

Sub-part 8401 – Right of Way

Chapter 03500 Relocation

Purpose

- 100 Establish rules for providing relocation assistance to those persons or businesses displaced by a MDOT project.
- 101 Rules provide basis for MDOT to provide services to displacees in accordance with federal and state law.

Relocation Requirements and Policies

- 200 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.

General Notification

- 300 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.

Relocation Eligibility and Ninety Day Notice

- 400 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.
- 401 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.

Eligibility for Relocation Assistance

- 500 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.

Relocation Assistance Advisory Services

- 600 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.

Appeals

700 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.

Relocation Moving Payments

800 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.

Replacement Housing Payment

900 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.

901 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.