

# Relocation Assistance Business Farm Non-Profit Organization



**NORTH TEXAS TOLLWAY AUTHORITY**

*This brochure explains the rights and benefits of property owners whose real property is to be acquired, in whole or in part, for a NTTA project.*

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# Introduction

## General

The North Texas Tollway Authority (NTTA) is responsible for developing tollways, turnpikes, and other public transportation. The NTTA must acquire land to accomplish these projects, which will sometimes require relocation of a home, business or farm. The NTTA recognizes the financial and logistical challenges of relocating from a home, business, or farm. The NTTA offers a relocation assistance program that provides certain services and financial assistance to facilitate the transition to a new location.

This brochure provides information about available relocation services and financial assistance.

If you are required to move as the result of an NTTA property acquisition, an NTTA-appointed relocation agent will contact you. The NTTA-appointed relocation agent will answer your specific questions and provide additional information. **To ensure you receive the maximum relocation benefits you are entitled to, you must discuss any proposed move with your NTTA-appointed relocation agent before moving.**

**Special Note:** This brochure is for general information purposes only; it is not a document of law, rule, or regulation. It is impossible to cover the exact needs and questions of every person.

NTTA strongly urges you to consult with your NTTA-appointed relocation agent with any particular questions or issues.

## Qualification for Assistance

Relocation assistance is available to people, businesses, farmers, and nonprofit organizations who are lawfully present in the United States, and who are displaced as the result of a NTTA project. This assistance may be available owners as well as tenants/renters as well as owners occupying the property needed for the project.

## Advance Notice

If you are displaced, you will be given sufficient time to plan for a move. To the greatest extent practicable, no person who is lawfully occupying real property will be required to move from that site without at least a 90-day written notice.

**Caution:** To ensure eligibility and prompt payment of your relocation benefits, you **must** give your NTTA-appointed relocation agent advance notice of your planned move date and a list of the items you will move. Your NTTA-appointed relocation agent will need to inspect the items before and after the and monitor the move. **If you move prior to the date negotiations are initiated for acquisition of the property, you may jeopardize your eligibility for relocation assistance.** (There are exceptions if you received written notice of advanced relocation eligibility.)

## Important Definitions

**Displaced Person** - Any person (individual, family, corporation, partnership, or association) who permanently moves from real property or moves personal property from real property as the result of the acquisition of the real property, or as the result of a written notice from the NTTA to vacate the real property needed for a project. In the case of partial acquisition, the NTTA shall determine if a person is displaced as a direct result of the acquisition.

Relocation benefits will vary, depending upon the type and length of occupancy of the acquired property. Displaced persons are classified as:

- An owner occupant of a residential property. (Includes mobile homes.)
- A tenant occupant of a residential property. (Includes mobile homes and sleeping rooms.)
- A business, farm, or nonprofit organization.
- An individual with only displaced personal property.

**Business** - Any lawful activity, except a farm operation, conducted primarily for the purchase, sale, lease, and/or rental of either personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or solely for the purpose of relocation benefits, an outdoor advertising display(s) that must be moved as a result of a project.

**Farm** - Any activity conducted solely or primarily for the production of agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to contribute materially to the operator's support.

**Initiation of Negotiations** - The date the NTTA delivers its first written offer to an owner of real property, or the owner's representative, to purchase the real property for a project.

**Nonprofit Organization** - An organization that is incorporated under the applicable laws of a state as a nonprofit organization and exempt from paying federal income taxes under Section 501 of the Internal Revenue Code.

**Small Business** - A business having no more than 500 employees working at the site being acquired.

## Moving Cost Reimbursement

If you qualify as a displaced business, farm, or nonprofit organization, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. You may choose to be paid on the basis of:

1. actual, reasonable, and necessary moving costs and related expenses, OR
2. a fixed payment (under certain circumstances).

**To assure your eligibility and prompt payment of moving expenses, you must contact your NTTA-appointed relocation agent before you move.**

### Move Option #1: Actual Reasonable Moving Costs

Actual reasonable moving expenses may be reimbursed when the move is performed by a professional mover or if you move yourself. If you choose to move based on actual reasonable moving costs, you may also be eligible to receive reimbursement for the following:

- Personal Property Losses
- Expenses In Reestablishing Your Business
- Expenses in Finding a Replacement

If you choose to move based on actual reasonable moving expenses, your move may be based on the following options:

### Commercial Move

You may choose to be reimbursed for your actual reasonable moving and related expenses when the work is performed by a professional mover. Reimbursement is limited to a 50-mile distance. Related expenses may include:

- Packing, crating, unpacking, and uncrating personal property
- Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property
- Temporary storage of personal property
- Insurance while property is in storage or transit
- Cost of new licenses and permits

### Self-Move Actual Cost

You may choose to be reimbursed based on your actual reasonable moving and related expenses when you move yourself. Reimbursement is limited to a 50-mile distance and must be supported by receipts for labor and equipment. Hourly labor rates may not exceed the cost paid by a commercial mover to employees performing the same activity. Equipment rental fees must be based on the actual rental cost of the equipment and cannot exceed the cost paid by a commercial mover.

### Self-Move Professional Move Estimate

If you elect to take full responsibility for all or part of the move, the NTTA may approve a negotiated reimbursement payment not to exceed to lowest acceptable bid or estimate prepared by qualified moving firms or moving consultants. Cost estimates or bids for negotiated self-move payments shall be obtained by the NTTA. You must allow your NTTA-appointed relocation agent and professional movers access to the property to document an accurate inventory of personal

property to be moved. Negotiated self-move payments must be approved by the NTTA before the start of the proposed move. If two acceptable bids or estimates cannot be obtained, or you decide to move yourself on an actual cost basis, your moving payment may be based on actual, reasonable moving expenses supported by receipted bills or other evidence of the actual expenses. Transportation cost is limited to a 50-mile distance.

**Caution:** Expenses must be reasonable and necessary as determined by the NTTA and supported by receipts. Prior to taking action or incurring any moving expenses, you must verify eligibility for reimbursement with your NTTA-appointed relocation agent.

## **Notification and Inspection**

To assure eligibility and prompt payment for moving expenses, you must provide the NTTA with advance written notice of the approximate date of the planned move and a list of items to be moved so that the NTTA may inspect the personal property at the displacement and replacement sites and monitor the move.

## **Direct Losses of Tangible Personal Property/ Purchase of Substitute Personal Property**

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property or the purchase of substitute personal property that is incurred as a result of the move or discontinuance of the operation. This payment will vary depending upon whether the item is replaced or not; however, it may never exceed the estimated cost of moving and reinstallation. Your NTTA-appointed relocation agent will explain this procedure in detail if you are faced with this situation.

## **Reestablishment Expenses for Replacement Site**

A small business (not more than 500 employees), farm, or nonprofit 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. These reestablishment expenses must be reasonable and necessary as determined by the NTTA. Your NTTA-appointed relocation agent will explain the eligible expenses included under this category of relocation assistance.

## **Searching Expenses for Replacement Property**

Displaced businesses, farms, and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed \$5,000.

Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to real estate agents, brokers, or consultants (excluding commissions); and other expenses determined as reasonable and necessary by the NTTA.

## **Move Option #2: Fixed Payment (in Lieu)**

You may be eligible to receive a fixed payment in lieu of actual moving expenses, reestablishment expenses, personal property losses, and searching expenses. This fixed payment may not be less than \$1,000 or more than \$53,200. To qualify for a fixed payment, certain conditions must be met.

For a business to be eligible for a fixed payment, the NTTA must determine that all of the following apply:

- The business owns or rents personal property that must be moved in connection with its displacement and for which expense would be incurred in its move
- The business cannot be relocated without a substantial loss of its existing patronage
- The business is not part of a commercial enterprise having more than three other entities not being acquired and are under the same ownership and engaged in the same or similar business activities
- The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others
- The business is not operated at the displacement site solely for the purpose of renting the site to others
- The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement

For the owner of a farm to be eligible for a fixed payment, the farm operation must be displaced either by total or partial acquisition. In the case of a partial acquisition, the NTTA must determine that the acquisition caused the operator to be displaced, or it caused a substantial change in the nature of the farm operation.

For a nonprofit organization to be eligible for a fixed payment, it must furnish proof of its nonprofit status under applicable federal or state law.

Applications for fixed payments in lieu of actual expenses must be approved by the NTTA prior to the planned move from the displacement property. Not all displaced businesses, farms or nonprofit organizations will qualify for this type of payment. Check with your NTTA-appointed relocation agent for more details. **If you choose a fixed payment claim, you may not claim any other type of moving expenses. This payment is the full and final payment for your move.**

## Commercial Signs

The owner of any displaced commercial advertising display(s) is entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement sign site.

### Searching Expenses

Owners of displaced commercial advertising signs are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement sign site, not to exceed federal regulations. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; fees paid to real estate agents, brokers, or consultants (excluding commissions); and other expenses determined as reasonable and necessary by the NTTA.

## Relocation Services

### Relocation Assistance Services

Any individual, family, business, or farm displaced by an NTTA project shall be offered relocation assistance services for the purpose of locating to a suitable replacement property. Relocation services are provided by qualified personnel employed or contracted by the NTTA. These services are to help you successfully relocate. Relocation assistance agents are there to help and advise you; be sure to make full use of their services. Do not hesitate to ask questions to ensure you fully understand all of your rights and relocation benefits.

## Personal Contact

A NTTA-appointed relocation agent will contact you personally. Relocation services and payments will be explained in accordance with your eligibility. During the initial interview, your business' needs and desires will be discussed, as well as your need for assistance.

## Business and Farm Assistance

The NTTA-appointed relocation agent will assist in locating commercial properties and farms. Steps will be taken to minimize economic harm and to increase the likelihood of relocating into the affected community. The NTTA-appointed relocation agent will also explore and provide information about possible sources of funding and assistance from other local, state, and federal agencies.

## Relocation Advisory Assistance

This checklist is a summary of the relocation advisory assistance you may reasonably expect to receive if you are displaced by a transportation project. In addition, the NTTA is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

The NTTA-appointed relocation agent will personally interview persons displaced to:

- Determine needs and preferences
- Explain relocation benefits
- Offer assistance & provide counseling to minimize hardships

The level of advisory services may be different for each displaced business depending on the complexity of the business operation.

## Claim for Payment

### How Do I Obtain My Relocation Payment?

You must file a claim for reimbursement. The NTTA will provide required claim forms, assist you in completing them, and explain the documentation to submit to receive your relocation reimbursement. If the expenses that you must incur prior to your move cause an undue hardship, discuss your financial needs with the NTTA.

### When Should I File My Claim?

You must have all your claims submitted to the NTTA no later than 18 months from the applicable following date:

- For tenants: the date of displacement from the property. The 30-day notice to vacate or the actual date of the move, **whichever is earlier**.
- For owners: the date of displacement or the date of final payment for acquisition of the real property, **whichever is later**.

However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, the NTTA may extend this time period for good cause. The NTTA is required to pay you promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified in writing of the problem and the action you may take to resolve the matter.



## **Duplicate Payments**

No payment will be made under the Relocation Program if the displaced person is eligible to receive another payment provided by law that has substantially the same purpose and effect as the relocation payment.

## **Another Important Benefit**

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code or for determining eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other federal law. Your relocation benefits will not have an adverse effect on your:

- Social security eligibility
- Welfare eligibility
- Income taxes

## **Right of Appeal**

If you believe that the NTTA has failed to properly determine your eligibility, or the amount of a payment, you may appeal to NTTA's Relocation Assistance Review Committee. Applications for appeal must be submitted in writing. The NTTA will assist you in filing an appeal and explain the procedures to follow. You will be given a prompt and full opportunity to be heard by the review committee. You have the right to be represented by legal counsel or another representative at your own expense.

The review committee will consider all pertinent justification and material submitted by you and other available information needed to ensure a fair review. The committee will provide a written determination resulting from the appeal with an explanation of the basis for the decision.