

ARTICLE 17. RELOCATION ASSISTANCE

Rule 1.

Applications; Purpose; General Provisions

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105 IAC 17-1-1

Purpose of rule

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Moving expenses for building code compliance

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105 IAC 17-1-1 Purpose of rule

Authority: [IC 8-23-20-25.7](#); [IC 8-23-20.5-6](#)

Affected: [IC 8-23-17-30](#); [IC 8-23-20-25.6](#), [IC 8-23-20-27](#); [IC 8-23-20.5](#)

Sec. 1. The purpose of the rules of this article is to implement the objectives of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (40 U.S.C. 4601-4655), [IC 8-23-20-25.6](#), [IC 8-23-20-27](#), and [IC 8-23-20.5](#). The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and federal regulations promulgated to meet the Uniform Act's objectives, including 49 CFR Part 24, as amended, shall together be referred to as the "Uniform Act". Except as expressly enumerated within this article, or as otherwise provided for in Indiana or federal law, the Uniform Act shall apply to owners and displaced persons for the determination of eligibility of relocation payments and the amount of those payments. Definitions in the Uniform Act apply throughout this article. (*Indiana Department of Transportation; 105 IAC 17-1-1; emergency rule filed Aug 2, 2022, 12:55 p.m.: [20220810-IR-105220243ERA](#), eff Aug 15, 2022*)

105 IAC 17-1-2 Moving expenses for building code compliance

Authority: [IC 8-23-20-25.7](#); [IC 8-23-20.5-6](#)

Affected: [IC 8-23-17-30](#); [IC 8-23-20-25.6](#), [IC 8-23-20-27](#); [IC 8-23-20.5](#); [IC 22-13-2](#)

Sec. 2. The actual, reasonable costs to modify an outdoor advertising sign that are necessary for a sign to comply with [IC 22-13-2](#), other state law, local law, or federal law are eligible moving expenses. The eligible costs for modifying a sign structure shall not exceed the cost of a substitute sign structure that complies with [IC 22-13-2](#), minus proceeds from the sale or trade in of the replaced item. This section does not prohibit the displaced person from receiving additional applicable moving expenses under the Uniform Act. (*Indiana Department of Transportation; 105 IAC 17-1-2; emergency rule filed Aug 2, 2022, 12:55 p.m.: [20220810-IR-105220243ERA](#), eff Aug 15, 2022*)

105 IAC 17-1-3 Duplication in payment

Authority: [IC 8-23-20-25.7](#); [IC 8-23-20.5-6](#)

Affected: [IC 8-23-17-30](#); [IC 8-23-20-25.6](#), [IC 8-23-20-27](#); [IC 8-23-20.5](#)

Sec. 3. (a) If a sign owner who has been displaced has not waived their right to pursue compensation under [IC 8-23-20-27](#) in an eminent domain proceeding associated with their sign, but submits a claim with the department for a relocation payment for moving expenses associated with that sign, to receive the relocation payment, the sign owner must affirm in an agreement with the department that the owner will repay to the department:

(1) payments made to the owner that are determined to be duplicative of other payments paid by the department to the owner; and

(2) payments the owner was not entitled to receive because of a later opinion of a court with jurisdiction to enter a judgment on the issue of compensation under [IC 8-23-20-27](#).

(b) This agreement shall authorize the department to set off payments owed to it under this section against compensation the department may owe to the displaced person pursuant to [IC 8-23-20-27](#). The department may exercise set off rights through the filing of a request with the court with jurisdiction over the eminent domain proceeding. The department is not prohibited from using other means to obtain repayment of duplicative payments.

(c) The department's determination of whether a payment is duplicative shall be based on the Uniform Act. (*Indiana Department of Transportation; 105 IAC 17-1-3; emergency rule filed Aug 2, 2022, 12:55 p.m.: [20220810-IR-105220243ERA](#), eff Aug 15, 2022*)

105 IAC 17-1-4 Appeals

Authority: [IC 8-23-20-25.7](#); [IC 8-23-20.5-6](#)

Affected: [IC 4-21.5](#); [IC 8-23-17-30](#); [IC 8-23-20-25.6](#), [IC 8-23-20-27](#); [IC 8-23-20.5](#)

Sec. 4. If a displaced person has applied for relocation assistance under the Uniform Act or applicable state law, the department shall issue a written notification of its determination on the displaced person's eligibility for assistance. A displaced person is entitled to appeal this determination pursuant to the procedures outlined in the Uniform Act and [IC 4-21.5](#). (*Indiana Department of Transportation; 105 IAC 17-1-4; emergency rule filed Aug 2, 2022, 12:55 p.m.: [20220810-IR-105220243ERA](#), eff Aug 15, 2022*)

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