



## **How do I request a Hardship Acquisition?**

If an owner of property located within the official protected corridor (e.g., the proposed Winston Salem Northern Beltway) would like to be considered for an Undue Hardship Acquisition, then the property owner is required to submit a written request (e.g., a letter) to the Department of Transportation clearly explaining the nature of his or her hardship and why staying on the property will create an “undue hardship.”

### “Undue” Hardship Qualifications

Here is what the Department of Transportation needs from the property owner to properly process a request. According to federal law and Department of Transportation policy and guidelines, the property owner must do the following to be considered for an “undue” hardship acquisition:

1. Provide a written request to the Department of Transportation (see address below) that explains the reasons why the property owner thinks he or she should be considered for early acquisition of their property based on undue hardship on account of one or all of the following reasons: health, safety or financial reasons;
2. Provide documentation (separate from the owner’s written request) to Department of Transportation that supports the above health, safety, or financial reasons;
3. The written request and supporting documents must show that remaining on the property poses an undue hardship to the property owner, as compared to other property owners located within the corridor. Merely being located within the corridor is insufficient to qualify for a hardship acquisition; and
4. In addition, the property owner must provide documentation showing that he or she is unable to sell their property at fair market value because of the proposed highway project within a time period that is typical for properties not impacted by the proposed project.

### Undue Hardship Determination

To be considered for an undue hardship acquisition, the property owner must send a written request and supporting documents to the Department of Transportation Division 9 Right of Way office in Winston-Salem (see address below). Once this information is compiled, it will be forwarded to the Raleigh Right-of-way office for consideration and determination.

Before any request can be approved, all of the following additional conditions must be met.

1. The Undue Hardship Qualifications stated above must be met;
2. The Department of Transportation must determine that the owner’s property is needed for the proposed highway project;
3. The Department of Transportation must have available sufficient funds.

4. The North Carolina Board of Transportation and Federal Highway Administration must approve the undue hardship acquisition.

#### Examples of Supporting Documents

The following are examples of supporting documents that you might consider including with your request if appropriate to your particular situation:

1. A doctor's statement or medical documents clearly and fully describing why staying in the property would pose an undue hardship.
2. Letters from current or prospective employers relating to employment issues, e.g., loss of employment, job transfer, etc.
3. Copies of court records, or documents relating to any legal actions, pending foreclosures, probate of an estate, death certificates, etc.
4. Financial records, income tax returns, profit and loss statements, etc.
5. Any other documents that the property owner believes will support their hardship acquisition request.

Please submit your written request for undue hardship acquisition, along with any supporting documentation, to the address below. Be sure your written request includes your full name, property address, mailing address, and phone number.

Division 9 Right of Way Agent  
North Carolina Department of Transportation  
1605 Westbrook Plaza Drive, Suite 201  
Winston-Salem, NC 27103  
336-760-8737

