

**NOTE:** If you are notified that you will be displaced, it is important that you DO NOT move before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

This pamphlet is published by the Wisconsin Department of Administration in cooperation with the Attorney General pursuant to Wis. Stat. § 32.26(6). It is not intended to be a substitute for legal assistance. A displacing agency must make this pamphlet available to a displaced person before beginning the acquisition of the property for the public project.

The Department of Administration does not discriminate on the basis of disability in the provision of services or in employment. If you need this printed material interpreted in a different form, or if you need assistance in using DOA services, please contact us. Our address and phone number are listed below.

Wisconsin Relocation Office  
Division of Energy, Housing and  
Community Resources  
Department of Administration  
101 E. Wilson Street  
Madison, WI 53707  
Phone (608) 261-8404  
Email: [Amanda.Mott@wisconsin.gov](mailto:Amanda.Mott@wisconsin.gov)  
<http://www.doa.state.wi.us/Divisions/Housing>

# Wisconsin Relocation Rights



## Residential

This brochure is a summary of services and payments available for residential owners and tenants who are required to move for public projects. For more details on state relocation law and regulations, please contact the displacing agency or refer to: Wis. Stat. ss. 32.185 - 32.27 & Wis. Adm Code Ch. 92

Last Updated February 2016

## INTRODUCTION

When an agency undertakes a public improvement project, it may be necessary to move people from their homes. If a public project displaced you, the displacing agency must provide certain benefits and services to ensure minimum loss and inconvenience. This brochure aims to help you understand your rights if you are displaced from your home.

**NOTE:** Aliens not lawfully present in the U.S. are NOT eligible for relocation assistance.

## RELOCATION TERMS

**Comparable dwelling:** Decent, safe and sanitary; functionally equivalent; adequate in size; reasonable access to public services and employment; typical in size; available; within financial means; and in a good environment.

**Displacing agency:** A condemnor, state agency, political subdivision of the state, developer, or any other person carrying out a publicly assisted project that causes a person to be displaced.

**Displaced person:** A person who moves real or personal property:

- As a direct result of a property being acquired for a public project; or
- As a result of property rehabilitation, conversion, demolition or other related displacing activity, if a tenant, and is permanently displaced.

**Initiation of negotiations:** In acquisition projects, the date the displacing agency initially contacts a real property owner and makes a written monetary offer to purchase the property. In non-acquisition projects, the date the displacing agency makes its initial funding or other commitment to the project that may cause displacement, or the date a person receives actual or constructive notice that the person will actually be displaced.

**Public project:** An activity/program receiving public financial assistance and involving:

- Real property acquisition;
- Rehabilitation or conversion;
- Demolition within a designated redevelopment or blight removal area established by a formal government action; or
- A related public construction/improvement project receiving federal financial assistance covered under federal relocation regulation.

**NOTE:** A public project *does not include* displacement caused by natural disasters or voluntary sales.

## RELOCATION PLAN

A displacing agency must prepare, submit and have the Department of Administration (DOA) approve a relocation plan before initiating negotiations. The plan describes estimated relocation payments and advisory assistance, indicating whether displaced persons can be adequately relocated.

## ADVISORY SERVICES

The displacing agency must provide sufficient relocation assistance to displaced persons. By way of ongoing interaction, the agency can provide tailored services to help in your move including: finding suitable replacement housing; relocation payment eligibility; move arrangements; filing relocation claims; and providing appeal procedure information.

## RELOCATION PAYMENTS

Whether you are a displaced owner or tenant you may be entitled to relocation, moving and other payments. These may include move costs, search costs, housing replacement and incidental expenses.

**NOTE:** If federal and state/local dollars are involved in the project, the displaced person is eligible for the higher benefit amount.

## REPLACEMENT HOUSING

If you own and occupy your home for at least 180 days (90 days – federal \$) prior to the initiation of negotiations, and purchase a replacement property, you are entitled to a “differential” payment of up to \$25,000 (\$31,000 – federal \$). This payment compensates displaced persons for the difference between the acquisition price of the property and the cost of purchasing or renting a comparable replacement. You also may be eligible for an increased mortgage interest payment and incidental expenses incurred in purchasing a replacement. If you own and occupy your home for at least 90 days and purchase a replacement dwelling, you may be eligible for down payment assistance of up to \$8,000 on a replacement dwelling. If you own and occupy for at least 90 days and choose to rent you may be eligible for up to \$8,000. If you rent for at least 90 days prior to the initiation of negotiations and chose to rent, you are eligible for a differential payment of up to \$8,000. If you are a 90-day tenant who chooses to purchase a replacement dwelling, you may receive up to \$8,000 towards a down payment. An agency may exceed these amounts if necessary to obtain a comparable replacement.

## MOVING COSTS

The displacing agency will compensate you for moving yourself and personal property to a new location. You may choose payment based on one of the following: (1) Actual Reasonable Cost; or (2) Fixed Payment Schedule.

## ACTUAL REASONABLE COST

You may be reimbursed for actual, reasonable expenses in moving personal property. In order to be reimbursed, you must incur the expense and submit a claim supported by receipts. Eligible expenses include: moving persons and personal property; packing, crating and

3

unpacking; storage for up to 12 months; replacement value of property lost, stolen or damaged in moving if insurance was not available; insurance for loss or damage in transit; disconnecting/reconnecting appliances and utilities; and other reasonable expenses.

## FIXED PAYMENT SCHEDULE

A fixed payment is generally based on the number of rooms in the dwelling. One or more rooms may be added for property stored in a basement, attic, garage or outbuildings. A fixed payment schedule claim does not require proof of the actual moving costs. If federal dollars are involved, agencies can follow the federal fixed payment schedule.

No. of Rooms	Occupants with furniture	Occupants without furniture
1	\$250	\$225
2	400	260
3	550	295
4	650	330
5	750	365
6	850	400
7	950	435
8	1,050	470
ea. add'l room	100	35

**TEMPORARY DISPLACEMENT**  
Temporarily displaced persons are eligible for actual out-of-pocket expenses incurred as a result of moving to and from a temporary dwelling, in addition to expenses covering increased rent or utility costs.

## OTHER INFORMATION

Please also consider the following information.

## UNIFORM RELOCATION ACT

A displacing agency undertaking a project that receives federal financial assistance must make any additional payments required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA). The agency should advise you of your eligibility.

4

## OCCUPANCY

A displaced person will not be required to move without at least 90 days written notice. Generally, an occupant shall have rent free use of the property for 30 days beginning the 1<sup>st</sup> or 15<sup>th</sup> day of the month after title vests in the displacing agency, whichever is sooner. After those 30 days, rent charged for use of the property between the date of acquisition and the date of displacement may not exceed the economic rent or the rent paid to the former owner, whichever is less.

**NOTE:** A person will not be required to move until a comparable replacement property is available.

## FILING A RELOCATION CLAIM

A relocation claim should be filed as soon as possible after a displaced person moves and related expenses have been incurred. The displacing agency will provide you with claim forms. Generally, claims must be filed within 2 years after the displacing agency has taken physical possession of the property. It is important that displaced persons file proof of expenses incurred including receipts, invoices or other supporting documentation. Agencies should pay relocation expenses promptly.

## APPEALS

There are several options for appeal if you are displaced and not satisfied with the relocation assistance offered by the displacing agency, or the relocation benefits you receive. One option is to file an appeal with the displacing agency. Additionally, you may file an appeal with the Department of Administration, Relocation Office. Complaint forms are available online. At any time after a claim or decision denial, a displaced person has the right of legal action against the displacing agency, under Wis. Stats. § 32.20 in the court of record in the county where the displacement occurred.

5

## FAIR HOUSING

Housing discrimination against members of a protected class is illegal. The displacing agency must assure that housing is available on a non-discriminatory basis and is drawn from housing opportunities within the entire housing market. A copy of the Wisconsin Open Housing Law, Wis. Stat. § 106.50, should be provided to low income and minority homeowners or tenants.

## SECTION 104(G)

Section 104(d) of the Housing and Community Development Act establishes conversion, demolition and one-for-one replacement of lower-income housing requirements for which Community Development Block Grant (CDBG) or HOME Investment Partnership funds are used. Section 104(d) applies only to lower-income residential tenants, meaning that your income does not exceed 80% of the median income for the area as established by the U.S. Department of Housing and Urban Development. If eligible, you will receive assistance based on estimated needs for a 60-month period either in cash or under the Housing Choice Voucher (HCV) Program. Cash rental assistance is computed by subtracting the greater of: (1) 30% of household adjusted monthly income; (2) 10% of household gross monthly income; or (3) Welfare rent allowance and estimated average monthly rent/utility costs for your new home (or comparable replacement home, if that cost is lower). Moving and other allowed expenses are the same as those offered under the URA.

## RELOCATION PAYMENTS ARE NOT TAXABLE

State relocation payments are not subject to Wisconsin income tax. Displaced persons should carefully review the tax consequences of relocation payments, and are advised to seek qualified tax counsel.

6