

# Relocation Assistance Residential



**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, in whole or in part, or as the result of a written notice from the NTTA to vacate the real property needed for a transportation 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.

**Family** - The term “family” means two or more individuals living together in a single family dwelling unit who are: related by blood, adoption, marriage, or legal guardianship, who live together as a family unit, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit, or are not related by blood or legal ties but live together by mutual consent.

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

## Moving Cost Reimbursement

If you qualify as a displaced person (individual or family), 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. according to a fixed moving cost schedule.

**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 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 and unpacking personal property
- Disconnecting and reconnecting household personal property

- Utility and telephone connection charges
- Temporary storage of personal property
- Insurance while property is in storage or transit
- Mobile home park entrance fees

## Self-Move Actual Cost

You may choose to be reimbursed based on your actual reasonable moving and related expenses when the move is performed on your own. 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 the lowest acceptable bid or estimate prepared by qualified moving firms or moving consultants. Cost estimates or bids for negotiated self-move payments will 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.

## Move Option #2: Fixed Moving Cost Schedule

You may also choose to be paid on the basis of a fixed moving cost schedule. This payment is based on the number of rooms in your dwelling. Receipts are not necessary. Under this option you will not be eligible for reimbursement of related expenses.

## Replacement Housing Payments

Replacement Housing Payments can be better understood if you become familiar with the definition of the following terms:

- Comparable Replacement
- Decent, Safe, and Sanitary (DSS)

### Comparable Replacement

A Comparable Replacement means that your present dwelling and replacement dwelling are functionally equivalent.

A comparable replacement dwelling must be decent, safe, and sanitary, and should be functionally equivalent to your current dwelling. While it may not be identical to your current dwelling, the replacement should have certain attributes:

- Similar in number of rooms and living space
- Located in an area not subject to unreasonable adverse environmental conditions
- Generally, not be less desirable than your present location with respect to public utilities and commercial and public facilities, and is reasonably accessible to the displaced person's place of employment
- Located on a site that is typical in size for residential development with normal site improvements
- Currently available to you and within your financial means

## **Decent, Safe, and Sanitary (DSS)**

Comparable replacement housing must be decent, safe, and sanitary. This means it meets all of the minimum requirements established by the state and conforms to applicable housing and occupancy codes. The dwelling shall:

- Be structurally sound, weather tight and in good repair
- Contain a safe electrical wiring system adequate for lighting and electrical devices
- Contain a heating system capable of sustaining a healthful temperature (approximately 70 degrees) except in those areas where local climatic conditions do not require such a system
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate you
- Contain a well-lighted and ventilated bathroom providing privacy and containing a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system
- Contain a kitchen area with a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, with adequate space and utility connections for a stove and refrigerator
- Have unobstructed egress to safe, open space at ground level
- Be free of any barriers that prevent reasonable ingress, egress, or use of the dwelling in the case of a displaced person that is disabled

## **Replacement Housing Payments**

You may qualify to receive Replacement Housing Payments. There are three basic types:

1. Purchase Supplement
2. Rental Assistance
3. Down Payment Assistance

The type of payment depends on whether you are an owner or a tenant, and how long you have lived in the property being acquired prior to negotiations.

## **Occupancy Time Periods and What You Are Entitled To**

Length-of-occupancy simply means the number of days that you occupied a dwelling immediately before the date of initiation of negotiations by the NTTA. There is one basic length-of-occupancy requirement that determines the type of your replacement housing payment.

If you are an owner and you were in occupancy 90 days or more immediately prior to the initiation of negotiations, you may

be eligible for a purchase supplement.

If you are a tenant who has been in occupancy 90 days or more immediately prior to the initiation of negotiations, you may be eligible either for rental assistance or down-payment assistance.

If you have been in occupancy less than 90 days before the initiation of negotiations and your property is subsequently acquired, or if you move onto the property after the initiation of negotiations and you are still in occupancy on the date of acquisition, you may be eligible for rental or down-payment assistance. Check with your NTTA-appointed relocation agent for more details.

## **Purchase Supplement (Owner-Occupants of 90 Days or More)**

If you are an owner, you will be paid just compensation for your property. If you have occupied your home for 90 days or more immediately prior to the initiation of negotiations, you may be eligible for a Purchase Supplement for necessary costs to purchase a comparable decent, safe, and sanitary (DSS) replacement dwelling.

The Purchase Supplement includes:

- Price Differential
- Increased Mortgage Interest Costs
- Incidental Expenses for Replacement Housing

The Purchase Supplement payments are in addition to the acquisition price paid for your property. The NTTA will compute the maximum payment you are eligible to receive.

### **Price Differential**

The price differential payment is the difference between the cost of a replacement dwelling and the acquisition price of the displacement dwelling.

### **Increased Mortgage Interest Costs**

You may be reimbursed for increased mortgage interest costs if market interest rates for a new mortgage exceed that of your present mortgage. To be eligible, your acquired dwelling must have been encumbered by a bona fide mortgage, which was a valid lien for at least 180 days immediately preceding the initiation of negotiations.

### **Incidental Expenses for Replacement Housing**

You may also be reimbursed for other expenses such as reasonable costs incurred for loan applications, recording fees, and certain other closing costs. This does not include prepaid expenses such as real estate taxes and property insurance, or costs for services normally paid by sellers of residential properties or provided by title companies and closing agents as part of other services.

**To be eligible, you must purchase and occupy a DSS replacement dwelling within one (1) year from the later of the following dates:**

- The date at least one comparable replacement dwelling has been made available to you, or
- The date you receive final payment for the displacement dwelling or, in the case of condemnation, the date the full

amount of the estimate of just compensation is deposited in the court.

### **The Rental Assistance Supplement (Owner-Occupants of Less Than 90 Days and Tenants)**

The rental assistance supplement is designed to assist you when renting a decent, safe, and sanitary (DSS) replacement dwelling. If you choose to rent a replacement dwelling and the rental payments are higher than you have been paying, you may be eligible for a rental assistance payment. NTTA will determine the maximum payment you may be eligible to receive in accordance with established procedures. The rental assistance payment will be paid in a lump sum unless the NTTA determines that the payment should be paid in installments.

**To be eligible, you must rent and occupy a DSS replacement dwelling within one (1) year from the date of displacement from the property.** The 30-day notice to vacate or the actual date of the move, whichever is earlier, shall determine the date of displacement.

### **Down Payment Assistance (Owner-Occupants of Less Than 90 Days and Tenants)**

Owner-occupants of less than 90 days and tenants may be eligible for down-payment assistance and related incidental expenses, not to exceed the amount of the approved rental assistance supplement. Incidental expenses for replacement housing include the reasonable costs of loan applications, recording fees and certain other closing costs. These do not include prepaid expenses such as real estate taxes and property insurance. You may also be eligible for the reimbursement of loan origination or assumption fees if such fees are normal to real estate transactions in your area and do not represent prepaid interest.

**To be eligible, you must rent and occupy a DSS replacement dwelling within one (1) year from the date of displacement from the property.** The 30-day notice to vacate or the actual date of the move, whichever is earlier, shall determine the date of displacement.

### **Fair Housing Law**

The Fair Housing Act (Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing. This act, later acts, and amendments make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin. All displacees shall be given reasonable opportunities to relocate to areas within their financial means.

This policy, however, does not require an acquiring agency to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

### **To All Residential Displacees**

All eligible displacees have the freedom to choose their replacement housing. If a displaced person decides not to accept the replacement housing offered by the NTTA, he or she may choose a replacement dwelling of their choice, providing it meets DSS housing standards.

The most important thing to remember is that the replacement dwelling you select must meet the basic “decent, safe, and sanitary” standards to receive any benefits.



## Do Not:

- Execute a sales contract or a lease agreement **until** a representative from the NTTA has inspected and certified in writing that the dwelling you propose to purchase or rent, **does** meet the basic standards.
- Jeopardize your right to receive a replacement housing payment by choosing to move into a substandard dwelling.

## Relocation Services

### Relocation Assistance Services

Any individual, family, business, or farm displaced by a NTTA transportation project shall be offered relocation assistance services for the purpose of locating 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 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 housing needs and desires will be discussed, as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you. When possible, comparable housing will be inspected prior to being made available to you to assure that it meets decent, safe, and sanitary standards.

In addition, your NTTA-appointed relocation agent will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or disabled. The NTTA will also provide counseling or help you get assistance from other available sources to minimize hardships in adjusting to your new location. Information concerning other federal, state, and local housing programs offering assistance is also available.

### Social Services Provided by Other Agencies

Your NTTA-appointed relocation agent will be familiar with the services provided by other public and private agencies in your community. If you have special needs, your NTTA-appointed relocation agent will make every effort to secure the services of those agencies with trained personnel to help you. Make your needs known so you may receive the proper assistance.

### 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 NTTA transportation project. In addition, the NTTA shall coordinate the relocation activities performed by such agency with other Federal, State, or local governmental actions in the community which could affect the efficient and effective delivery of relocation assistance and related services.

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

- Determine needs and preferences

- Explain relocation benefits
- Offer assistance
- Offer transportation if necessary
- Assure the availability of a comparable residential property in advance of displacement
- Provide current listing of comparable properties
- Provide the amount of the replacement housing payment in writing
- Inspect residential dwellings for DSS acceptability
- Supply information on other federal and state programs offering assistance
- Provide counseling to minimize hardships

## 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 the 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.