**Section 2400.50 Business Relocation Services**

a) Eligibility.

Eligibility for relocation benefits is determined by the business concern's lawful occupancy of premises within the Project Area prior to August 10, 1998, and the continued occupation of the premises until the approved date of move, as well as compliance with all requirements under this Part. The benefits and policies described in this Part only apply to business concerns owning or occupying property within the Project Area.

b) Assistance of University.

The University itself or through its Relocation Consultant will assist an eligible business concern plan its move from the premises and claim the relocation benefits. The University may:

1) consult with the business concern regarding the amount of space and other requirements needed at the new location;

2) advise on cost and availability of suitable new premises and supply names of real estate brokers who may be able to assist the business concern with referrals;

3) inform the business concern of the availability of other programs and agencies providing guidance and financial assistance; and

4) assist the business concern with the documentation of its relocation claim.

c) Payment for Actual Moving and Related Expenses.

A business concern meeting the eligibility requirements may be eligible to receive a payment for actual moving and related expenses not to exceed $20,000 in total. Actual moving and related expenses may include:

1) Moving expenses, including the cost of insuring, disconnecting, packing and crating, loading, transporting, unloading, unpacking, reshelving, assembling and reconnecting personal property. A business concern may hire contractors for moving and related work or use its own regular or specially hired employees for all or part of the work;

2) Storage costs made necessary because of relocation;

3) Cost and installation of substitute equipment;

4) Costs of relettering signs and replacing printed matter made obsolete by the move;

5) Professional services of architects, attorneys, engineers and consultants necessary to move, install or plan the move of personal property;

6) Costs for direct loss of personal property, when a business concern elects to dispose of some or all of its personal property rather than relocate it. The payment may not exceed the estimated cost of relocating the personal property not moved;

7) Costs for reestablishing the business concern at another location, including, but not limited to, repairs, modifications or improvements to the replacement real estate, utility hook-ups, impact fees, redecoration or replacement of soiled or worn surfaces, and professional services necessary in connection with the purchase or lease of a replacement site; and

8) Costs incurred while searching for a replacement location, not to exceed $1,000.

d) Procedures Prior to the Move.

These procedures must be followed to expedite the payment of the relocation claim:

1) At least 30 days but not more than 90 days prior to the move, the business concern must submit a completed Notice of Intent to Relocate form;

2) The business concern shall provide the University with an inventory of items of personal property that are intended to be moved, as well as a list of the related expenses that the business concern intends to claim as allowed in this Section. The University will supply the business concern with all necessary forms. Only items of personal property may be listed. No payment may be made for moving any items that are irremovable or part of the real property or included in the compensation paid by the University to acquire property. Upon review of the inventory listing, the University will inform the business concern of any excluded items. The University will also evaluate requests for related expenses; and

3) The business concern shall submit copies of all bids, invoices, and related information for costs incurred in its move, and for the related expenses, in order to facilitate the preparation of a relocation claim.

If the business concern intends to move on a contractual basis, the University can assist, upon written request, in identifying moving contractors.

The University is not responsible for any loss or damage during the move.

Moving expenses for which reimbursement may be requested may not be incurred before the business concern has submitted its Notice of Intent to Move or Relocate and any bids and proposals for which reimbursement will be claimed have been approved by the University. The University must be notified in writing when the moving is to begin so that the required recording of moving activities may be made at the displacement and replacement locations, as applicable.

e) Payment in Lieu of Actual Moving and Related Expenses.

1) As an alternative to filing a relocation claim for moving and related expenses, the business concern may file a claim for an "in lieu payment." Subject to this subsection (e), the "in lieu payment" can be made only to a displaced business concern that meets the following conditions:

A) The business concern owns or rents personal property that must be moved. A list of inventory is required;

B) The business concern moves from the displacement location;

C) The business concern cannot be relocated without a substantial loss of its existing patronage or clientele;

D) The business concern is not part of a commercial enterprise having more than three other establishments engaged in the same or similar type business that are not being displaced;

E) The business concern is not operated at the displacement location solely for the purpose of renting a dwelling or a site to others; and

AGENCY NOTE: This requirement does not apply to a licensed hotel operation.

F) The business contributed materially to the income of the owner of the business concern.

2) The "in lieu payment" will be based upon the net income of the business concern in recent years, but shall not exceed $20,000. The relocation claim must be supported by evidence of earnings such as copies of federal income tax returns or certified financial statements audited by an accountant for the years preceding relocation.

f) Making a Relocation Claim.

The business concern is responsible for submitting an accurate relocation claim adequately supported by the required documentation and signed by the applicant. False or fraudulent relocation claims may be punishable under the law.

If a relocation consultant administers the relocation program, then the consultant shall be responsible for initial determinations of the eligibility of all relocation claims and their components according to this Part. The University will have final approval of all relocation claims. The relocation payment will be made by the University directly to the business concern.

Every business concern is urged to work as closely as possible with the University or relocation consultant in order that the relocation claim will be as complete as possible and payable at the earliest possible time.

g) Assembly of the Relocation Claim.

A relocation claim must include documentary proof that the business concern meets eligibility requirements, that prescribed procedures have been followed, and that the claimed amount of relocation expenses has been incurred. A claim for a relocation assistance payment must be supported by proper documentation such as bills, certified prices, appraisals, or other evidence of incurred expenses.

The relocation claim should be assembled as soon as the move or displacement is completed. It must include the supporting documentation described for either actual expenses or for the "in lieu payment" and must be made using the relocation forms supplied by the University.

The business concern is responsible for providing a complete relocation claim; however, the University will assist in completing and filing the relocation claim. Copies of the documentation that the business concern has submitted to the University will be made available upon request by the business concern.

A claim for a relocation assistance payment must be filed with the University within 60 days after:

1) for tenants, the date of displacement.

2) for owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

The 60 day time period may be waived by the University for good cause.

h) Payment of the Relocation Claim.

The University will review claims. The claimant will be notified in writing as to any additional documentation that is required to support the claim. Payment for a claim will be made following receipt of proper documentation to support the claim.

After the relocation claim is submitted it must be reviewed by the University for determination of the eligibility of the claimed amounts.

A Letter of Determination will be mailed to the business concern outlining eligible and ineligible costs and the reasons for any disallowances.

If the business concern follows the prescribed procedures and provides complete and adequate documentation, the University will make every effort to expedite its review and payment of the relocation claim. If a displaced resident or business concern demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship (e.g., moving company does not perform as scheduled, need for interim space for business or storage, cash flow problems), the University may issue payment to a third party providing a relocation service, subject to safeguards as are appropriate to ensure that the objective of the payment is accomplished.

The University will deduct the amount of any advance relocation payment from the relocation payment to which a displaced resident or business concern is otherwise entitled. The University may not withhold any part of a relocation payment to satisfy an obligation to any creditor other than the University, unless ordered by a court of competent jurisdiction.

If the business concern has objections to any disallowances made by the University, the business concern may submit those objections in writing to the University within 7 days after receipt of the Letter of Determination. If the University disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it will notify the claimant in writing within 7 days of its final determination and the basis for its determination.