



Ohio Administrative Code

Rule 5501:2-5-03 Payments for moving and related expenses.

Effective: January 15, 2015

(A) Payment for actual reasonable moving and related expenses.

(1) General

(a) Any owner-occupant or tenant who qualifies as a displaced person (defined in paragraph (B)(9) of rule 5501:2-5-01 of the Administrative Code) and who moves from a dwelling (including a mobile home) or who moves from a business, farm or nonprofit organization is entitled to payment of his or her actual moving and related expenses, as the agency determines to be reasonable and necessary.

(b) A non-occupant owner of a rented mobile home is eligible for actual cost reimbursement under paragraph (A) of this rule to relocate the mobile home. If the mobile home is not acquired as real estate, but the homeowner-occupant obtains a replacement housing payment under one of the circumstances described in paragraph (C)(1)(c) of rule 5501:2-5-05 of the Administrative Code, the home-owner occupant is not eligible for payment for moving the mobile home, but may be eligible for a payment for moving personal property from the mobile home.

(2) Moves from a dwelling, including mobile homes. A displaced person's actual, reasonable and necessary moving expenses for moving personal property from a dwelling may be determined based on the cost of one, or a combination of the following methods: Eligible expenses for moves from a dwelling include the expenses described in paragraphs (A)(5)(a) to (A)(5)(g) of this rule. In addition to the items in paragraph (A)(2)(a) of this rule, the owner-occupant of a mobile home that is moved as personal property and used as the person's replacement dwelling, is also eligible for the moving expenses described in paragraphs (A)(5)(h) to (A)(5)(j) of this rule. Self-moves based on the lower of two bids or estimates are not eligible for reimbursement under this rule.

(a) Commercial move - moves performed by a professional mover.

(b) Self-move - moves that may be performed by the displaced person in one or a combination of the



following methods:

- (i) Fixed residential moving cost schedule. (described in paragraph (B) of this rule)
- (ii) Actual cost move. Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting the equipment but not exceed the cost paid by a commercial mover.
- (3) Moves from a business, farm or nonprofit organization.

Personal property as determined by an inventory from a business, farm or nonprofit organization may be moved by one or a combination of the following methods: Eligible expenses for moves from a business, farm or nonprofit organization include those expenses described in paragraphs (A)(5)(a) to (A)(5)(g) of this rule, paragraphs (A)(5)(k) to (A)(5)(r) of this rule, and paragraph (C) of this rule.

(a) Commercial move. Based on the lower of two bids or estimates prepared by a commercial mover. At the agency's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate.

(b) Self-move. A self-move payment may be based on one or a combination of the following:

(i) The lower of two bids or estimates prepared by a commercial mover or qualified agency staff person. At the agency's discretion, payment for a low cost or uncomplicated move may be based on a single bid or estimate; or

(ii) Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the rates paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual rental cost of the equipment but not to exceed the cost paid by a commercial mover.

(4) Personal property only. Eligible expenses for a person who is required to move personal property from real property but is not required to move from a dwelling (including a mobile home), business, farm or nonprofit organization include those expenses described in paragraphs (A)(5)(a) to (A)(5)(g)



of this rule and paragraph (A)(5)(r) of this rule.

(5) Eligible actual moving expenses.

(a) Transportation of the displaced person and personal property. Transportation costs for a distance beyond fifty miles are not eligible, unless the agency determines that relocation beyond fifty miles is justified.

(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property. For businesses, farms or nonprofit organizations this includes machinery, equipment, substitute personal property, and connections to utilities available within the building; it also includes modifications to the personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.

(d) Storage of the personal property for a period not to exceed twelve months, unless the agency determines that a longer period is necessary.

(e) Insurance for the replacement value of the property in connection with the move and necessary storage.

(f) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(g) Other moving-related expenses that are not listed as ineligible under paragraph (A)(6) of this rule, as the agency determines to be reasonable and necessary.

(h) The reasonable cost of disassembling, moving, and reassembling any appurtenances attached to a mobile home, such as porches, decks, skirting, and awnings, which were not acquired, anchoring of



the unit, and utility "hookup" charges.

(i) The reasonable cost of repairs and/or modifications so that a mobile home can be moved and/or made decent, safe, and sanitary.

(j) The cost of a nonrefundable mobile home park entrance fee, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the agency determines that payment of the fee is necessary to effect relocation.

(k) Any license, permit, fees or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.

(l) Professional services as the agency determines to be actual, reasonable and necessary for:

(i) Planning the move of the personal property;

(ii) Moving the personal property; and

(iii) Installing the relocated personal property at the replacement location.

(m) Re-lettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

(n) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:

(i) The fair market value in place of the item, as is for continued use, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the market value shall be based on the cost of the goods to the business, not the potential selling prices.); or



(ii) The estimated cost of moving the item as is, but not including any allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. If the business or farm operation is discontinued, the estimated cost of moving the item shall be based on a moving distance of fifty miles.

(o) The reasonable cost incurred in attempting to sell an item that is not to be relocated.

(p) Purchase of substitute personal property.

If an item of personal property, which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

(i) The cost of the substitute item, including installation costs of the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

(q) Searching for a replacement location. A business or farm operation is entitled to reimbursement for actual expenses, not to exceed twenty-five hundred dollars, as the agency determines to be reasonable, which are incurred in searching for a replacement location, including:

(i) Transportation;

(ii) Meals and lodging away from home;

(iii) Time spent searching, based on reasonable salary or earnings;

(iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such sites;



- (v) Time spent in obtaining permits and attending zoning hearings; and
 - (vi) Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.
 - (r) Low value/high bulk. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the displacing agency, the allowable moving cost payment shall not exceed the lesser of: The amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the agency.
- (6) Ineligible moving and related expenses. A displaced person is not entitled to payment for:
- (a) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. (However, this part does not preclude the computation under paragraph (A)(3)(b) of rule 5501:2-5-04 of the Administrative Code);
 - (b) Interest on a loan to cover moving expenses;
 - (c) Loss of goodwill, except for payments authorized under section 163.14 of the Revised Code;
 - (d) Loss of profits, except for payments for economic loss authorized under section 163.15 of the Revised Code;
 - (e) Loss of trained employees;
 - (f) Any additional operating expenses of a business or farm operation incurred because of operating in a new location except as provided in paragraph (D)(1) of this rule;
 - (g) Personal injury;



(h) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the agency;

(i) Expenses for searching for a replacement dwelling;

(j) Physical changes to the real property at the replacement location of a business or farm operation except as provided in paragraphs (A)(5)(c) and (D)(1) of this rule;

(k) Costs for storage of personal property on real property already owned or leased by the displaced person, and

(l) Refundable security and utility deposits.

(7) Notification and inspection (nonresidential). The agency shall inform the displaced person, in writing, of the requirements of this section as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided the displaced person as set forth in paragraph (C) of rule 5501:2-5-02 of the Administrative Code. To be eligible for payments under this section the displaced person must:

(a) Provide the agency reasonable advance notice of the approximate date of the start of the move or disposition of the personal property and an inventory of the items to be moved. However, the agency may waive this notice requirement after documenting its file accordingly.

(b) Permit the agency to make reasonable and timely inspections of the personal property at both the displacement and replacement sites and to monitor the move.

(8) Transfer of ownership (nonresidential). Upon request and in accordance with applicable law, the claimant shall transfer to the agency ownership of any personal property that has not been moved, sold, or traded in.

(B) Fixed payment for moving expenses-residential moves. Any person displaced from a dwelling or a seasonal residence or a dormitory style room is entitled to receive a fixed moving cost payment as an alternative to a payment for actual moving and related expenses under paragraph (A) of this rule.



This payment shall be determined according to the fixed residential moving cost schedule approved by the federal highway administration and published in the federal register on a periodic basis. The payment to a person with minimal personal possessions who is in occupancy of a dormitory style room or a person whose residential move is performed by an agency at no cost to the person shall be limited to the amount stated in the most recent edition of the fixed residential moving cost schedule.

(C) Related nonresidential eligible expenses. The following expenses, in addition to those provided by paragraph (A) of this rule for moving personal property, shall be provided if the agency determines that they are actual, reasonable and necessary:

(1) Connection to available nearby utilities from the right-of-way to improvements at the replacement site.

(2) Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation including but not limited to, soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the discretion of the agency a reasonable pre-approved hourly rate may be established.

(3) Impact fees or one-time assessments for anticipated heavy utility usage, as determined necessary by the agency.

(D) Reestablishment expenses-nonresidential moves. In addition to the payments available under paragraphs (A) and (C) of this rule, a small business, as defined in paragraph (B)(26) of rule 5501:2-5-01 of the Administrative Code, farm or nonprofit organization is entitled to receive a payment, not to exceed twenty-five thousand dollars, for expenses actually incurred in relocating and reestablishing such small business, farm or nonprofit organization at a replacement site.

(1) Eligible expenses. Re-establishment expenses must be reasonable and necessary, as determined by the agency. They include, but are not limited to, the following:

(a) Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.



(b) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.

(c) Construction and installation costs for exterior signing to advertise the business.

(d) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting.

(e) Advertisement of replacement location.

(f) Estimated increased costs of operation during the first two years at the replacement site for such items as:

(i) Lease or rental charges;

(ii) Personal or real property taxes;

(iii) Insurance premiums; and

(iv) Utility charges, excluding impact fees.

(g) Other items that the agency considers essential to the reestablishment of the business.

(2) Ineligible expenses. The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(a) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

(b) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

(c) Interest on money borrowed to make the move or purchase the replacement property.



(d) Payment to a part-time business in the home which does not contribute materially (defined in paragraph (B)(7) of rule 5501:2-5-01 of the Administrative Code) to the household income.

(E) Fixed payment for moving expenses - nonresidential moves.

(1) Business. A displaced business may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses, and actual reasonable re-establishment expenses provided by paragraphs (A), (C) and (D) of this rule. Such fixed payment, except for payment to a nonprofit organization, shall equal the average annual net earnings of the business, as computed in accordance with paragraph (E)(5) of this rule, but not less than one thousand dollars nor more than forty thousand dollars. The displaced business is eligible for the payment if the agency determines that:

(a) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move and, the business vacates or relocates from its displacement site;

(b) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the agency determines that it will not suffer a substantial loss of its existing patronage;

(c) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the agency, and which are under the same ownership and engaged in the same or similar business activities.

(d) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others;

(e) The business is not operated at the displacement site solely for the purpose of renting the site to others; and

(f) The business contributed materially to the income of the displaced person during the two taxable years prior to displacement. (see paragraph (B)(7) of rule 5501:2-5-01 of the Administrative Code)



(2) Determining the number of businesses. In determining whether two or more displaced legal entities constitute a single business, which is entitled to only one fixed payment, all pertinent factors shall be considered, including the extent to which:

(a) The same premises and equipment are shared;

(b) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(c) The entities are held out to the public, and to those customarily dealing with them, as one business; and

(d) The same person or closely related persons own, control, or manage the affairs of the entities.

(3) Farm operation. A displaced farm operation (defined in paragraph (B)(13) of rule 5501:2-5-01 of the Administrative Code) may choose a fixed payment, in lieu of the payments for actual moving and related expenses and actual reasonable re-establishment expenses, in an amount equal to its average annual net earnings as computed in accordance with paragraph (E)(5) of this rule, but not less than one thousand dollars nor more than forty thousand dollars. In the case of a partial acquisition of land, which was a farm operation before the acquisition, the fixed payment shall be made only if the agency determines that:

(a) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(b) The partial acquisition caused a substantial change in the nature of the farm operation.

(4) Nonprofit organization. A displaced nonprofit organization may choose a fixed payment of one thousand dollars to forty thousand dollars, in lieu of the payments for actual moving and related expenses and actual reasonable re-establishment expenses, if the agency determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless the agency demonstrates otherwise. Any payment in



excess of one thousand dollars must be supported with financial statements for the two twelve month periods prior to the acquisition. The amount to be used for the payment is the average of two years annual gross revenues less administrative expenses.

(5) Average annual net earnings of a business or farm operation. The average annual net earnings of a business or farm operation are one-half of its net earnings before federal, state, and local income taxes during the two taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the agency determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the agency proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence, which the agency determines is satisfactory.

(F) Discretionary utility relocation payments.

(1) Whenever a program or project undertaken by a displacing Agency causes the relocation of a utility facility (see paragraph (B)(32) of rule 5501:2-5-01 of the Administrative Code) and the relocation of the facility creates extraordinary expenses for its owner, the displacing agency may, at its option, make a relocation payment to the owner for all or part of such expenses, if the following criteria are met:

(a) The utility facility legally occupies state or local government property, or property over which the state or local government has an easement or right-of-way;

(b) The utility facility's right of occupancy thereon is pursuant to State law or local ordinance specifically authorizing such use, or where such use and occupancy has been granted through a franchise, use and occupancy permit, or other similar agreement;

(c) Relocation of the utility facility is required by and is incidental to the primary purpose of the project or program undertaken by the displacing agency;



(2) For the purposes of this paragraph, the term extraordinary expenses means those expenses which, in the opinion of the displacing agency, are not routine or predictable expenses relating to the utility's occupancy of rights-of-way, and are not ordinarily budgeted as operating expenses, unless the owner of the utility facility has explicitly and knowingly agreed to bear such expenses as a condition for use of the property, or has voluntarily agreed to be responsible for such expenses.

(3) A relocation payment to a utility facility owner for moving costs under this section may not exceed the cost to functionally restore the service disrupted by the federally-assisted program or project, less any increase in value of the new facility and salvage value of the old facility. The displacing agency and the utility facility owner shall reach prior agreement on the nature of the utility relocation work to be accomplished, the eligibility of the work for reimbursement, the responsibilities for financing and accomplishing the work, and the method of accumulating costs and making payment.

(4) The Ohio department of transportation shall reimburse a utility facility owner for relocation costs necessitated by the construction of a highway project only in the event that the utility can present evidence satisfactory to the state that the utility has a fee interest, easement interest, or other real property estate in the real property it occupies, which vested in the utility prior to the state acquiring its interest therein. The utility shall present evidence satisfactory to the state substantiating the cost of relocation. The director may audit all financial records which the director determines necessary to verify such actual costs.

(a) As used in this section:

(i) "Utility" includes publicly, privately, and cooperatively owned utilities that are subject to authority of the public utilities commission of Ohio.

(ii) "Cost of relocation" includes the actual cost paid by a utility directly attributable to relocation after deducting any increase in the value of the new facility and any salvage value derived from the old facility.