required;

(3) Provide current and continuing information on the availability, prices and rentals of comparable replacement housing, and of comparable commercial properties and locations for displaced businesses, farm operations, and nonprofit organizations; and

(4) Supply information concerning federal and state housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons.

The amount of the advisory services and extent will be administered commensurate with the relocatee’s needs.

3.3 GENERAL WRITTEN NOTICE TO OCCUPANTS. A written notice must be furnished to each person who is occupying the property the District seeks to acquire to ensure that he is fully informed of the eligibility requirements under this Plan and benefits and services potentially available to him under this Plan. This notice will be furnished to owners and tenants, along with the above-described brochure when the District determines to establish eligibility for relocation benefits. This notice will not be sent prior to District’s Board authorizing the institution of negotiations on the subject property. The notice will contain the statement of eligibility and any restrictions thereto, how additional information pertaining to relocation assistance payments and services can be obtained, and how to schedule an initial in-person interview with the relocation advisor.

3.4 NOTICE TO ELIGIBLE DISPLACED PERSONS. At the time the District makes the Initial Offer to the owner for acquisition of the parcel, the District will provide a written notice to eligible displaced person(s). This notice will contain an explanation of the services and benefits that the person has been deemed eligible to receive under the Plan unless such explanations are adequately covered in the brochure, how to schedule an in-person interview with the relocation advisor; and the brochure.

3.5 NOTICE TO VACATE.

(a) No person lawfully occupying real property will be required to move from a dwelling or to move his business, nonprofit, or farm without reasonable written notice of the intended vacation date from the District.

(1) The notice to vacate will not be given until such time as the District has control of the property.

(2) The notice to vacate will give a firm specific date by which the relocatee must vacate the property. This date may be extended when conditions warrant, but any extension must be in writing and must give another specific date by which the property must be vacated.

(3) A notice is not required if an occupant moves on his own volition prior to the time the date the notice is given.
(b) Any person occupying property subsequent to the deposit by the District of the award of the special commissioners will pay reasonable rental to the District based upon the value of the property as found by the special commissioners.

3.6 NOTICE OF RIGHT TO APPEAL. The brochure described above will contain a description of the relocatee’s right to appeal as provided in Section VIII of this Plan.

SECTION IV

MOVING EXPENSES AND RELOCATION PAYMENTS

4.1 Each individual, family, business, nonprofit organization, or farm operator displaced as a result of the acquisition of his property or a part thereof for use in a public project will receive payment for the reasonable expenses of moving his personal property and related relocation payments when:

(c) He is in occupancy at the time public notice is given that the property or a portion thereof will probably be included in the acquisition area; and

(d) He is in occupancy at the time of the Initial Offer to the owner for the acquisition of the real property in whole or in part; and

(e) He is in occupancy at the time he is given a written notice by the District that it is its intent to acquire the property by a given date; and

(f) He moves from the real property or moves his personal property from the real property subsequent to the earliest date established in (b) or (c) above; and

(g) The real property is subsequently acquired.

If the move occurs after a written notice to vacate is issued the occupant is eligible even though the property is not acquired.

4.2 CALCULATION OF MOVING EXPENSE PAYMENT.

(a) General. A displaced individual or family, business, nonprofit organization, or farm operation eligible under Section 4.1 is entitled to receive a payment for moving his personal property. The amount of the payment will be determined on the basis of actual reasonable moving expenses or alternatively, upon estimates obtained by the District from independent commercial movers. Notwithstanding anything contained herein to the contrary, the moving expense payment will not exceed the market value of the property being moved.

(b) Actual reasonable moving expenses.

(1) Commercial moves.
i. A relocatee may be paid the actual, reasonable cost of a move accomplished by a commercial mover. Such expense must be supported by receipted bills.

ii. The District may contract with independent movers on a schedule basis and furnish the relocatee with a list of movers he may choose from to move his property. In such instances the District would pay the mover in lieu of payment to the eligible displaced relocatee.

(2) Self-moves. In the case of a self-move, the relocatee may be paid his actual moving costs, supported by receipted bills or other evidence of expenses incurred but such payment may not exceed the estimated cost of moving commercially. The estimated cost may be prepared by a commercial moving company or by a qualified employee or designee of the District.

(c) Alternative payment based upon estimate. The eligible displaced relocatee may elect to receive a moving expense payment from the District based upon estimates obtained by the District from independent commercial movers in lieu of actual reasonable moving expenses. In the event that the eligible displaced relocatee disagrees with the estimates obtained by the District, he may obtain his own estimates. Thereafter, the District will negotiate with the eligible displaced relocatee in an effort to reach an agreement upon the amount of the moving expense payment. If no agreement can be reached, the moving expense payment will be based upon actual reasonable moving expenses incurred supported by receipted bills after the move is completed.

4.3 RELOCATION PAYMENTS.

(a) The expenses of removal, reinstallation, and reestablishment of machinery, equipment, appliances, and other items that are not acquired, including reconnection of utilities to such items, that do not constitute an improvement (except when required by law) to the replacement site are eligible for reimbursement as a relocation payment. Such costs are not applicable to items classified by the District as real property and retained by the owner through the owner retention process. Prior to payment of any expenses for removal and reinstallation of such property, the owner and the District will agree in writing that the property is personalty, and that the District is released from any payment for the property as realty. Said relocation expenses will be supported by receipted bills or estimates obtained by the District from qualified third parties.

(b) Owner retention. When an owner retains his dwelling, the cost of moving it onto remainder or replacement land is not eligible for reimbursement as a part of the cost of moving personal property.
4.4 The individual, family, business, nonprofit organization or farm operator will receive payment for only one move.

4.5 Reimbursement or payment of moving expenses will not be made for a move in excess of 50 miles. In the event a relocatee desires to move a distance in excess of 50 miles, he will be paid only the reasonable cost of a move up to 50 miles.

4.6 By written arrangement between the District and the relocatee, the relocatee may present an unpaid moving bill to the District for direct payment.

4.7 The District may enter into a contract with independent movers on a schedule basis and furnish the relocatee with a list of movers from which he may choose one to move his property. In such instances, direct payment will be made to the mover.

4.8 APPLICATIONS. In order to obtain payment of moving expenses and/or a relocation payment, a relocated person must file a written application with the District on a form provided by the District for that purpose within a reasonable time limit determined by the District. The moving expense payment and/or relocation payment will be made only after a fully executed release has been delivered to the District.

4.9 EXCLUSIONS ON MOVING EXPENSES AND RELOCATION PAYMENT. The following expenses are considered ineligible for participation as “moving expenses” or “relocation payments:”

(a) Additional expenses incurred because of living in a new location.

(b) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership.

(c) Improvements to the replacement site, except when required by law.

(d) Interest on loans to cover moving expenses.

(e) Loss of goodwill.

(f) Loss of business and/or profits.

(g) Loss of trained employees.

(h) Personal injury.

(i) Cost of preparing the application for moving and related expenses.

(j) Modification of personal property to adapt it to the replacement site except when required by law.

SECTION V

FINANCIAL ASSISTANCE TO ACQUIRE REPLACEMENT HOUSING

5.1 GENERAL.

(a) General provisions.
(1) In addition to other payments authorized by this Plan, individuals and families displaced from a dwelling that they own, acquired for a project, are eligible for financial assistance to acquire replacement housing in an amount calculated in accordance with this Plan.

(2) The displaced individual or family is required to relocate to a replacement dwelling purchased by the relocatee in order to qualify for this financial assistance; however, the District may waive this requirement as part of a negotiated settlement as described in Section 5.3(b), below.

(3) Only one payment for financial assistance to acquire replacement housing will be made for each dwelling acquired by the District as part of its public project.

(b) Additional eligibility requirements. The owner-occupant is eligible for such financial assistance to acquire replacement housing when:

(1) He is in occupancy at the time public notice is given that the property or a portion thereof will probably be included in the acquisition area; and

(2) He is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or in part; and

(3) The property was acquired from him by the District.

5.2 CALCULATION OF AMOUNT OF FINANCIAL ASSISTANCE TO ACQUIRE REPLACEMENT HOUSING PAYMENT.

(a) Amount of financial assistance payment. A displaced eligible owner-occupant of a dwelling may receive from the District financial assistance to acquire replacement housing in an amount, not to exceed $10,000. Subject thereto, the amount of such financial assistance payment, if any, will be the lesser of the following:

(1) The amount that the owner pays for a replacement dwelling (confirmed by providing the District with a copy of a bona fide contract for sale to purchase the replacement dwelling or the purchaser’s closing statement relating to such a contract for sale) minus the amount paid to the owner by the District to acquire his dwelling; or

(2) The amount determined by the District as necessary to purchase a comparable replacement dwelling minus the amount paid to the owner by the District to acquire his dwelling.

(b) Determination of amount necessary to purchase comparable replacement dwelling.

(1) Schedule. The District may establish a schedule of probable prices for comparable dwellings in the various types of dwellings being acquired.
Such schedule will be prepared from an analysis of the probable selling prices of dwellings available on the market and periodically updated to reflect current probable selling prices.

(2) Three comparable method. The District may determine the probable selling price of a comparable dwelling by analyzing at least three comparable dwellings representative of the dwelling unit to be acquired that are available on the private market and meet the criteria set out in Section II under “comparable replacement dwelling.” Less than three comparables may be used for this determination when additional comparable dwellings are not available and the District documents such. Selection of comparables and computation of the payment must be by a qualified District employee or designee other than the appraiser or review appraiser on the parcel involved.

(3) Adjustment in asking price. Since the asking price on the market typically exceeds the actual selling price, the asking price of the selected comparables usually will require a downward adjustment. The amount of the adjustment will be determined by comparing the asking prices and actual selling prices of recent sales. The District will develop from the market a factor or percentage representing the average difference between the asking price and the actual selling price of recent sales. This factor or percentage will be kept current.

5.3 APPLICATION FOR FINANCIAL ASSISTANCE TO ACQUIRE REPLACEMENT HOUSING.

(a) General requirements. Application for financial assistance to acquire replacement housing will be in writing on a form provided by the District. The application will be filed no later than six months after the date the owner-occupant vacates the dwelling acquired by the District except that, in condemnation cases, such period will be extended to six months after final adjudication of the condemnation case.

(b) Negotiated settlement to assist in relocation. Notwithstanding anything contained herein to the contrary, at the request of the eligible owner-occupant, the District is authorized to pay a negotiated reasonable agreed amount for the financial assistance payment to acquire replacement housing before it is known what amount the District will be required to pay for the displaced owner-occupants dwelling. If a negotiated agreed amount is reached, the District is authorized to pay such amount but only after a fully executed release has been delivered to the District.

To whom payment made. The financial assistance described in this section may be paid directly to the relocated individual or family, or upon written instruction from the relocated individual or family, directly to the seller for use towards the purchase of a replacement dwelling. In cases where an applicant otherwise qualifies for the described financial assistance to acquire replacement housing, and upon his specific request in the
application, the District may pay such into escrow prior to the relocatee’s moving. Except as expressly provided herein, the payment for financial assistance to acquire replacement housing provided for herein will not be assignable.

SECTION VI

EXPENSES INCIDENTAL TO THE TRANSFER OF THE PROPERTY

6.1 GENERAL.
(a) General provisions.

(1) In addition to other payments authorized by this Plan, individuals and families, businesses, farm and ranching operations, and nonprofit organizations displaced from property that they own, acquired for a project, are eligible for payment by the District of their expenses incidental to the transfer of their property to the District in accordance with this Plan.

(2) To whom payment made. The payments described in this section will be made into escrow by the District and paid at time of closing of the District’s acquisition of the displaced persons property.

6.2 INCIDENTAL EXPENSES TO BE PAID BY DISTRICT.
(a) Amount of payment. The incidental expenses to be paid at the closing by the District may include the following items if normally paid by the seller:

(1) Closing and related costs including title search, preparing conveyance documents, notary fees, surveys, preparing drawings or plats and charges paid incident to recordation.

(2) Owner’s title policy or abstract of title.

(3) Escrow agent’s fee.

SECTION VII

RENTAL SUPPLEMENTS

7.1 GENERAL.
(a) General provisions.

(1) In addition to other payments authorized by this Plan, individuals and families displaced from a dwelling that they rent, acquired for a project, are eligible for a rental supplement payment in accordance with this Plan.

(2) The displaced individual or family is required to relocate to a replacement dwelling leased by the relocatee in order to qualify for the rental supplement payment; however, the District may waive this
requirement as part of a negotiated settlement as described in Section 7.3(b), below.

(3) Only one rental supplement payment will be made for each dwelling unit acquired by the District as part of its public project.

(b) Additional eligibility requirements. The displaced residential tenant is eligible to receive a rental supplement payment when:

(1) The tenant is in occupancy at the time public notice is given that the property or a portion of the property will probably be included in the acquisition area;

(2) The tenant is in occupancy at the beginning of negotiations for the acquisition of the real property, in whole or in part;

(3) The tenant is in occupancy at the time of being given written notice by the District of its intent to acquire the property by a given date;

(4) The occupancy has been for at least 90 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier; and

(5) The property was subsequently acquired, or if otherwise eligible, the tenant may receive this payment if the District issues an order to vacate even though the property is not acquired.

7.2 COMPUTATION OF RENTAL SUPPLEMENT PAYMENT.

(a) Amount of rental supplement payment. The rental supplement payment, not to exceed $1,200, will be determined by subtracting from the amount necessary to rent a comparable replacement dwelling including utilities for a period of 12 months the amount that is equal to 12 times the average monthly rental plus utilities paid by the relocated individual or family during the last three months. The "rent being paid" will include any rent supplements supplied by others except when, by law, the supplement is to be discontinued upon vacation of the property.

(b) Determination of amount necessary to rent. The District may determine the rental rates of comparable housing by a schedule, three comparable methods, or a reasonable alternate.

(c) Disbursement of rental supplement payments. All rental supplement payments will be made in a lump sum upon delivery of a fully executed release to the District.

7.3 APPLICATION FOR RENTAL SUPPLEMENT PAYMENT.

(a) General requirements. Application for rental supplement payments will be in writing on a form provided by the District. The application will be filed no later than three months after the displaced eligible tenant vacates the dwelling acquired by the District.
(b) Negotiated settlement to assist in relocation. Notwithstanding anything contained herein to the contrary, at the request of the eligible tenant-occupant, the District is authorized to pay a negotiated reasonable agreed amount for the rental supplement payment at any time. If a negotiated agreed amount is reached, the District is authorized to pay such amount but only after a fully executed release has been delivered to the District.

(c) To whom payment made. The payments described in this section may be made directly to the relocated individual or family.

SECTION VIII

APPEALS

8.1 APPEAL RIGHTS AND NOTICE OF SAME AND PROCEDURE. A person who disagrees with the District’s determination concerning whether the person qualifies as a displaced person, or the amount or type of relocation assistance for which the person may be eligible, may file a written appeal of that determination (the “Appellant”) with the District’s Executive Director of Construction Services. At such time as a person indicates he is dissatisfied with a determination concerning whether the person qualifies as a displaced person, or the amount or type of relocation assistance for which the person may be eligible, he will be promptly furnished the necessary forms and notified of the procedures to be followed in making an appeal.

8.2 APPEAL TO THREE-PERSON PANEL. An Appellant will have the right to appeal any decision concerning his eligibility for and amount of a relocation assistance payment to the District’s Relocation Appeals Panel any time within 60 working days from the date of the District’s denial of relocation assistance or the District’s offer of relocation assistance. The District’s Relocation Appeals Panel will consist of three members, who will include the District’s Executive Director of Construction Services, the District’s Director of Real Estate and Leasing Services, and a representative of the District’s Legal Department (the “Panel”). The appeal will be conducted in accordance with the following procedures:

(a) Notice of Appeal. Within the time set forth above, the Appellant will serve written notice of appeal by certified mail, return receipt requested, or deliver in person to the District’s Executive Director of Construction Services, that the Appellant is appealing the determination of relocation benefits. The Appellant will submit with the notice of appeal any documentation necessary to support the Appellant’s grounds for appeal.

(b) Determination of Appeal. The Panel will convene, review the notice of appeal and documentation submitted by the Appellant, and render its decision as soon as possible, but no later than 30 working days from receipt by the District’s Executive Director of Construction Services of the notice of appeal.

(c) Decision. The decision of the Panel must be agreed upon by two of the three members of the Panel, rendered in writing and delivered to the Appellant by certified mail, return receipt requested, or in person. The
decision will outline reasons for any determinations regarding relocation benefits.

(d) Decision Final. The decision of the Panel is final, and there is no right of further appeal.

SECTION IX

RECORDS

9.1 **RELOCATEE RECORDS.** – General. The District will maintain relocation records in accordance with applicable state records retention laws.