

Rule No.: 941 - 8401 - 03500

Agency: Mississippi Department of Transportation

Agency Effective Date: May 15, 2005

Agency Issued Date: March 8, 2005

Secretary of State Authority Date: May 15, 2005

Supercedes Rule:

Division: Right of Way

Rule Title: Relocation

The person to be contacted regarding the proposed rule is: Facility and Records Management Director

Name of person originating the proposed rule: Daniel B. Smith

Name of supervisor or person who approved the proposed rule: Daniel B. Smith

Purpose:

Establish rules for providing relocation assistance to those persons or businesses displaced by a MDOT project.

Summary:

Rules provide basis for MDOT to provide services to displacees in accordance with federal and state law.

The full text of the proposed rule is:

All cites herein refer to the most current version of the cited document.

1.0 Relocation Requirements and Policies

The Right of Way Division of MDOT shall provide relocation assistance services to those persons or businesses displaced by a MDOT project in accordance with federal and state laws as amended.

2.1 General Notification

MDOT shall provide general information about MDOT projects and the relocation program to persons who might be displaced. Distributing the Relocation Assistance Guide at all related public meetings shall be to any possible displaced person or business.

2.2 Relocation Eligibility and Ninety Day Notice

MDOT issues a Relocation Eligibility and Ninety Day Notice on the same day, or as soon thereafter as possible, as the provision of the FMVO or other offer of just compensation to the property owner. If delivery on the same day is not possible, the Relocation Eligibility and Ninety Day Notice is delivered within seven (7) days.

A residential displace shall not be required to move until at least ninety (90) days after receipt of a notice of replacement housing that is available. Upon acquisition of the dwelling, a thirty (30) day notice shall be issued to the displacee, but the thirty (30) day notice shall not shorten the original ninety (90) day time allowed.

2.3 Eligibility for Relocation Assistance

MDOT shall comply with the eligibility requirements set forth in 49 CFR Part 24, as amended, and with 43-30-1. et seq., of the Mississippi Code of 1972, as amended.

2.4 Relocation Assistance Advisory Services

MDOT shall provide a relocation assistance advisory program, which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 USC 2000d, et seq.), Title VIII of the Civil Rights Act of 1968 (43 USC 3601, et seq.), and Executive Order 11063 (27 CFR 11527, November 24, 1962), and offers the services described in 49 CFR 24.205(c)(2), as amended. Relocation Agents shall provide advisory services that comply with the regulations set forth in 49 CFR Part 24, and with Section 43-39-1 et seq. of the Mississippi Code, as amended.

2.6 Appeals

A person or business may appeal the determination of eligibility on the services offered. The appeal shall be in writing and addressed to Division Administration of Right of Way Division of MDOT. The appeal shall set forth specific matters to be considered. A written response shall be issued within 30 days from receipt of the appeal. The appealing party may then request a hearing within 30 days of notice of the decision by the Right of Way Administrator. The hearing officer shall be selected by the Office of the Attorney General. The Hearing Officer shall issue a written opinion within 30 days of the date of the hearing. An appeal of that decision shall be as prescribed by Section 43-39-25, of the Mississippi Code of 1972, as amended.

2.7 Relocation Moving Payments

Displaced parties may qualify for actual reasonable moving expenses or scheduled expenses in accordance with regulations set forth in 49 CFR Part 24, as amended, or by federal policy directives.

2.8 Replacement Housing Payment

A tenant or owner-occupant that meets occupancy and other eligibility requirements may be entitled to a replacement housing payment in accordance with regulations set forth in 49 CFR Part 24, as amended, and with federal policy directives, and with Section 43-39-1, et seq., of the Mississippi Code of 1972, as amended.

All cites to the Mississippi Code are available at www.state.ms.us and all cites to the CFR and US Code are available at www.gpoaccess.gov.