

ACQUISITION / RELOCATION

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NOTES

CHAPTER 5: ACQUISITION / RELOCATION

INTRODUCTION

Whenever federal funds are used in a project involving the acquisition, rehabilitation or demolition of real property, a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) generally applies. The purpose of the URA is to justly compensate people who are displaced and must move from their homes, farms, or businesses or who relinquish ownership of a portion of their land due to a publicly assisted project.

All Units of General Local Government (UGLGs) in the State of Wisconsin receiving Community Development Block Grants (CDBG) funds or other federal funding for projects that involve property acquisition and potential displaced persons must comply with the following:

- 49 CFR 24, Uniform Relocation and Real Property Acquisition Act of 1970, as amended (URA or Uniform Act) found at: https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24_main_02.tpl;
- 24 CFR 42, [implementing rule for the Housing and Community Development Act 104(d)] - establishes requirements governing conversion demolition and one-for-one replacement of low income housing under CDBG found at: <https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:1.1.1.1.27>;
- 24 CFR 570.606, Community Development Block Grants – Displacement, Relocation, Acquisition and Replacement of Housing https://www.ecfr.gov/cgi-bin/text-idx?SID=98ca028ec32a7182f1611295145dbec8&mc=true&node=se24.3.570_1606&rgn=div8;
- Chapter 32, Wisconsin Statutes – Eminent Domain <https://docs.legis.wisconsin.gov/statutes/statutes/32>; and
- Chapter Adm 92, Wisconsin Administrative Code – Relocation Assistance https://docs.legis.wisconsin.gov/code/admin_code/adm/92.

This chapter is intended as a general outline and reference source for UGLGs (and subrecipients) implementing an acquisition or relocation project. It is the responsibility of the UGLG (and subrecipient, if applicable) to adhere to the relevant federal and state laws. While both federal and state acquisition and relocation rules are included in this chapter, the state rule will only be emphasized if it differs from the federal rule. A more detailed discussion of the relevant state and federal rules can be found in *Relevant State and Federal Rules for Acquisition and Relocation* (Attachment 5-A) and in HUD's *Tenant Assistance, Relocation and Real Property Acquisition Handbook* (1378.0): <https://www.hudexchange.info/programs/relocation/guidance/#handbooks>.

The assigned Division of Energy, Housing and Community Resources (DEHCR) Project Representative must be notified in advance of starting the acquisition/relocation process if acquisition and/or relocation will occur as part of a project. A property or easement acquisition may only be completed after (i.e., the property purchase/closing cannot be finalized until) the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR in order to be an eligible cost paid (or reimbursed) with CDBG funds. DEHCR recommends no acquisition of real property for a CDBG project be completed until the Grant Agreement is fully

executed and the Environmental Review is certified by DEHCR, regardless of funding source. Construction cannot begin on a property until the acquisition and relocation of displaced persons (if applicable) are completed.

IMPORTANT REMINDERS:

- *The purchase of real property for a CDBG project cannot be completed/closed until after the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR for the cost to be eligible to be paid (or reimbursed) with CDBG funds. DEHCR recommends UGLGs/buyers wait until the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR before finalizing any purchase of real property for a CDBG project, regardless of funding source.*
- *Construction on a property cannot begin until the acquisition and relocation of displaced persons necessary (if applicable) are completed.*

APPLICABILITY

The URA's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for publicly-funded projects. The acquisition and relocation provisions ensure that property owners are justly compensated for the acquired property and displaced persons are provided adequate assistance and monetary benefits. Displaced person(s) includes persons, businesses, farms or non-profits. UGLGs must plan to ensure that sufficient time, funding and staffing are available to carry out these responsibilities.

The URA aims to:

- Provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally-funded projects;
- Ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement;
- Ensure that no individual or family is displaced unless decent, safe and sanitary (DSS) housing is available within the displaced person's financial means;
- Help improve the housing conditions of displaced persons living in substandard housing; and
- Encourage and expedite acquisition by agreement and without coercion.

The URA real property acquisition requirements apply to all acquiring agencies/entities utilizing HUD funds and projects under the URA. Applicability of requirements under the URA differs for voluntary and involuntary acquisitions.

The URA relocation requirements may apply to any person or agency/entity carrying out a publicly assisted project causing displacement including displacements resulting from arm's length voluntary acquisitions.

DEFINITIONS

For a list of definitions associated with the URA, refer to [49 CFR 24.2](#). Some key terms are listed below (with details provided in 49 CFR 24.2):

Displaced Person: A displaced person is defined under the URA [49 CFR 24.2(a)(9)(i)] as any person who moves from the real property (i.e., moves from their home, business, or farm), or moves their personal property from the real property, as a direct result of acquisition, demolition or rehabilitation for a federally-funded project, excluding those who fall under the category of “persons not displaced” defined in 49 CFR 24.2(a)(9)(ii).

Person: A person is defined as an individual, family, partnership, association, corporation, or organization [49 CFR 24.2(a)(21)]. Government entities do not qualify as displaced persons.

Persons Not Displaced: Persons in one or more of the categories listed under 49 CFR 24.2(a)(9)(ii). Examples of persons not displaced include those temporarily displaced (for less than 12 months) due to the project, those who move voluntarily prior to the initiation of negotiations for the property acquisition (unless the move was a direct result of the project), undocumented immigrants, and owner-occupants when their property is acquired through voluntary acquisition.

Program or Project: A program or project is defined under the URA [49 CFR 24.2(a)(22)] as, “any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding Agency guidelines.”

Tenant: A person who has the temporary use and occupancy of real property owned by another [49 CFR 24.2(a)(26)].

ACQUISITION AND RELOCATION REQUIREMENTS

When acquisition of real property is necessary to complete a CDBG funded or other federally funded project, as soon as feasible, the UGLG/buyer must notify the owner in writing of the UGLG’s/buyer’s interest in acquiring the real property and the basic protections provided to the owner by law. The UGLG/buyer must make every reasonable effort to acquire the real property expeditiously by negotiation.

Acquisitions can be voluntary or involuntary. The URA requirements for voluntary and involuntary acquisitions differ significantly. While there are protections for property owners in both circumstances, only involuntary acquisitions trigger the full acquisition requirements of the URA [29 CFR 24, Subpart B]. Under the URA, an acquisition is considered to be involuntary when a UGLG acquires property under the threat or use of eminent domain, or the acquisition does not meet the criteria specified for voluntary acquisitions (as summarized later in this chapter). Eminent domain (also known as condemnation) is the power of the government to take private property for public purposes with payment of just compensation.

Grantees/buyers must understand the critical differences between voluntary and involuntary acquisitions under the URA ***before*** acquiring property for publicly-funded projects. Wisconsin Statutes define who has the authority to use eminent domain to acquire real property. Counties, towns, villages and cities are granted the authority to use eminent domain under Wis. Stat. Ch. 32.02(1).

HUD provides several document templates in the Appendices of HUD's [Tenant Assistance, Relocation and Real Property Acquisition Handbook \(1378.0\)](#) that may be utilized (modified/customized for use) in acquisition and relocation processes.

UGLGs (and subrecipients) must comply with the conflicts of interest regulations for federally funded projects in pursuing acquisition processes. Refer to Chapter 3: *Procurement & Contracting* in the *CDBG Implementation Handbook* for additional guidance related to conflict of interest regulations.

IMPORTANT REMINDER:

Conflict of interest requirements apply to all CDBG project activities, including the acquisitions of real property. Refer to Chapter 3: Procurement and Contracting for information regarding conflict of interest regulations.

The assigned DEHCR Project Representative for the UGLG's CDBG project must be notified in advance of starting the acquisition/relocation process and prior to construction if acquisition and/or relocation will occur/is required as part of a project.

VOLUNTARY ACQUISITIONS

When a voluntary acquisition of property occurs, there can be no threat of eminent domain or condemnation. The sale price may be negotiated, but the property owner must be informed of certain facts about the acquisition including the current fair market value (FMV) of the real property and the inapplicability of relocation benefits and assistance. Tenants are still eligible for relocation benefits in a voluntary acquisition. The UGLG/buyer may offer relocation assistance to an owner as part of negotiations in a voluntary acquisition, but federal funds may not be used.

The URA recognizes three general types of purchases which can be voluntary:

1. Purchases in which the buyer has the power of eminent domain, but agrees that it will not condemn the property if an agreeable purchase price cannot be reached;
2. Purchases in which the buyer does not have the power of eminent domain (e.g., non-profits, developers, or private individuals); and
3. Purchases of government property (federal, state, local), when the buyer does not have the power of eminent domain. For example, if a non-profit offers to purchase a piece of property from the local UGLG, the acquisition is considered a voluntary acquisition.

Under the URA, an acquisition is voluntary for buyers with eminent domain authority (e.g., UGLGs) if:

1. No specific site is needed and any of several properties could be acquired for project purposes;
2. The property is not part of an intended, planned or designated project area where other properties will be acquired within specific time limits;
3. The buyer informs the owner in writing of the property's market value; and

4. The buyer informs the owner in writing that the property will not be acquired, through condemnation, if negotiations do not reach an amicable agreement.

A common misconception is that a “willing seller” or “amicable agreement” means a transaction is “voluntary.” This is not necessarily true under the URA and the applicable requirements of 49 CFR 24.101(b)(1)-(5) (which are summarized above) must be satisfied for a transaction to be considered a “voluntary acquisition” for purposes of the URA.

For buyers without eminent domain authority, an acquisition is deemed voluntary; and the following is required under the URA:

- The buyer must notify the owner in writing of the property’s current fair market value; and
- The buyer must notify the owner prior to making an offer, that it will not acquire the property if an amicable settlement cannot be reached.

Refer to the *Informational Notice to Owner for Voluntary Acquisition* template (Attachment 5-B) for guidance on the required content for the written notice to the property owner(s) for a voluntary acquisition.

Steps for Voluntary Acquisition

When a voluntary acquisition occurs, there can be no threat of eminent domain or condemnation. The UGLG/buyer must complete the following steps:

1. Submit the *Notice of Acquisition/Relocation to DEHCR* (Attachment 5-L);
2. Determine the current Fair Market Value (FMV);
3. Provide an initial *Informational Notice to Owner* (refer to the template in Attachment 5-b) to the property owner(s) (may include brochures noted in #4 below);
4. Provide owner(s) with applicable Acquisition brochure(s) and provide applicable notice(s) and relocation rights brochure(s) to tenant(s), if applicable;
5. Initiate and proceed with negotiations;
6. Make the official determination to acquire and official approval of the terms of acquisition/purchase by the local governing body (if buyer is UGLG);
7. Provide a Notice of Intent to Acquire to the owner(s) and tenant(s); and complete relocation processes, if tenant relocation will be required (i.e., if there will be displaced persons as a result of the acquisition/project).
8. Execute the purchase agreement and title transfer; and
9. Maintain all records in the acquisition file for the CDBG project.

A detailed description of the steps listed above can be found in *Voluntary Acquisition Process* (Attachment 5-C).

Tenant-occupants displaced as a result of a voluntary acquisition may be entitled to URA relocation assistance and must be so informed. Refer to Attachment 5-F through Attachment 5-J in this chapter for guidance on the relocation processes and requirements.

IMPORTANT REMINDER!

Owner-occupants are not eligible for relocation assistance in a voluntary acquisition.

Tenant-occupants are eligible for relocation assistance in a voluntary acquisition, if deemed displaced persons.

INVOLUNTARY ACQUISITIONS

When an acquisition is involuntary, the UGLG is required, under state and federal law to follow a set process for acquiring real property.

Steps for Involuntary Acquisition

The UGLG must complete all of the following steps and should consult legal counsel to ensure all applicable State and Federal laws are followed (*the guidance below is not meant to be and should not be interpreted as legal advisement from DEHCR*):

1. Submit the *Notice of Acquisition/Relocation to DEHCR* (Attachment 5-L);
2. Complete the relocation order/determination of necessity of taking processes (if/when the UGLG seeks to exercise its eminent domain authority to embark upon condemnation proceedings) [*Note: This step may occur later in the process – it must be completed immediately upon determining that condemnation will be pursued.*];
3. Provide the required acquisition and relocation notices and brochures to the owner(s) and tenant(s) (if any tenants);
4. Obtain appraisal(s) (or the waiver of appraisal, or complete the waiver valuation, if applicable);
5. Complete an appraisal review (if appraisal is required);
6. Develop the Relocation Plan(s) and submit the Plan(s) to the DOA Division of Legal Services for review and approval (and submit a copy of the approved Relocation Plan and approval record from DOA Division of Legal Services to the DEHCR Project Representative) [*Note: This step may occur earlier in the process – it must be completed immediately upon determining that relocation/displacement will occur for the project.*];
7. Determine the just compensation value and the offering price;
8. Initiate and proceed with negotiations;
9. Make the official determination to acquire and execute the approval from the UGLG governing body to acquire the property;
10. Make an offer of just compensation with a statement of the basis for the determination of just compensation amount / make a written jurisdictional offer;
11. Execute an administrative settlement (if necessary); and
12. Complete the purchase/acquisition and property title transfer.
13. Maintain all records in the acquisition file for the CDBG project.

A detailed description of the steps listed above can be found in *Involuntary Acquisition Process* (Attachment 5-D).

EASEMENTS

An easement is the right to use the real property of another for a specific purpose without profit. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.

Easements can be either temporary or permanent. Temporary easements are easements granted for a specified period of time. An example would be an easement granted to allow a construction company to store equipment and/or materials on private property during the reconstruction of a sanitary sewer line.

Permanent easements are attached to a deed and continue to affect the land through subsequent changes in ownership. An example would be an easement granted to a utility company to construct utility lines (sewer, water, electrical) across private property.

Easements are considered a type of acquisition. Therefore, federal and state acquisition and relocation rules apply to permanent and temporary easements.

The only **exception** to this rule is when the temporary easement is obtained for the **sole benefit of the owner**. If the UGLG determines the temporary easement is obtained for the sole benefit of the property owner, then the UGLG must email a letter to the DEHCR Project Representative stating that URA requirements do not apply. The letter must be maintained in the project file. Refer to the *Letter Confirming Easement Is Sole Benefit to Resident/Owner* template (Attachment 5-E) for guidance on the required letter content.

When obtaining or purchasing (i.e., acquiring) one or more easements is required for a project, the UGLG must inform the DEHCR Project Representative to ensure the federal and state requirements are met. The steps for acquisition and relocation summarized in this chapter may apply.

RELOCATION

Relocation may begin soon after the acquisition is complete, or may not take place for quite some time, depending on the project. Relocation benefits and services are required under URA and state rules. If a project requires the relocation of a home owner, business or tenant, then the UGLG must:

1. Submit *Notice of Acquisition/Relocation to DEHCR* (Attachment 5-L);
2. Create a Relocation Plan and receive Plan approval from DOA-Division of Legal Services;
3. Provide sufficient notice to all affected property owners and tenants;
4. Provide relocation and assistance services;
5. Reimburse all affected property owners and tenants for eligible costs.

Relocation benefits may be applicable if an owner, business, or tenant must be relocated or if their possessions that are located on the property being acquired for the project are to be displaced or relocated. More detailed information regarding the rules covering relocation can be found in *Relocation Planning/Process and Advisory Services* (Attachment 5-F), *LMI Housing Relocation Assistance* (Attachment 5-G), *Relocation Claims and Payments* (Attachment 5-H), and *Relocation Compensation Rules and Limits* (Attachment 5-I).

Waiver of Relocation Assistance or Voluntary Move

Under the URA, relocation assistance may not be waived. However, if eminent domain will not be used, the UGLG can undertake a voluntary acquisition in which an owner would not qualify for relocation benefits. An owner cannot waive the rights of tenants on the property in a voluntary or involuntary acquisition. Tenants are always eligible for relocation benefits in a voluntary acquisition scenario.

Although a waiver of relocation assistance is allowed under state law, the state waiver process will not be discussed since federal law does not allow for such a waiver.

RECORDKEEPING AND REPORTS

Property acquisition and relocation records must be available for inspection by DEHCR, HUD, and any person as specified under the Wisconsin Open Records Law, Wis. Stats. Ch. 19.31-19.39.

Under federal rules, the UGLG must maintain adequate records of its acquisition and displacement activities. These records must be in enough detail to demonstrate compliance with the URA and be retained for at least three (3) years after each owner of a property and each displaced person received final payment. The UGLG must submit a report of its real property acquisition and displacement activities if the federal UGLG funding the project requires such a report.

Under state rules [Ch. Adm 92.20, Wis. Admin. Code] the UGLG must maintain separate property acquisition and relocation case files. These files must be retained for a minimum of three (3) years following the completion of a project or a final relocation payment, whichever is later. Under CDBG rules, the records retention period may be longer. The UGLG must contact DEHCR and receive written authorization before destroying any records for a CDBG project. A list of the required documents to be maintained in the files can be found in *Chapter Adm 92.20 Acquisition/Relocation File* (Attachment 5-J). A useful form for tracking acquisition and relocation activities is the *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K). The UGLG will be required to submit a completed *Acquisition/Relocation Monitoring Checklist* during DEHCR's monitoring of the CDBG project.

ACQUISITION / RELOCATION TRACKING

The UGLG will be required to submit a completed *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) during DEHCR's monitoring of the CDBG project. UGLGs are strongly advised to complete the checklist during acquisition and relocation processes to ensure the required information is collected.

ATTACHMENTS

Attachments for this chapter are listed below.

- ATTACHMENT 5-A: RELEVANT STATE AND FEDERAL RULES FOR ACQUISITION AND RELOCATION
- ATTACHMENT 5-B: INFORMATIONAL NOTICE TO OWNER FOR VOLUNTARY ACQUISITION (TEMPLATE)
- ATTACHMENT 5-C: VOLUNTARY ACQUISITION PROCESS
- ATTACHMENT 5-D: INVOLUNTARY ACQUISITION PROCESS
- ATTACHMENT 5-E: LETTER CONFIRMING EASEMENT IS SOLE BENEFIT TO RESIDENT/OWNER (TEMPLATE)
- ATTACHMENT 5-F: RELOCATION PLANNING/PROCESS AND ADVISORY SERVICES
- ATTACHMENT 5-G: LMI HOUSING RELOCATION ASSISTANCE
- ATTACHMENT 5-H: RELOCATION CLAIMS AND PAYMENTS
- ATTACHMENT 5-I: RELOCATION COMPENSATION RULES AND LIMITS
- ATTACHMENT 5-J: CHAPTER ADM 92.20 RELOCATION FILE
- ATTACHMENT 5-K: ACQUISITION/RELOCATION MONITORING CHECKLIST
- ATTACHMENT 5-L: NOTICE OF ACQUISITION/RELOCATION TO DEHCR
- ATTACHMENT 5-M: NOMINAL PAYMENT PARCEL – WAIVER OF APPRAISAL (TEMPLATE)
- ATTACHMENT 5-N: DONATION OF PROPERTY – WAIVER OF APPRAISAL (TEMPLATE)

ATTACHMENT 5-A: RELEVANT STATE AND FEDERAL RULES FOR ACQUISITION AND RELOCATION

The Fifth Amendment of the U.S. Constitution states that "private property must not be taken without payment of just compensation" and that "no person must be deprived of life, liberty, or property without due process of the law." These constitutional rights form the basis of the acquisition and relocation laws discussed in this chapter. All Units of General Local Government (UGLGs) receiving Community Development Block Grants (CDBG), HOME Investment Partnerships Program (HOME) funds, or other public funding for projects that involve property acquisition and potential displaced persons must comply with the policies and provisions set forth in the following:

- 49 CFR 24, the Uniform Relocation and Real Property Acquisition Act of 1970, as amended (URA or Uniform Act) https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24_main_02.tpl;
- 24 CFR 42 (implementing rule for the Housing and Community Development Act § 104(d) (§ 104(d) or Section 104(d)) <https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:1.1.1.1.27>;
- 24 CFR 570.606, Community Development Block Grants – Displacement, Relocation, Acquisition and Replacement of Housing https://www.ecfr.gov/cgi-bin/text-idx?SID=98ca028ec32a7182f1611295145dbec8&mc=true&node=se24.3.570_1606&rgn=div8;
- Chapter 32, Wisconsin Statutes – Eminent Domain <https://docs.legis.wisconsin.gov/statutes/statutes/32/>; and
- Ch. Adm 92, Wis. Admin. Code – Relocation Assistance https://docs.legis.wisconsin.gov/code/admin_code/adm/92.

The URA's protections and assistance apply to the acquisition, rehabilitation, or demolition of real property for publicly-funded projects. UGLGs conducting a publicly-funded program or project must carry out their legal acquisition and relocation responsibilities to affected property owners and displaced persons. The acquisition provisions ensure that property owners are justly compensated for the acquired property value while the acquisition and relocation provisions ensure displaced persons are provided adequate assistance and monetary benefits. UGLGs must plan accordingly to ensure that sufficient time, funding, and staffing are available to carry out these responsibilities.

IMPORTANT REMINDER!

Changes have been made to the federal and state regulations for property acquisition and the potential dislocation of persons. UGLGs must follow the most current federal and state regulations which can be found using the links above.

The URA aims to:

- Provide uniform, fair and equitable treatment of persons whose real property is acquired or who are displaced in connection with federally-funded projects;
- Ensure relocation assistance is provided to displaced persons to lessen the emotional and financial impact of displacement;
- Ensure that no individual or family is displaced unless decent, safe and sanitary (DSS) housing is available within the displaced person's financial means;
- Help improve the housing conditions of displaced persons living in substandard housing; and
- Encourage and expedite acquisition by agreement and without coercion.

Section 104(d) provides minimum requirements for CDBG and HOME programs or projects that cause low- and middle-income people to permanently move personal property from real property as a direct result of the demolition or conversion of a lower-income dwelling.

The provisions in 24 CFR 570.606 describe acquisition and relocation requirements specific to CDBG.

IMPORTANT NOTE:

Displaced Person(s) includes "persons, businesses, farms or non-profits."

The UGLGs must also comply with the Wisconsin Eminent Domain Statute [Wis. Stats. Ch. 32] and the State Relocation Assistance Administrative Rule [Ch. Adm 92, Wis. Admin. Code]. The state laws have similar goals to those at the federal level and must be followed for acquisition of any part of real property, including easements, as well as for real property rehabilitation or demolition. Alternative procedures for relocation and acquisition may apply for Milwaukee. UGLGs may choose to "simplify" implementation of the acquisition and relocation process in order to meet their local government's capacity (e.g., hire a consulting firm to oversee the acquisition and relocation process).

Although both the federal and state acquisition and relocation rules will be explained in this document, it is not intended to be comprehensive. Greater detail can be found in several other places including:

- Wisconsin Department of Transportation's (WisDOT) Real Estate Program Manual (REPM) <https://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnsit-rsrcs/re/repn.aspx>;
- HUD Acquisition and Relocation website - <https://www.hud.gov/relocation>;
- HUD *Tenant Assistance, Relocation and Real Property Acquisition Handbook* (1378.0): <https://www.hudexchange.info/programs/relocation/guidance/#handbooks>.
- U.S. Department of Transportation Federal Highway Administration (FHWA) website - https://www.fhwa.dot.gov/real_estate/uniform_act/; and
- State Acquisition/Relocation Assistance - <https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>.

CDBG and HOME recipients must recognize and implement these amendments when utilizing federal funds to provide relocation assistance for displaced persons.

DEHCR will do its best to update any changes to the federal and state laws; however, **it is the responsibility of the UGLG to ensure that all state and federal acquisition and relocation procedures and laws are followed.**

ATTACHMENT 5-B: INFORMATIONAL NOTICE TO OWNER FOR VOLUNTARY ACQUISITION (TEMPLATE)

(ON UNIT OF GENERAL LOCAL GOVERNMENT (UGLG) LETTERHEAD)

ATTACHMENT 5-B: INFORMATIONAL NOTICE TO OWNER FOR VOLUNTARY ACQUISITION (TEMPLATE)

(ON UNIT OF GENERAL LOCAL GOVERNMENT (UGLG) LETTERHEAD)

[Date]

[Property Owner Name]
[Property Owner Address]
[Property Owner City, State, Zip]

RE: Property at [Property Street Address, City], WI; Parcel #[Parcel #]

Dear [Property Owner Name]:

The [UGLG Name] of [County Name] County, Wisconsin is interested in acquiring property you own at [Street Address] for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the program. Please be advised that the [UGLG Name] possesses eminent domain authority to acquire property, however, in the event you are not interested in selling your property, or if we cannot reach an amicable agreement for the purchase of your property, we will not pursue its acquisition under eminent domain.

Your property is not a necessary part of the proposed project and is not part of an intended, planned, or designated project area where substantially all of the property within the area is to be acquired.

We are prepared to offer you \$[Amount] to purchase your property. We believe this amount represents the current market value of your property based on [Enter Basis or Source of Determination]. Please contact us at your convenience if you are interested in selling your property.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants who move as a result of a voluntary acquisition are not eligible for relocation assistance. Any tenants living at or using the property may however be eligible for relocation assistance. Under the URA and Wisconsin law, the [UGLG Type, e.g., Town, Village, City, County] must give notice to property of certain rights through providing the [Enter Name of Wisconsin State Eminent Domain Acquisition Brochure Attached] enclosed.

If you have any questions about this notice or the proposed project, please contact: [Contact Name], [Contact Title], of [Contact Entity/Company/Firm Name] at [Contact Mailing Address], or phone number [Contact Telephone #], or [Contact Email Address].

Sincerely,

(Add CEO Signature)

[UGLG Chief Elected Official (CEO) Name]
[UGLG CEO Title]

Enclosure: [Enter Name of Applicable/Enclosed *Rights to Landowners Under Wisconsin Eminent Domain Law* Brochure – Access Wisconsin State Brochures at: <https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>.]

Attachment 5-B: Informational Notice to Owner (Template)

Form v.2021-09-01

TEMPLATE

NOTES TO UGLG IN USING THIS FORM:

1. The CDBG project file must include the method in which this notice was delivered (e.g., certified mail, return receipt requested) and the date of delivery.
2. Tenant-occupants displaced as a result of a voluntary acquisition may be entitled to URA relocation assistance and must be so informed per [49 CFR 24.2\(a\)\(15\)\(iv\)](#) –Initiations of negotiations, and [49 CFR 24](#) Appendix A -24.2(a)(15)(iv).
3. This letter template may only be used if all of the requirements of [49 CFR 24.101\(b\)\(1\)\(i\)-\(iv\)](#) are met.
4. The Template Title Heading and Page Footer are to be deleted when customizing the template for the UGLG's use.
5. Refer to Chapter 5 of the CDBG Implementation Handbook for guidance when the buyer/purchaser is not a UGLG.
6. Refer to the [HUD Tenant Assistance, Relocation and Real Property Acquisition Handbook 1378](#) for additional templates that may be modified/customized for other acquisition circumstances:
https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780

TEMPLATE

ATTACHMENT 5-C: VOLUNTARY ACQUISITION PROCESS

REMINDER OF IMPORTANT REQUIREMENTS:

A real property or easement acquisition may only be completed after (i.e., the property purchase/closing cannot be finalized until) the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR in order to be an eligible cost paid (or reimbursed) with CDBG funds. DEHCR recommends no acquisition for a CDBG project be completed until the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR, regardless of funding source.

Construction on the property cannot begin until the acquisition is complete/property closing is finalized.

The URA recognizes three general types of purchases which can be voluntary:

- Purchases where the buyer has the power of eminent domain, but agrees that it will not condemn the property if an agreeable purchase price cannot be reached, and the acquisition meets the URA criteria listed in this chapter;
- Purchases in which the buyer does not have the power of eminent domain (e.g., non-profits, private developers, etc.); and
- Purchases of government property (federal, state, local) in which the buyer does not have the power of eminent domain. For example, if a non-profit organization offers to purchase a piece of property from the local UGLG and with state CDBG funds.

Under the URA, an acquisition is voluntary for UGLGs with eminent domain authority if:

1. No specific site is needed and any of several properties could be acquired for project purposes;
2. The property is not part of an intended, planned or designated project area where other properties will be acquired within specific time limits;
3. The UGLG informs the owner in writing of the property's market value; and
4. The UGLG informs the owner in writing that the property will not be acquired, through condemnation, if negotiations do not reach an amicable agreement.

For UGLGs without eminent domain authority, an acquisition is voluntary if:

- The UGLG notifies the owner in writing of the property's market value; and
- The UGLG notifies the owner prior to making an offer, that it will not acquire property if an amicable settlement cannot be reached.

VOLUNTARY ACQUISITION PROCESS:

(The UGLG/buyer should consult professional legal counsel in pursuing acquisition processes. The guidance that follows is not meant to be and should not be interpreted as legal counsel from DEHCR.)

1. Notice to DEHCR

The DEHCR Project Representative must be notified prior to starting the acquisition/relocation process and the start of construction if acquisition and/or relocation

will occur as part of a project. UGLGs will be notified if a relocation plan is required. Complete and submit the *Notice of Acquisition/Relocation to DEHCR* form (Attachment 5-L).

2. Determination of Fair Market Value

The current fair market value (FMV) of the property must be determined. The FMV of the property may be obtained via formal appraisal by a licensed appraiser. However, a formal appraisal is not necessary for a voluntary acquisition. The UGLG/buyer must obtain a determination of FMV by a person with knowledge of/expertise in the current local real estate market in lieu of obtaining an appraisal.

3. Informational Notice (Initial Notice to Owner)

As soon as feasible, the UGLG/buyer shall notify the owner in writing of the UGLG's/buyer's interest in acquiring the real property and the basic protections provided to the owner by law and this part.

When the buyer is an agency/entity with eminent domain authority, then this notice should include the following:

- A property value amount based on the current fair market value (FMV) determination. The sale price may be negotiated, but the owner must be informed of the current FMV. Provide the source/basis of the FMV determination.
- A clause that states the UGLG possesses eminent domain authority; however, in the event the owner is not interested in selling their property, or if the owner cannot reach an amicable purchase agreement, the UGLG will NOT pursue its acquisition under eminent domain.
- A clause stating that the property is not a necessary part of the proposed project.
- A clause stating that the property is not part of an intended, planned or designated project area where substantially all of the property within the area is to be acquired.
- Notification that owner occupants who move as a result of a voluntary acquisition are NOT eligible for relocation assistance.
- A contact name, title, address, email address and telephone number for a person who can answer questions.
- Providing the applicable publications listed in #4 – Brochures below may be provided with this initial informational notice to the property owner or provided separately.

Refer to the *Informational Notice to Owner for Voluntary Acquisition* template (Attachment 5-B) for guidance on the required language for this type of notice.

When the buyer is an agency/entity without eminent domain authority, then this notice should include the following:

- An property value amount based on the current FMV determination. The sale price may be negotiated, but the owner must be informed of the current FMV. Provide the source/basis of the FMV determination.
- A clause that states the agency does not have eminent domain authority and in the event that an amicable purchase agreement cannot be reached, the agency will not pursue the acquisition.
- Notification that owner occupants who move as a result of a voluntary acquisition are NOT eligible for relocation assistance.

- A contact name, title, address, email address and telephone number for a person who can answer questions.
- Providing the applicable publications listed in #4 – Brochures below may be provided with this initial informational notice to the property owner or provided separately.

Important Note Regarding Additional Notice for Tenants:

While property owners are not eligible for relocation assistance using federal funds for voluntary acquisition, notice of relocation rights must be given to any tenants, as listed in Attachment 5-D and Attachment 5-F. The buyer must consult with the property owner and URA and HUD regulations to make the determination of whether any persons will qualify as tenants, for which the additional notices apply.

The case file must indicate the manner in which the initial informational notice the property owner(s) (and tenant(s), if applicable) was delivered (e.g., certified mail, return receipt requested, signed confirmation of delivery from owner for other in-person delivery method) and the date of delivery.

For various acquisition and relocation notices/letters, forms and templates, refer to the Appendices of HUD's [Tenant Assistance, Relocation and Real Property Acquisition Handbook \(1378.0\)](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780):
https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780.

4. Brochures to Owners and Notices & Brochures to Tenants

The buyer must determine the applicable brochures that must be provided to the tenants, if applicable. The buyer must consult with the property owner to make the determination of whether any persons will qualify as “displaced tenants” who must be provided with relocation rights brochure(s) and notices listed in Attachment 5-D and Attachment 5-F. Both the federal government and the state have developed brochures to be provided to potential sellers and tenants during the acquisition/relocation process. The buyer is not required to provide the federal brochures but is required to provide the applicable Wisconsin state brochure(s) at the time of initial informational notice to the owner(s) of the buyer's interest in acquiring the property. DEHCR recommends that the buyer provide both the federal and state brochure publications that are applicable to the acquisition and/or relocation process.

The brochure(s) may be sent with the initial informational notice to the property owner(s) (recommended) or provided separately. Records to verify the owner(s) received the applicable brochure(s) must be in the CDBG project file.

Federal Brochures

Although several notices must be provided according to the URA, no brochures are required to be provided, by federal law. However, the following brochures are available for the UGLG/public agency to provide information during the acquisition or relocation stage of the project. Copies of the brochures can be found in English and Spanish at:
<https://www.hudexchange.info/programs/relocation/publications/>.

- Acquisition [49 CFR 24.203]: When a UGLG/public agency acquires a property utilizing federal funds in any part of the associated project, it is **recommended** that the property owner be provided with the booklet/brochure:
 - *When a Public Agency Acquires Your Property*. This booklet/brochure. This informs the property owner of his/her rights under the URA.

- Relocation [49 CFR 24.203]: When a UGLG/public agency acquires property utilizing federal funds in any part of the related project and that project may displace a person(s), business or farm, it is **recommended** the affected person(s) be provided with the applicable booklet/brochure, either:
 - *Relocation Assistance to Tenants Displaced From Their Homes*; or
 - *Relocation Assistance to Displaced Homeowner Occupants*; or
 - *Relocation Assistance to Displaced Businesses, Nonprofit Organizations*.

State Brochures

Regardless of the type of funds used (federal, state, local) at any stage of the publicly-funded project, a displacing UGLG/public agency in Wisconsin **must** provide the state brochures discussed below. Copies of the brochures can be found at:

<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>.

- **Acquisition – Transportation** [Wis. Stat. Ch. 32.05(2)(a)]: In projects where condemnation is undertaken for sewers and transportation facilities, at the acquisition stage and before the initiation of negotiations, owners **must** be given the applicable brochure, either:
 - *The Rights of Landowners Under Eminent Domain Law – Procedures Under §. 32.05, Wisconsin Statutes* brochure; or
 - *Wisconsin Relocation Rights Residential* brochure; or
 - *Wisconsin Relocation Rights for Businesses, Farm and Non-profit Organizations* brochure.
- **Acquisition – Other than Transportation** [Wis. Stat. Ch. 32.06(2a).]: In projects where condemnation is being undertaken for any project other than a transportation project, at the acquisition stage, owners **must** be given the applicable brochure, either:
 - *The Rights of Landowners under Eminent Domain Law - Procedures under s. 32.06 Wisconsin Statutes* brochure; or
 - *Wisconsin Relocation Rights Residential* or *Wisconsin Relocation Rights for Businesses, Farm and Non-profit Organizations* brochure.
- **Relocation:** If a homeowner, residential tenant, business (including non-profits and farms) or business tenant *will or may* potentially be displaced, the displacing agency **must**, at the time of the initial contact with the person, provide the applicable brochure, either:
 - *Wisconsin Relocation Rights Residential* brochure; or
 - *Wisconsin Relocation Rights for Businesses, Farm and Non-profit Organizations* brochure.

5. Negotiations

Proceed with negotiations with the property owner to determine a mutually agreed upon sales price and any other terms of the sale, if applicable. Maintain any documentation associated with the negotiations process in the CDBG project file.

6. Official Determination/Approval To Acquire

The UGLG's local governing body must make an official determination to acquire the property and approve the purchase price. Record of the governing body's actions must be in the acquisition file for the CDBG project. If a subrecipient is the buyer rather than the UGLG, an official determination from the UGLG governing body is not required but recommended, due to the UGLG being the responsible entity for the expenditure of grant funds.

7. Notice of Intent to Acquire (if Tenant Relocation is required)

If tenant relocation is required, a Notice of Intent to Acquire must be issued to trigger relocation eligibility. Refer to Attachment 5-F through 5-J for guidance on actions required for relocation rights/assistance for tenants who will be displaced tenants as a result of the voluntary acquisition.

8. Purchase Agreement and Title Transfer

Upon finalizing negotiations, a written agreement for the purchase of property with the purchase terms and amount must be executed, signed by the seller and buyer. The purchase agreement must be in writing and include details of the property and purchase amount. Provide a copy of the executed purchase agreement to the seller. The signed purchase agreement and records of the financial transaction and title transfer must be maintained in the acquisition file for the CDBG project. *[Note: If the acquisition is to be paid/reimbursed with any CDBG funds, the Grant Agreement must be fully executed and the Environmental Review must be certified by DEHCR prior to the acquisition purchase being completed/closed. Construction cannot begin on any property until the acquisition is complete (purchase completed and title transferred).]*

9. Recordkeeping in Project File

All documentation for the acquisition process must be maintained in the CDBG project acquisition file. A separate file for each property acquisition and each relocation case must be maintained. Refer to the *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) for further details on the documentation required to be maintained.

ATTACHMENT 5-D: INVOLUNTARY ACQUISITION PROCESS

REMINDER OF IMPORTANT REQUIREMENTS:

A property or easement acquisition may only be completed after (i.e., the property purchase/closing cannot be finalized until) the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR in order to be an eligible cost paid (or reimbursed) with CDBG funds. DEHCR strongly recommends no acquisition for a CDBG project be completed until the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR, regardless of funding source.

Construction on the property cannot begin until the acquisition is complete/ property closing is finalized.

INVOLUNTARY ACQUISITION PROCESS:

(The UGLG should consult professional legal counsel in pursuing acquisition processes. The guidance that follows is not meant to be and should not be interpreted as legal counsel from DEHCR.)

1. Notice to DEHCR

The DEHCR Project Representative must be notified prior to starting the acquisition/relocation process and the start of construction if acquisition and/or relocation will occur as part of a project. UGLGs will be notified if a relocation plan is required. Complete and submit the *Notice of Acquisition/Relocation to DEHCR* form (Attachment 5-L).

2. Relocation Order/Determination of Necessity of Taking *(if UGLG intends to/may potentially use condemnation, if necessary)*

If/when the UGLG intends to exercise its eminent domain authority to embark upon condemnation proceedings, before an acquisition can occur, Wisconsin law requires either a “relocation order” or a “determination of necessity of taking.” A relocation order is required for any transportation facility or sewer project if relocation is involved. A determination of necessity of taking is required for any other type of project if relocation is involved. Refer to Wis. Stat. Ch. 32.07 for guidance on the determination of necessity of taking at <https://docs.legis.wisconsin.gov/statutes/statutes/32>.

3. Notices & Brochures

The URA requires multiple acquisition and relocation notices to be provided to real property owners and potentially displaced persons. Each required **notice must be personally served or sent by certified or registered first class mail, return receipt requested** and documented in UGLG files.

Each notice must be written in plain, understandable language. Persons unable to read and understand the notice must be provided appropriate translation and counseling. **Each notice must have the name and telephone number of the UGLG contact person. Additionally, the state relocation program strongly recommends that the notices be signed by the UGLG and the recipient to prove that the recipient has read and understands the notice.** The UGLG must be available to discuss any questions or concerns the property owner or tenant may have regarding the notices.

Notices may be combined when the sequence of activities occur simultaneously, e.g., Notice to Owner (the initial notice of interest in the property to the owner prior to negotiations for involuntary acquisition) and Notice of Intent to Acquire

(notice of relocation rights to the owner(s) and tenant(s), if the UGLG knows displacement will occur for the project at the time of issuing the Notice to Owner). However, review the notice requirements and guidance in this section and chapter regarding the purpose and sequence for notices, and implications when issuing certain notices at the same time. The Wisconsin state acquisition and relocation brochures and the HUD/federal acquisition and relocation booklets/brochures may also serve as tools for informing owners and tenants of their rights under Wisconsin state law and the URA.

Federal Notice Requirements

The URA requires that specific notices be issued to eligible persons providing important information about the project, the affected persons' rights and protections, as well as their eligibility for relocation assistance and payments. These notices must be issued at the appropriate time:

- ***Notice to Owner:*** As soon as the UGLG/buyer has identified properties that it is interested in acquiring for a HUD-funded project, the UGLG must notify the owner(s) in writing of its interest in acquiring the property and the basic protections applicable under the URA. Refer to the *Informational Notice to Owner for Voluntary Acquisition* template (Attachment 5-B) for guidance on the content required for this notice.

If the UGLG/buyer does not want to trigger a person's eligibility for relocation assistance at the time of this notice, it must ensure that the notice is not confused with a *Notice of Intent to Acquire* (which is specifically used to establish relocation eligibility prior to the initiation of negotiations).
- ***Notice of Intent to Acquire:*** A *Notice of Intent to Acquire* is a displacing UGLG's/buyer's written communication that is provided to a person to be displaced and which establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of federal financial assistance.
- ***General Information Notice:*** This notice informs the affected persons of the project and of possible displacement by the project. It must be provided as soon as possible.
- ***Notice of Relocation Eligibility (NOE):*** This informs affected persons of possible displacement by the project and establishes eligibility for relocation assistance and payments. It must be provided promptly after the initiation of negotiations and must describe the available relocation assistance, the estimated amount of assistance based on the displaced person's circumstances/needs and the methods for obtaining the assistance.
- ***Notice of Ineligibility for Relocation:*** If a person is ineligible for relocation assistance HUD policy recommends that such persons be provided written notice of their ineligibility for relocation assistance, the reason the persons are ineligible and their right to appeal the UGLG's determination.
- ***Notice of Non-displacement:*** If a person does not qualify as a displaced person, that person must be notified of the UGLG's determination and their right to appeal. If a person moves after the initiation of negotiations and has not been provided with a notice of non-displacement, HUD's view is that the person will qualify as a displaced person even if they had no intention to displace that person. This notice can also be provided to people who will be temporarily displaced (less than 12 months). Such notice must include: (a) the date and approximate duration of the temporary relocation; (b) the address of the suitable decent, safe and sanitary dwelling to be

made available for the temporary period; (c) the terms and conditions under which the person may lease and occupy a decent, safe and sanitary dwelling in the building/complex upon completion of the project; (d) the costs which will be reimbursed; and (e) the advisory services available. Those temporarily displaced must also receive, at a minimum, a 30-day move notice.

- **90-day Notice:** This notice informs the displaced person of the earliest date by which it will be required to move and cannot be issued unless a comparable replacement dwelling is available and the displaced person is informed of its location and has sufficient time to lease or purchase the property. Additionally, the person must receive a notice of eligibility or ineligibility before receiving the 90-day notice.
- **Combined Notice (NOE and 90-day notice):** When time to begin work on the project is critical, HUD policy permits the *NOE* and the *90-day Notice* to be combined into one notice and issued on or before the date of the initiation of negotiations.
- **Move-In Notice:** This notice is provided to tenants who may choose to move into a property that is in the process of being acquired. It is to let the tenant know that if they move in after the date of application for federal financial assistance, they will not be eligible for federal relocation assistance.

A UGLG may meet most of the general information requirements required by the URA by providing displaced persons with a copy of the appropriate HUD brochures along with the required notices listed above. Copies of the following brochures can be downloaded in English and Spanish at: <https://www.hudexchange.info/programs/relocation/publications/>.

- *When a Public Agency Acquires Your Property;*
- *Relocation Assistance to Tenants Displaced from Their Homes;*
- *Relocation Assistance to Displaced Businesses, Nonprofit Organizations; and*
- *Relocation Assistance to Displaced Homeowner Occupants.*

For various acquisition and relocation notices/letters, forms and templates, refer to the Appendices of HUD's *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)*:
https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780.

State Notice Requirements

In addition to the federal notices, UGLGs must provide the following state notices, as applicable.

- **Information at a public hearing:** A UGLG must provide the following general information if a public hearing is held for a project which may involve land acquisition and displacement of a person:
 - A general description of the relocation services and payments;
 - A statement that the UGLG must prepare a relocation plan for approval by the DOA Division of Legal Services before acquisition and that persons to be affected must be contacted to obtain information to prepare the plan;
 - Identification of project boundaries and an estimate of the number of residential and non-residential properties to be acquired;
 - A statement that a person who moves prematurely may jeopardize relocation entitlements and that sufficient time to relocate will be provided;

- The name, address and telephone number of the UGLG representative available for further information on acquisition and relocation assistance matters.
- *Written information at initial contact:* A UGLG, except a UGLG without eminent domain power, must provide written notice at the time of initial contact to obtain information necessary for preparation of a relocation plan.
An owner of rental property must receive a statement which:
 - Describes the nature of the proposed project;
 - Informs an owner that tenants are being contacted to obtain information to prepare the plan;
 - Cautions the owner against eviction of tenants before acquisition;
 - Explains that tenants are being advised not to move prematurely;
 - Explains that in the event tenants move before acquisition, an owner may qualify for a rent loss payment; and
 - Gives the name, address and telephone number of the UGLG representative to contact.
- *A tenant or an owner-occupant of a property must receive a statement which:*
 - Describes the nature of a proposed project;
 - Warns against a premature move which may jeopardize relocation entitlements;
 - Indicates the date acquisition is expected to begin;
 - Summarizes the relocation assistance and benefits available; and
 - Gives the name, address and telephone number of the UGLG representative to contact.
- *Information before initiation of negotiation:* A UGLG with eminent domain power, must before initiation of negotiations, furnish the following brochures unless already furnished with the written notice at the time of initial contact:
 - An owner of property must receive a brochure entitled *The Rights of Landowners Under Wisconsin Eminent Domain Law* (either Wis. Stat. Ch. 32.05 or 32.06, depending on the type of project);
 - A tenant or an owner-occupant of a residential property must receive a brochure entitled *Wisconsin Relocation Rights Residential*; and
 - A tenant or an owner-occupant of a business or farm property must receive a brochure entitled *Wisconsin Relocation Rights for Businesses, Farm and Nonprofit Organizations*.

State brochures can be downloaded from

<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>.

- *A UGLG without the power of eminent domain, must provide the following notices and information before initiation of negotiation:*
 - A written notice cautioning the owner against removal of tenants must be provided to the owner before initiation of negotiations;
 - A relocation informational brochure must be provided to a tenant occupant who will be displaced as soon as feasible and no later than seven (7) days after an offer to purchase has been accepted and all contingencies removed, except for a relocation plan approval contingency.

- *Written Offer to Purchase:* An offer to purchase a property must be in writing and must establish the date of initiation of negotiations. However, the date of a verbal monetary offer to purchase authorized by the acquiring UGLG must be considered as initiation of negotiations to establish eligibility for a relocation benefit.
- *Written Notice of Replacement Payment Entitlement and Occupancy Term:* A UGLG must provide a written notice to occupants indicating the differential replacement payment computation as specified under Ch. Adm 92.68-88, Wis. Admin. Code for residential occupants and under Ch. Adm 92.90-98, Wis. Admin. Code for business and farm occupants.

The notice must be provided within 90 days of the date to vacate or at the request of a displaced person, whichever is sooner. A UGLG may not require an occupant of property acquired by the UGLG to move without at least a 90-day written notice.

4. Appraisals

The real property to be acquired must be appraised (by a licensed appraiser) before the initiation of negotiations.

The URA defines an appraisal as: “A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.”

https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7c554c4eeacc19e46108961253071bd7&mc=true&n=pt49.1.24&r=PART&ty=HTML#se49.1.24_12.

The property owner, or the owner's designated representative, must be given an opportunity to accompany the appraiser during the appraiser's inspection of the property. The appraiser must make all reasonable attempts to contact the owner regarding the appraisal, including sending a certified letter if necessary. During the appraisal inspection, enough information must be recorded so that it can be later used to prepare a full before and after appraisal. It is very important to record real property and personal property at the time of the appraisal.

Appraisal Not Required If:

- The acquisition qualifies as voluntary acquisition; or
- The owner is donating the property and releases the UGLG/public agency from its obligation to appraise the property; or
- The UGLG/public agency determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000 or less, based on a review of available data.*

**The UGLG/public agency may request from DEHCR (which would proceed with a request to HUD) an exception to exceed the \$10,000 threshold, up to a maximum of \$25,000, if the UGLG/public agency acquiring the real property offers the property owner the option of having the UGLG/public agency appraise the property. If the property owner elects to have the UGLG/public agency appraise the property, and the exception regarding the \$10,000 threshold is approved by DEHCR and HUD, then the UGLG/public agency shall obtain an appraisal and not use procedures described in this chapter.*

When property is donated, the property UGLG/public agency must obtain from the property owner a signed statement in which the property owner acknowledges being informed of their rights under the URA and Wisconsin state law, receiving the applicable federal and/or state acquisition brochures (stating the brochure(s) received), and waiving their rights to an appraisal and the current market value of the property, without undue influence or coercion.

When an appraisal is determined to be otherwise unnecessary, the UGLG/public agency must prepare a waiver valuation. The person performing the waiver valuation must have sufficient understanding of the local real estate market to be qualified to make the waiver valuation.

Refer to the *Nominal Payment Parcel – Waiver of Appraisal* template (Attachment 5-M) and *Donation of Property – Waiver of Appraisal* template (Attachment 5-N) for guidance on content for the documentation of acquisition based on a waiver valuation.

Appraisal Format:

Appraisers must adhere to URA appraisal requirements and also be in compliance with other appraisal requirements, including the Uniform Standards of Professional Appraisal Practice (USPAP), to the extent appropriate. The USPAP contains a jurisdictional exception provision, which states that if any part of USPAP is contrary to the law or regulation of any jurisdiction, then the conflicting part only of the USPAP is void and of no force or effect in that jurisdiction.

Federal Appraisal Requirements

The URA requires the following:

- An appraisal of real property before the initiation of negotiations;
- Determination of the just compensation amount for the acquisition before the initiation of negotiations;
- A valuation of uneconomic remnants;
- The opportunity for the owner or a designated representative to accompany the appraiser on property inspection;
- A valuation of tenant owned buildings, structures or other improvements; and
- Record of real property and personal property.

Wisconsin Appraisal Requirements

Wisconsin has specific appraisal requirements including the following:

- An appraisal of all property to be acquired;
- Discussion with one of the owners or their personal representative regarding the appraisal, if reasonably possible;
- Providing the owner with an appraisal;
- Offer to acquire uneconomic remnants concurrently with the required purchase;
- Compliance with the standards governing the determination of just compensation in Wis. Stat. Ch. 32.09; and
- State licensed or certified appraisers.

Appraisal Formats

Various appraisal formats are required depending on the complexity and price of the acquisition. The UGLG should refer to the federal and state appraisal requirements and consult legal counsel as necessary to determine which appraisal format to utilize in the acquisition process.

URA Appraisal Report Requirements

The URA appraisal report requirements include the following:

- An adequate description of the physical characteristics of the property being appraised;
- A statement of the known and observed encumbrances, if any, title information, location, zoning, present use and analysis of highest and best use, and at least a five-year sales history of the property;
- All relevant and reliable approaches to value consistent with state and federally assisted program appraisal practices;
- A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing and verification by a party involved in the transaction;
- A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining property; and
- The effective date of valuation, date of appraisal and signed certification of appraisal.

5. Appraisal Review

The purpose of the appraisal review process is to ensure that the factual data, assumptions and techniques within each appraisal are reasonable and sufficient to support the appraiser's conclusion as well as verify that the appraisal meets all applicable state and federal requirements. After review, the review appraiser must designate each appraisal report as:

- Recommended;
- Accepted; or
- Not Accepted.

If the review appraiser is unable to recommend (or approve) an appraisal as an adequate basis for the just compensation offer, there are several ways to alleviate the review appraiser's concern and ultimately gain approval. Once the appraisal is approved, the review appraiser must recommend the just compensation amount.

Property Owner Appraisals

Owners must be informed of their right to obtain their own appraisal by a qualified appraiser. This appraisal may be reimbursed if the appraisal report is delivered to the UGLG within 60 days from receipt of the UGLG's appraisal. The condemning UGLG and the review appraiser must consider this appraisal when determining just compensation. The owner's appraisal must meet these three criteria before being reimbursed for the cost of the appraisal:

- All appraisal requirements are met;

- Analysis and presentation is documented with logical and reasonable conclusions of value; and
- Fees are reasonable and charges are typical for type of appraisal.

6. Relocation Plan (Wisconsin requirement)

This step may fall earlier in the process and should proceed with preparing the Relocation Plan as soon as it is known that relocation/displacement will be required as a result of the project. The UGLG must file a relocation plan and receive approval in writing from DOA Division of Legal Services before proceeding with initiation of negotiations on any project which may involve displacement of a person. The relocation plan assists the UGLG in establishing the necessary relocation services and payments it will need to provide potentially displaced persons to determine whether displaced persons can be adequately relocated. DOA Division of Legal Services may not approve a relocation plan unless the UGLG submits evidence and assurances that relocation payments and services provide the following:

- Displaced persons will have the opportunity to occupy comparable, decent, safe and sanitary replacement housing;
- Displaced businesses must have an opportunity to occupy a comparable replacement and will be assisted in re-establishing;
- Prompt and complete relocation payments will be made;
- Project and program activities are designed to minimize displacement hardship;
- Persons covered under Wisconsin's Open Housing Law must be assisted to ensure equal opportunity to obtain housing from within a community's total housing supply;
- Persons must receive equal treatment in the relocation process;
- Persons must be given a reasonable time to move and may not be required to move unless a comparable replacement is provided for or available; and
- Persons must receive assistance consistent with needs, including referrals for social service, job and housing counseling and transportation to available replacement dwellings.

Relocation plan templates can be found on the Relocation Assistance website at:

<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>. The requirements for each plan are detailed in Ch. Adm 92.28, Wis. Admin. Code:

https://docs.legis.wisconsin.gov/code/admin_code/adm/92/II/28. DOA Division of Legal Services may request further information to supplement the relocation plan if necessary.

7. Just Compensation and Offering Price

Before the initiation of negotiations, the UGLG must establish an amount which it believes is just compensation for the real property. The amount must not be less than the approved appraisal of the current FMV of the property. This will be the offering price. *[Exception: Owner donation, for which the owner waives their right to the FMV.]*

8. Negotiations

Negotiations are part of the eminent domain process outlined in Wis. Stats. Ch. 32.05(2a) and 32.06(2a). Negotiations must be attempted prior to the public acquisition of private property by exercise of eminent domain. When the condemnor enters into negotiations, the condemnor is establishing a jurisdictional step necessary to the acquisition of the

property by eminent domain providing an agreed price cannot be achieved. If negotiations are successful, displaced persons are still eligible for relocation payments. If the negotiations are not successful, then the jurisdictional offer is made.

The URA requires that a written offer establishing just compensation is provided prior to initiation of negotiations. This may seem to contradict the requirements of the state law. However, a written offer of just compensation differs from the jurisdictional offer. The UGLG must provide the written offer of just compensation, along with the summary statement, prior to beginning negotiations. The written offer of just compensation must clearly state that it is not the jurisdictional offer to purchase. The jurisdictional offer to purchase must be provided if negotiations fail and the condemnation process must begin.

9. Official Determination/Approval To Acquire

If the UGLG is the buyer, then UGLG's local governing body must make an official determination to acquire the property and approve the purchase price. Record of the governing body's actions must be in the acquisition file for the CDBG project.

10. Offer of Just Compensation/Jurisdictional Offer

The federal written offer of just compensation and the state jurisdictional offer to purchase, including when each should be provided, are discussed above under the negotiations section. Greater detail as to what these offers must include are provided in the paragraphs that follow.

Federal

Under the URA, the UGLG must make a written offer to the owner to acquire the property for the full amount believed to be just compensation. The owner must be given a written statement of the basis for the offer of just compensation called the summary statement. The summary statement must include:

- A statement of the amount offered as just compensation;
- A description and location identification of the real property and the interest in the real property to be acquired; and
- An identification of the buildings, structures and other improvements that are included as part of the offer of just compensation.

The UGLG must make all reasonable efforts to contact the owner or the owner's representative and discuss its offer to purchase the property and explain its acquisition policies and procedures, including its payment of incidental expenses. The owner must be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property. If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the UGLG must offer to acquire the uneconomic remnant along with the portion of the property needed for the project.

State

The written offer at the state level is called the *Jurisdictional Offer to Purchase*. The condemner must send to the owner, or one of the owners of record, and to the mortgagee, or one of the mortgagees of each mortgage of record, a notice:

- Stating briefly the nature of the project, with reference to the relocation order if required, and that the condemner in good faith intends to use the property sought to be condemned for such public purpose;
- Describing the property and the interest therein sought to be taken;

- Stating the proposed date of occupancy regardless of the date of taking;
- Stating the amount of compensation offered;
- Stating that the appraisal or one of the appraisals of the property on which condemner's offer is based is available for inspection at a specified place by persons having an interest in the lands sought to be acquired;
- Stating that the owner has 20 days from date of completion of service upon the owner of the offer in which to accept or reject the offer;
- Stating that if the owner has not accepted such offer the owner has 40 days from the date of completion of service upon the owner of the offer to commence a court action to contest the right of condemnation -- provided that the acceptance and retention of any compensation resulting from an award made prior to the commencement of such an action must be an absolute bar to such action; and
- Stating that the owner will have two (2) years from the date of taking the property by award in which to appeal for greater compensation without prejudice to the right to use the compensation given by the award.

11. Administrative Settlement

When negotiations result in a purchase price exceeding the UGLG's estimate of just compensation, it is called an administrative settlement. Administrative settlements may be approved if considered to be reasonable, prudent and in the best interest of the public. UGLG files must include proper documentation to justify and support the decision for an administrative settlement, which are subject to HUD review.

Note: Generally, not more than the current FMV should be offered when using CDBG funds. Paying above the current FMV requires documenting sufficient justification for how it is in the best interest of the public and a responsible use of public funds. In all cases, the purchase price cannot exceed 20% of the current FMV when using CDBG funds. Any value above this threshold must be paid by the UGLG. Regulatory provisions allow for a request for an exception when a higher amount is justified as necessary and in the public interest. For an exception to be considered, the UGLG must submit to DEHCR, prior to payment to the owner, a formal request for an exception with sufficient justification for the necessity of a higher settlement amount. The request must be on municipal letterhead and signed by the chief elected official. The request must be approved by DEHCR prior to the UGLG proceeding with offering a just compensation amount above the threshold.

12. Purchase Agreement and Title Transfer

Upon finalizing negotiations and settlement, if required, a written agreement for the purchase of property with the purchase terms and amount must be executed, signed by the seller and buyer. The purchase agreement must be in writing and include details of the property and purchase amount. Provide a copy of the executed purchase agreement to the seller. The signed purchase agreement and records of the financial transaction and title transfer must be maintained in the acquisition file for the CDBG project. *[Note: If the acquisition is to be paid/reimbursed with any CDBG funds, the Grant Agreement must be fully executed and the Environmental Review must be certified by DEHCR prior to the acquisition purchase being completed/closed. Construction cannot begin on any property until the acquisition is complete (purchase completed and title transferred).]*

13. Recordkeeping in Project File

All documentation for the acquisition process must be maintained in the CDBG project acquisition file. A separate file for each property acquisition and each relocation case must be maintained. Refer to the *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) for further details on the documentation required to be maintained.

ATTACHMENT 5-E: LETTER CONFIRMING EASEMENT IS SOLE BENEFIT TO RESIDENT/OWNER (TEMPLATE)

(ON MUNICIPALITY LETTERHEAD)

[Date]

Attn: [DEHCR Project Representative First and Last Name]
Department of Administration
Division of Energy, Housing and Community Resources
Email: [DEHCR Project Representative Email Address]

Subject: [UGLG Name, e.g., Village of Yourville]
CDBG Grant Agreement #: [Grant Agreement #, e.g. PF-21-50]
Temporary Limited Easement: Sole Benefit to Owner

Dear [DEHCR Project Representative First and Last Name]:

The [UGLG Name] has proceeded with temporary limited easements in order to [State Purpose, e.g., "...to complete utility related connection work and subsurface room space abandonment work as agreed with property owners during project construction."]. The properties are located at:

- [List street and city address for each property on separate lines here; or modify template language to indicate the list of properties are attached with this letter.]

These commitments have been planned, and are currently being completed, without a cost expense being assigned to any of the property owners. The temporary easement gained to enter owner's property during construction is exclusively for the benefit of the property owner. Our continued understanding is that this approach and effort meets the exception criteria allowed for relocation and acquisitions as defined with 49 CFR 24.101(c)(2) regulations.

Please feel free to contact me should you have further concerns or questions regarding the project.

Sincerely,

(Add Signature)

TEMPLATE

[UGLG Acquisition Contact Person First and Last Name]
[UGLG Acquisition Contact Title]

Attachment: [Add Attachment Name *(if property addresses are attached)*]

Cc: [Chief Elected Official Name, Title, UGLG Name, *if not signatory above*]
[Clerk Name, Title, UGLG Name, *if not signatory above*]
[Grant Administrator Name, Title, Company/Firm Name, *if not signature above*]
David Pawlisch, Director, Bureau of Community Development

ATTACHMENT 5-F: RELOCATION PLANNING/PROCESS AND ADVISORY SERVICES

Relocation may begin soon after the acquisition is complete, or may not take place for quite some time, depending on the project. The URA and state relocation have specific requirements regarding relocation benefits and services.

Planning/Process

UGLGs must plan for relocation and follow the appropriate process to ensure that adequate time, funding and staffing are available to carry out their responsibilities during a relocation project and required steps are completed, including:

- Submitting the *Notice of Acquisition/Relocation to DEHCR* (Attachment 5-L);
- Preparing a Relocation Plan, following the guidance and requirements on the State of Wisconsin Relocation website at: <https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>; and submitting the Plan to DOA Division of Legal Services for approval;
- Providing the applicable required notices to tenants and property owners, fulfilling notice requirements described in Attachment 5-C and Attachment 5-D, and keeping all parties informed via public meetings;
- Planning for budget implications as a result of the project and relocation payments;
- Consulting with property owners and tenants;
- Determining resource needs including policies and strategies to minimize displacement and hardship; determining comparable supplies and costs as needed; and determining overall relocation costs;
- Coordinating relocation activities;
- Appraising the property before negotiations and inviting the property owner to attend the property inspection/appraisal;
- Providing the owner with a written offer of just compensation and a summary of what is being acquired;
- Paying for property before possession;
- Reimbursing expenses resulting from the transfer of title such as recording fees, prepaid real estate taxes, or other expenses;
- Providing relocation advisory services to displaced tenants and owner occupants;
- Providing a minimum 90 days written notice to vacate prior to requiring possession; and
- Reimbursing for moving, replacement and re-establishment expenses.

Relocation Assistance/Advisory Services

In addition to being required by law, relocation advisory services are very important to completing a successful relocation. Relocation advisory services must be provided to all eligible displaced persons. Some key advisory services include:

- Determining the needs, preferences and eligibility of displaced persons;
- Explaining available relocation assistance and help filing relocation claims;
- Explaining a person's right to appeal if they are not satisfied with UGLG's decisions;
- Offering and providing transportation to locate replacement housing;
- Providing current and ongoing listings of comparable dwellings for residential displacements and replacement sites for businesses;
- Supplying information on other federal and state programs offering assistance;
- Providing counseling and other assistance to minimize hardship in adjusting to relocation;
- Reviewing to ensure replacement property is decent, safe and sanitary; and
- Identifying and resolving personality/realty issues for businesses prior to, or at the time of, the appraisal of the property.

When necessary, there must be a relocation office convenient to public transportation or within walking distance of displaced persons. The office must be open during hours convenient to the displaced persons, including evening hours when necessary.

ATTACHMENT 5-G: LMI HOUSING RELOCATION ASSISTANCE

Section 104(d) of the Housing and Community Development Act provides minimum relocation assistance requirements for certain HUD funded programs or projects involving the demolition of or conversion of low- or moderate-income housing, including CDBG, HOME and UDAG.

Section 104(d) specifically requires that funding recipients do the following:

- Certify that they have in effect, and are following, a Residential Anti-Displacement and Relocation Assistance Plan (RADRAP);
- Provide relocation assistance to lower-income residential tenants displaced as a direct result of demolition of any dwelling unit or conversion of a lower-income dwelling unit in connection with an assisted activity; and
- Provide replacement, on a one-for-one basis, of all occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than lower income dwelling units in connection with an assisted activity.

ATTACHMENT 5-H: RELOCATION CLAIMS AND PAYMENTS

Claims for Relocation Payments

The relocation program is a reimbursement program, meaning a displaced person or business must spend to get its relocation payments. Therefore, those eligible for relocation payments must submit a claim in order to receive relocation payments. A UGLG must provide displaced persons with a claim form along with an explanation of how to fill out this form and the filing procedure before the person is displaced. Any claim for a relocation payment must be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment. All claims for a relocation payment must be filed with the UGLG no later than two (2) years after:

- The date of displacement (for tenants); or
- The date of displacement or the date of the final payment for the acquisition of the real property, whichever is later (for owners).

If the claim is denied, the UGLG must promptly notify the claimant in writing of its determination, the basis for the determination and the procedures for appealing. If the claim is accepted, the UGLG must pay the claim in a timely manner. Under Wisconsin relocation provisions, a person displaced from a residence may claim up to \$100 and a business may claim up to \$500 for fees to prepare a claim, under moving expenses. These costs are ineligible under federal law. The URA provides a person up to 18 months to file a claim and Wisconsin provides up to two (2) years.

Relocation Payments

Federal

Under federal law, persons displaced from residences are eligible for replacement housing and move payments. Non-residential displacees are eligible for move and re-establishment payments.

State

Under state law, residential displacees are eligible for replacement housing and move payments, while non-residential displacees are eligible for replacement business, move and re-establishment costs. These, and other associated costs, are explained in further detail below.

NOTE: For all relocation payments, the displaced person or business must receive the amount (federal or state) that is most generous. For example, if the state payment allows for a greater reimbursement than the federal, that amount must be reimbursed and vice versa.

Move Payments

Federal

The URA provides for the following move payments: (1) Actual; (2) Fixed; or (3) a combination of both based on circumstances.

Federal – Residential

Displaced persons may receive actual moving payments from a self-move or a commercial move that the UGLG determines are reasonable and necessary. Actual moves must be supported by receipted bills for labor and equipment. Hourly labor rates and equipment rental

fees may not exceed the cost paid by a commercial mover. Commercial moves must be based on the lower of two bids or estimates prepared by a commercial mover. Alternatively, the displaced person may choose to receive fixed move costs. This payment is determined according to the *Fixed Residential Moving Cost Schedule*. Finally, a displaced person may choose to receive a combination of actual and fixed move payments, based on circumstances.

Federal – Non-residential

Personal property, as determined by an inventory from a business, farm or non-profit organization, may be moved through actual or fixed move costs. Actual move costs can involve either a: (1) Commercial move (based on the lower of two bids or estimates prepared by a commercial mover); (2) Self-move (based on the lower of two bids or estimates prepared by a commercial mover or qualified UGLG staff person); or (3) Self-move supported by receipted bills for labor or equipment; however, hourly rates or equipment rental fees may not exceed those of the commercial mover. A displaced business may alternatively choose to receive a fixed payment in lieu of actual moving payments of up to \$40,000. Additionally, displaced persons may be reimbursed when required to move personal property from real property, but are not actually required to move from a dwelling, business, farm or nonprofit.

State

Ch. Adm 92, Wis. Admin. Code provides for actual and fixed move payments.

State – Residential

Displaced persons may receive actual moving payments from a self-move or a commercial move that the UGLG determines are reasonable and necessary. Actual moves must be supported by receipts. Self-moves may not exceed the estimated cost of a commercial move. Commercial moves must be based on the lower of two bids or estimates prepared by a commercial mover. Alternatively, the displaced person may choose to receive fixed move costs. This payment is determined according to the *Fixed Residential Moving Cost Schedule* listed in Ch. Adm 92.54, Wis. Admin. Code.

State – Non-residential

A business, farm or non-profit may receive an actual reasonable cost move payment plus re-establishment payment or a fixed payment-in-lieu of that actual move and re-establishment cost. The actual, reasonable move cost can be accomplished through the following: (1) Commercial move (based on the lower of two bids or estimates prepared by a commercial mover); (2) Self-move based on the lower of two bids or estimates prepared by a commercial mover or qualified UGLG staff person; (3) Self-move supported by receipted bills for labor or equipment (unless under \$1,000); however, hourly rates or equipment rental fees may not exceed those of the commercial mover. A displaced business may also choose to receive a fixed payment-in-lieu of actual moving payments according to criteria established by DEHCR of up to \$20,000; however, if federal funds are involved, the UGLG may follow the federal limit of \$40,000. Additionally, displaced persons may be reimbursed when required to move personal property from real property, but are not actually required to move from a dwelling, business, farm or non-profit.

Re-establishment Expense

Re-establishment costs are available for business displacements only.

Federal Non-Residential Re-establishment Payments

The URA provides up to \$25,000 for a business re-establishment expenses. Eligible items include, but are not limited to the following:

- Repairs or improvements to replacement real property as required by federal, state or local law, code or ordinance;

- Modifications to the replacement property to accommodate business operations or make replacement structures suitable for conducting the business;
- Construction and installation costs for exterior signage to advertise the business;
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting; and
- Estimated increase costs of operation during the first two (2) years at replacement site, for certain items.

State Non-Residential Re-establishment Payments

State relocation provisions provide up to \$10,000 for business re-establishment costs; however, if federal funds are involved, the UGLG may provide up to \$25,000. This is limited to certain items, and even more limited if the maximum Business Replacement payment has already been provided. Re-establishment costs include, but are not limited to the following:

- Connecting to public utilities;
- Reimbursement for professional services;
- Repairs or improvements to the replacement real property as required by applicable federal, state or local codes or ordinances;
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business;
- Installation costs for exterior signage to advertise the business;
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting;
- Licenses, fees and permits when not paid as part of moving expenses; and
- Feasibility surveys, soil testing and marketing studies.

Direct Loss of Tangible Personal Property – Non-residential

A UGLG must pay a person for direct loss of tangible property which a person may move but does not, provided the person makes a good faith effort to sell the property. Selling expenses and sale proceeds must be documented by receipts or records. At the state level, these costs are covered under actual move costs. This person is covered separately under the URA.

Purchase of Substitute Personal Property – Non-residential

Under the URA, if an item of personal property which is used as part of a business or farm 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 the cost of the substitute item or the estimated cost of moving and reinstalling the replaced item.

Search Expenses

Federal – Non-residential

A business or farm is entitled to actual expenses, up to \$2,500 which are incurred in searching for a replacement location including: (1) transportation; (2) meals and lodging away from home; (3) time spent searching; (4) fees paid to a real estate agent or broker; (5) time spent in obtaining permits and attending zoning hearings; and (6) time spent negotiating the purchase of a replacement site based on some reasonable salary or earnings. The URA does not provide for residential search expenses. [49 CFR 24.301(h)(9)]

State Residential and Non-Residential [Wis. Stat. Ch. 32.19(3)(a); Ch. Adm 92.56(3), Wis. Admin. Code]

A UGLG must pay a person up to \$1,000 (unless the UGLG determines more is necessary) for actual and reasonable expenses in searching for a replacement business, including: (1) transportation; (2) food and lodging away from home; and (3) the value of time spent searching including any feed paid to a real estate agent or broker (not including commission). All expenses must be supported by receipts.

Replacement Payment

Both federal and state law allow for replacement housing payments based on occupancy status and length of occupancy. However, only state law provides a business replacement payment. Details of these payments are discussed in greater detail below.

Federal Replacement Payment – Residential [49 CFR 24.401]

Tenant occupants of 90 days or more prior to the initiation of negotiations may be eligible for a rental assistance payment to supplement the costs of leasing a comparable replacement dwelling, or down-payment assistance to purchase a replacement dwelling. A rental assistance payment is based on the difference, if any, between the cost of the monthly rent and utilities of the displacement dwelling and a comparable decent, safe and sanitary replacement dwelling, as determined by the UGLG. The URA has established a 42-month period for supplementing this payment difference up to \$7,200. [49 CFR 24.402]

Owner-occupants of at least 90 days prior to initiation of negotiations may be eligible for a price differential payment of up to \$31,000, including any mortgage interest differential and costs incidental to the purchase of a comparable replacement dwelling. A price differential payment is based on the difference, if any, between the acquisition price of the acquired dwelling and the purchase price of a comparable decent, safe and sanitary replacement dwelling. The incidental expenses that can be reimbursed are those costs actually incurred by the displaced person incident to the purchase of a replacement dwelling and normally paid by the buyer, including: (1) legal, closing and related costs; (2) lender, FHA or VA application and appraisal fees; (3) loan origination or assumption fees that do not represent prepaid interest; (4) professional home inspection; (5) credit report; (6) title insurance; (7) escrow agent's fee; and (8) others.

Housing of Last Resort

The URA requires that comparable decent, safe and sanitary replacement housing within a person's financial means be made available before that person may be displaced. When such housing cannot be provided using the replacement housing allotment of \$31,000, the URA provides for a "housing of last resort" payment [49 CFR 24.404]. UGLGs have broad flexibility in the use of housing of last resort. It is intended to enable UGLGs to respond to difficult or special displacements, but it must not be used as a substitute for lack of time or lack of relocation advisory services.

State Replacement Payment - Residential

Owner occupants of at least 180 days are eligible for a replacement housing payment of up to \$25,000 [Wis. Stat. Ch. 32.19(4)(a), Ch. Admin 92.70, Wis. Admin. Code]; however, if federal funds are involved the homeowner could be eligible for up to \$31,000 for replacement housing payments [Wis. Stat. Ch 32.19(4)(d)]. This payment reimburses for the differential cost to purchase a comparable dwelling, for the loss of favorable financing on an existing mortgage, and for expense incidental to the purchase including:

- Legal, closing and related costs;
- Lender, appraisal or application fees;
- Certification of structural soundness;
- Credit reports;

- Owner or mortgage title insurance policy;
- Escrow agent fee; and
- Other.

A tenant of at least 90 days is eligible for a rent differential payment of up to \$8,000. This payment is equal to the difference for 48 months, if any, between the monthly rent for the displacement unit and the lesser of the monthly rent for a comparable dwelling or the actual replacement rent [Ch. Adm 92.78, Wis. Admin. Code].

Additional Payment - State [Wis. Stat. Ch. 32.19(4)(c)]

If a comparable dwelling is not available within the monetary limits established above, the UGLG may exceed the monetary limits and make payments necessary to provide a comparable dwelling.

State Replacement Payment - Non-residential [Wis. Stat. Ch. 32.19(4m), Ch. Adm 92.90, Wis. Admin. Code]

A UGLG must make a replacement payment to a business, farm or non-profit not to exceed \$50,000 for an owner occupant or \$30,000 for a tenant-occupant.

A UGLG must pay an owner-occupant of a business or farm operation up to \$50,000 for the difference necessary to purchase a replacement business or farm operation, the loss of favorable financing on an existing mortgage or land contract in financing a replacement property, and expenses incidental to the purchase of a replacement business or farm operation including: (1) legal, closing and related costs; (2) lender, appraisal or application fee; (3) certification of structural soundness; (4) credit reports; (5) owner or mortgagee title insurance policy; (6) escrow agent fee; and (7) other. [Ch. Adm 92.92, Wis. Admin. Code]

A tenant-occupant of a business or farm operation must receive up to \$30,000 from the UGLG for the increased cost to rent or lease a replacement business, non-profit or farm operation [Ch. Adm 92.96, Wis. Admin. Code]. The rent differential is a payment equal to the difference for 48 months, if any, between the monthly rent for the displacement unit and the lesser of the monthly rent for a comparable business or farm operation or the actual replacement.

Decent, Safe and Sanitary Housing

Decent, safe and sanitary standards exist in both the 49 CFR 24.2(8) and state relocation rules Wis. Stat. Ch. 32.19(4)(ag), and Ch. Adm 92.04, Wis. Admin. Code. Although state and federal provisions differ in defining decent, safe and sanitary, the general purpose is the same - to establish a minimum housing standard to ensure that comparable replacement housing quality is adequate for the protection of public health, safety and welfare. UGLGs must become familiar with the decent, safe and sanitary housing standards.

ATTACHMENT 5-I: RELOCATION COMPENSATION RULES AND LIMITS

Wisconsin UGLGs are required to follow both the State and Federal relocation rules when implementing a federally funded project. To align Federal and State benefit limit provisions, 2015 Wisconsin Act 55 was passed. In 2015 Wisconsin Act 55, changes were made to the state eminent domain statute, Wis. Stats. Ch. 32 (beginning on page 273, Section 1066v).

The Federal and Wisconsin equivalent relocation assistance benefits are summarized in the table below, which reflects the changes resulting from 2015 Wisconsin Act 55.

Replacement Housing Payments for Displaced Homeowners and Tenants		
Federal Statutory Change	Procedural Change	Wisconsin Limit
1. Increase to statutory Replacement Housing Payment Amounts to \$31,000 (was \$25,000) for Homeowners.	Displaced homeowners and tenants who are in occupancy and had not completed a move by October 1, 2014 are eligible to claim the higher amounts.	\$25,000 (owner) – 2015 Wisconsin Act 55 allows Wisconsin UGLGs to provide \$31,000 when federal funds are involved.
2. Increase to statutory Replacement Housing Payment Amounts to \$7,200 (was \$5,250) for Residential tenants.	Displaced homeowners and tenants who are in occupancy and had not completed a move by October 1, 2014 are eligible to claim the higher amounts.	\$8,000 (tenant) – since the state provision is higher, Wisconsin UGLGs generally would provide the state relocation benefit.
3. Occupancy requirement for Displaced Homeowners reduced to 90 days (was 180 days) prior to Initiation of Negotiations (ION).	Homeowners holding title to their property on October 1, 2014 and in occupancy for 90 days or more prior to ION are eligible for increased cost to purchase a comparable replacement home.	Wisconsin Homeowner (180 days) – not impacted by 2015 Wisconsin Act 55. Wisconsin Tenant (90 days) Wisconsin 90-day homeowner can qualify for tenant replacement payment.
Non-residential Moving Expense Payments (displaced businesses, farms, non-profits)		
Federal Statutory Change	Procedural Change	Wisconsin Limit
4. Fixed Move Payment Statutory Limit increased to \$40,000 (was \$20,000).	Displaced businesses, farms, non-profits who are in occupancy and had not completed a move by October 1, 2014 are eligible to claim the higher amounts.	\$20,000 (owner and tenant) – 2015 Wisconsin Act 55 allows the payment to be increased to \$40,000 when federal funds are involved.
5. Re-establishment expense payment increased to \$25,000 (was \$10,000).	Displaced businesses, farms, non-profits who are in occupancy and had not completed a move by October 1, 2014 are eligible to claim the higher amounts.	\$10,000 (owner) – 2015 Wisconsin Act 55 allows the payment to be increased to \$25,000.

NOTE: If the payment caps under #1, and #2 and the time limit in #3 are not sufficient, based on the required calculations, these payment caps are to be exceeded (reference: Housing of Last Resort – the Uniform Act 24.404).

More information regarding relocation rules and limits can be found in HUD's *Moving Ahead for Progress in the 21st Century (MAP-21)* available on-line at:

<https://www.fhwa.dot.gov/map21/> and the DOA Relocation Assistance website at:
<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>.

If CDBG grant recipients were unaware of these changes and did not follow the changed limits implemented on October 1, 2014, 49 CFR 24.4 – *Assurances, monitoring and corrective action* will guide UGLGs in remedying that oversight. Basically, HUD will require that UGLGs take corrective action to comply with the URA.

ATTACHMENT 5-J: CHAPTER ADM 92.20 RELOCATION FILE

A UGLG shall maintain a current individual property acquisition and individual relocation case file.

(1) PROPERTY ACQUISITION FILE SHALL CONTAIN:

- a. The name and address of a property owner and the address or other legal description of an acquired property;
- b. Evidence that the property owner was given a brochure entitled, *Your Rights as a Landowner under Wisconsin Eminent Domain Law*, and the date given;
- c. A copy of written notices under this chapter or otherwise given to a displaced person;
- d. A copy of appraisal reports or documents on which a determination of just compensation is based;
- e. A copy of the written offer to purchase and the date of initiation of negotiations to acquire a property;
- f. A copy of a purchase agreement, deed, declaration of taking, waiver or related document involving conveyance of the property; and
- g. Evidence that a property owner was paid for the purchase price and expenses incurred incidental to transfer of the property as specified under Wis. Stat. Ch. 32.195.

(2) INDIVIDUAL RELOCATION CASE FILE SHALL CONTAIN:

- a. Any information obtained in the initial interview;
- b. Name, on-site address and telephone number, date of displacement, replacement address and telephone number; and if a tenant or an owner, before and after relocation;
- c. The age and sex of dependent household members, the average monthly income of adult household members and the monthly housing cost of an acquired and replacement dwelling;
- d. A description of the business or farm operation being conducted, whether a displaced person relocated or discontinued, and the average monthly cost of the acquired and replacement facilities;
- e. A description of a dwelling, habitable space, number of rooms and bedrooms, and the type of construction;
- f. A description of relocation needs and preferences;
- g. Evidence that a displaced person received a brochure entitled, *Wisconsin Relocation Rights*, and the date received;
- h. A copy of a written notice as specified under this chapter or otherwise given to a displaced person;
- i. Relocation service and assistance provided and the date;
- j. Referral to a replacement dwelling, business, or farm operation, including the date, address, and sale or rental price;
- k. A copy of an occupancy agreement for the period after acquisition;

- l. A copy of a replacement property inspection document shall include the inspection date, description of a property, and its condition;
- m. Type and amount of each relocation payment made;
- n. A copy of a relocation claim, supporting documentation, and related documents for determining eligibility for or an amount of a payment, evidence of payment, and correspondence relating to a claim;
- o. A copy of an appeal and an explanation of the action taken to resolve the appeal, and the final determination;
- p. A copy of individual relocation case reports or other correspondence with the department; and
- q. The agency representative who provided the relocation assistance.

In addition, the UGLG must maintain a completed *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) in the CDBG project file upon the CDBG project being monitored by DEHCR.

ATTACHMENT 5-K: ACQUISITION/RELOCATION MONITORING CHECKLIST

Division of Energy, Housing and Community Resources <u>Acquisition/Relocation Monitoring Checklist</u>	
ACQUISITION/RELOCATION MONITORING CHECKLIST	
GRANTEE/UGLG NAME:	TEMPLATE
DEHCR GRANT AGREEMENT #:	
ACQUISITION CHECKLIST	
Full Name and Title of Preparer of Checklist:	
Preparer's Phone:	Preparer's Email:
UGLG Approver Name and Title*:	
Approval Date:	
<small>*Type in First & Last Name and Title of UGLG Approver of this document above (required only if the Preparer is an external third-party). *By entering the name and title of the UGLG Approver above, the Preparer of this document is certifying that the person identified as the UGLG Approver is an employee or official from the UGLG; is authorized by the UGLG to review and approve this document; and approved and authorized the Preparer to submit this document to DEHCR on the UGLG's behalf. The UGLG Approver must be the Chief Elected Official (CEO) or a person authorized/designated by the CEO on the Signature Certification Form (submitted with the pre-agreement documents for the project) or by the UGLG's governing body to approve CDBG project documents. If the person submitting this document is not the UGLG Approver, then the submitter must copy ('cc') the UGLG Approver when emailing it to DEHCR.</small>	
Acquisition Required for CDBG Project? <input type="checkbox"/> YES <input type="checkbox"/> NO IF NO, THEN NO OTHER ENTRIES ON THE ACQUISITION CHECKLIST ARE REQUIRED. PROCEED TO RELOCATION CHECKLIST.	
Acquired Property Address and Parcel #: <small>If multiple properties were acquired, a separate checklist for each property or acquisition transaction <u>may</u> be required. Consult with DEHCR Project Representative.</small>	
Property Use Prior to Acquisition: <div style="display: flex; justify-content: space-between;"> <div> <input type="checkbox"/> Single Family Residential <input type="checkbox"/> Commercial <input type="checkbox"/> Other: _____ </div> <div> <input type="checkbox"/> Multi-Family Residential <input type="checkbox"/> Industrial </div> </div>	
Acquisition Type: <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary	
<small>Acquisition/Relocation Monitoring Checklist</small>	<small>Page 1 of 11</small>
<small>Form v.2021-09-01</small>	

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

Nature of Acquisition:	
<input type="checkbox"/> Property Purchase/Acquisition	<input type="checkbox"/> Permanent Easement <input type="checkbox"/> Temporary Easement
Owner Occupant(s): <i>[Owner(s) occupying the land/building/structure or with personal property at the address.]</i>	
Is Relocation (Temporary or Permanent) Involved? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Seller(s)/Owner(s) Full Name:	
Seller(s)/Owner(s) Street Address, City, State, Zip Code:	
TEMPLATE	
Seller(s)/Owner(s) Phone:	Seller's/Owner's Email:
Tenant(s) (Non-Owner Occupant(s) Full Name(s)): <i>[Non-Owner person(s) occupying the land/building/structure or with personal property at the address.]</i>	
Tenant(s) Street Address, Unit # (if a multiple-unit structure at the acquired property/address), City, State, Zip Code:	
Tenant(s) Phone #:	Tenant(s) Email:

Acquisition Monitoring Item:	YES	NO	N/A	DATE
ACQUISITION FOR SOLE BENEFIT OF PROPERTY OWNER				
<i>If acquisition for sole benefit of property owner, then all other items on the Acquisition Monitoring Checklist are to be marked as N/A. Acquisition must be Temporary Easement that meets requirements specified in Handbook to qualify as sole benefit to property owner.</i>				
Sole Benefit of Property Owner Letter to DEHCR (required if applicable)				
VOLUNTARY ACQUISITION				
<i>*All items below are required for Voluntary Acquisition.</i>				
Notice of Acquisition/Relocation to DEHCR*				
Acquisition Meets the 3 Criteria Required to Qualify As a Voluntary Acquisition (as specified in Chapter 5 of CDBG Implementation Handbook)				

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

Acquisition Monitoring Item:	YES	NO	N/A	DATE
Initial Acquisition Notice/Informational Notice to Property Owner*				
Initial current Fair Market Value (FMV) Determination:*				
\$				
Fair Market Value (FMV) Determination:				
Source(s)/Method(s) for FMV Determination (Initial determination and any subsequent determination, if applicable):*				
Final current FMV Amount:*				
\$				
State of Wisconsin rights under eminent domain brochure(s) for landowners/property owners and/or businesses/farms provided (required unless buyer does not have eminent domain authority, e.g., non-profit, developer, etc.)*				
HUD Federal URA acquisition rights booklet(s)/brochure(s) for land owners/property owners and/or businesses/farms provided (optional)				
State of Wisconsin relocation rights brochure(s) for landowners/property owners and/or businesses/farms provided (required if any displacement)				
HUD Federal URA relocation rights booklet(s)/brochure(s) for land owners/property owners and/or businesses/farms (optional & only if any displacement)				
Documentation associated with any negotiation proceedings*				
Record(s) of official determination to acquire and approval of terms of acquisition/purchase by UGLG governing body (required if UGLG is buyer; otherwise strongly recommended if subrecipient/developer is buyer)*				
Intent to Purchase/Offer to Purchase Letter/Record*				
Owner Acceptance of Offer*				
Executed Purchase Agreement (signed by all parties)				
Purchase Price Amount:*				
\$				
Transfer of Title Record(s)*				

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

TEMPLATE

Acquisition Monitoring Item:	YES	NO	N/A	DATE
INVOLUNTARY ACQUISITION				
<i>**Items denoted with ** below are required for Involuntary Acquisition. Other items are required only if applicable to the project (based on Handbook and HUD guidance).</i>				
Notice of Acquisition/Relocation to DEHCR**				
Relocation Order or Determination of Necessity of Taking (required – if relocation is involved) – prior to proceeding with acquisition				
Preliminary/Initial Notice of Acquisition to Property Owner(s)/Business/Fam**				
State of Wisconsin rights under eminent domain brochure(s) for landowners/property owners and/or businesses/farms provided**				
HUD Federal URA acquisition rights booklet(s)/brochure(s) for landowners/property owners and/or businesses/farms provided (optional)				
State of Wisconsin relocation rights brochure(s) for landowners/property owners and/or businesses/farms provided (required if any displacement)				
HUD Federal URA relocation rights booklet(s)/brochure(s) for land owners/property owners and/or businesses/farms (optional & only if any displacement)				
Nominal Parcel Waiver Valuation (if applicable)				
Donation of Property Waiver Valuation (if applicable)				
Waiver Valuation completed by professional with relevant knowledge of real estate market? (required if using waiver valuation in lieu of appraisal, if appraisal waived)				
Property owner donation of property signed statement (if applicable) – May be included with waiver valuation				
Waiver of Appraisal (if applicable) – May be included with waiver valuation				
First Appraisal (required if not nominal value and/or no waiver of appraisal)				
Appraisal Amount: \$				
Second Appraisal (if applicable)				
Appraisal Amount: \$				

Acquisition/Relocation Monitoring Checklist

Page 4 of 11

Form v.2021-09-01

Division of Energy, Housing and Community Resources
Acquisition/Relocation Monitoring Checklist

TEMPLATE

Acquisition Monitoring Item:	YES	NO	N/A	DATE
Third Appraisal (if applicable)				
Appraisal Amount: \$				
Was the owner invited to accompany all of the appraisers on their inspection of the property? (required if appraisal required/not waived)				
Review Appraisal(s) (required if appraisal not waived)				
Are the data contained in the appraisals adequate to determine FMV? (required if not waived)				
Are the analyses of the data in the appraisals reasonable? (required if not waived)				
Do the appraisals disregard the influence of the project on the FMV of the property? (required if not waived)				
Just Compensation Determination**				
Just Compensation Amount: \$				
Was the amount determined for just compensation the same or more than the UGLG's approved appraisal of the FMV of the property? (required if not waived)				
Are the appraisal(s) of FMV and determination of just compensation acceptable for the acquisition? (required if not waived)				
Record(s) of official determination to acquire and approval of terms of acquisition/purchase by UGLG governing body**				
Initiation of Negotiations / Written Offer to Purchase, with Statement of Basis of Determination of Offer Amount (initial written offer date or start date of displacement process if relocation applies)**				
Written Offer Amount: \$				
Prior to any bargaining, did the UGLG furnish the owner with a firm offer to purchase, stating all basic terms and conditions, at the full just compensation amount? (required if not waived)				
Is the amount determined to be just compensation an acceptable conclusion of the FMV of the property? (required if not waived)				
Owner Acceptance of Offer**				
Did the UGLG carry out the acquisition process in a manner that minimized hardships to the owner and was consistent with its treatment with other owners?*				

Acquisition/Relocation Monitoring Checklist

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Form v.2021-09-01

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

Acquisition Monitoring Item:	YES	NO	N/A	DATE
Administrative Settlement records on file (if applicable)				
Estimated Just Compensation Deposited with Court (if applicable - Condemnation Only)				
Condemnation Proceeding Records on file (if applicable – Condemnation Only)				
Executed Purchase Agreement (signed by all parties) Purchase Price Amount (or Terms of Sale/Donation Records signed by all parties):** \$				
Did the owner receive the amount determined to be Just Compensation? (required if no waiver)				
Record of Transfer of Title to UGLG**				
90 Day Notice to Vacate Property (if applicable – required if displacement; may be combined with NOE)				
COMMENTS:				

TEMPLATE

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

ACQUISITION/RELOCATION MONITORING CHECKLIST

GRANTEE/UGLG NAME:

DEHCR GRANT AGREEMENT #:

TEMPLATE

RELOCATION CHECKLIST	
Full Name and Title of Preparer of Checklist:	
Preparer's Phone:	Preparer's Email:
UGLG Approver Name and Title*:	
Approval Date:	
<p>*Type in First & Last Name and Title of UGLG Approver of this document above (required only if the Preparer is an external third-party).</p> <p><i>*By entering the name and title of the UGLG Approver above, the Preparer of this document is certifying that the person identified as the UGLG Approver is an employee or official from the UGLG; is authorized by the UGLG to review and approve this document; and approved and authorized the Preparer to submit this document to DEHCR on the UGLG's behalf. The UGLG Approver must be the Chief Elected Official (CEO) or a person authorized/designated by the CEO on the Signature Certification Form (submitted with the pre-agreement documents for the project) or by the UGLG's governing body to approve CDBG project documents.</i></p> <p>If the person submitting this document is not the UGLG Approver, then the submitter must copy ('cc') the UGLG Approver when emailing it to DEHCR.</p>	
Affected/Acquired Property Address (Street Address, City, State, Zip Code):	
Relocation Required for CDBG Project?	
<input type="checkbox"/> YES <input type="checkbox"/> NO	
IF NO, THEN NO OTHER ENTRIES ON THE RELOCATION CHECKLIST ARE REQUIRED.	
Purpose of Relocation:	
<p>If multiple tenants or displaced families/owners, the UGLG <u>may</u> be required to complete a separate checklist for each tenant/displace family/owner. Consult with DEHCR Project Representative.</p>	
Relocation Type:	
<input type="checkbox"/> Temporary <input type="checkbox"/> Permanent	
Nature of Relocation:	
<input type="checkbox"/> Household / Residence <input type="checkbox"/> Business <input type="checkbox"/> Farm	
Head of Household Name or Name of Business/Farm:	

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

TEMPLATE

Address of Displaced Person(s) (Street Address, Unit # (if a multi-unit structure at the acquired property/address), City, State, Zip Code):
Affected/Acquired Property Contact Name and Telephone Number:
Number of People in Family affected by the Residential Relocation (If Applicable):
Average Monthly Income of Family affected by the Residential Relocation (If Applicable):
Average Monthly Cost of Affected/Acquired Business/Farm Facilities (If Applicable): \$
Average Monthly Cost of Replacement Business/Farm Facilities (If Applicable): \$
Is/Are the displaced person(s) affected by the Business/Farm Relocation going to relocate or discontinue (If Applicable)? <input type="checkbox"/> Relocate <input type="checkbox"/> Discontinue <input type="checkbox"/> Not Applicable (N/A)

RELOCATION CHECKLIST				
Relocation Monitoring Item:	YES	NO	N/A	DATE
<i>*Items marked with * below are required if relocation/displacement is applicable to the CDBG project. Other items are only required if applicable to the project/displaced person(s).</i>				
Notice of Acquisition/Relocation to DEHCR*				
Relocation Plan, approved by the DOA Legal Services*				
Copy of approved Relocation Plan provided to DEHCR*				
Preliminary/Initial Acquisition Notice Letter to Owner(s)/Tenant(s)*				
Documentation verifying the displaced person received the required Wisconsin relocation rights brochure(s)*				
Notice of Intent to Acquire (giving notice of relocation required – triggers relocation rights) to Owner/Business/Farm/Tenants* <i>[May be included in/part of other notices]</i>				
Public meeting(s) included required content, as specified in Ch. 5 of Handbook (if public meeting(s) held regarding relocation)				

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

TEMPLATE

RELOCATION CHECKLIST

Relocation Monitoring Item:	YES	NO	N/A	DATE
Notice of Relocation Eligibility (NOE) to Owner/Business/Farm/Tenants (required if deemed 'displaced' and eligible for relocation benefits) <i>[May be included in/part of other notices]</i>				
Notice of Ineligibility for Relocation to Owner/Business/Farm/Tenants (<i>recommended</i> if deemed to <i>not</i> be displacement/ineligible for relocation benefits) <i>[May be included in/part of other notices]</i>				
Notice of Non-displacement to Owner/Business/Farm/Tenants (required if deemed to <i>not</i> be displacement/ineligible for relocation benefits) <i>[May be included in/part of other notices]</i>				
90-Day Notice / Notice of Replacement Payment Entitlement and Occupancy Term to Owner/Business/Farm/Tenants (required if displacement/relocation required) – must be at least 90 days from the date to vacate or at the request of displaced person, whichever is earlier.* <i>[May be included as Combined Notice with NOE]</i>				
Record of initial interview(s) and communications with owner/tenant to determine displacement and relocation needs and eligibility*				
Demographic data, including age and sex of Household members, including dependent family members (required if Residential Household)				
Description of the dwelling, business or farm, including useable or habitable space, # of rooms, # of bedrooms, land, type of construction, and condition (required if Residential Household)				
Description of the business or farm, usable space, # of rooms and buildings, land, type of construction, and condition (required if Business/Farm)				
Description of relocation needs and preferences*				
Written Offer of Just Compensation, with summary of what is being offered, provided to owner(s)/tenant(s)*				
Description of Relocation Services and Assistance provided (required if needed):				
Referral to replacement dwelling, business, or farm operation (required if needed)				

Division of Energy, Housing and Community ResourcesAcquisition/Relocation Monitoring Checklist**TEMPLATE**

RELOCATION CHECKLIST				
	YES	NO	N/A	DATE
Relocation Monitoring Item:				
Sale/Rental Price: \$				
Copy of the Occupancy Agreement for Replacement Property (required if needed)				
Copy of the Replacement Property Inspection Report with dates, description of property and condition (required if replacement dwelling applicable)				
Record of payment to Household for Lodging (required if applicable)				
Copy of the claim(s) and related documents for Household for Lodging (required if applicable)				
Amount of Payment: \$				
Record of payment to Household for Meals (if applicable)				
Copy of the claim(s) and related documents on file for Household for Meals (required if applicable)				
Amount of Payment: \$				
Record of payment to Household for Increased Transportation Costs (required if applicable)				
Copy of the claim(s) and related documents on file for Household for Increased Transportation Costs (required if applicable)				
Amount of Payment: \$				
Record of payment to Household for Laundry Facilities (required if applicable)				
Copy of the claim(s) and related documents for Household for Laundry Facilities (required if applicable)				
Amount of Payment: \$				
Record of payment to Household for Other Costs (required if applicable)				
List Other Costs:				
Copy of the claim(s) and related documents for Household for Other Costs (required if applicable)				
Amount of Payment: \$				
Documented acknowledgment from Household / Business / Farm of receipt of Total Relocation Payment(s)*				
Copy of Appeal and explanation of any action taken to resolve and final determination (required if appealed)				
Copy of individual case reports/records*				

Division of Energy, Housing and Community ResourcesAcquisition/Relocation Monitoring Checklist

RELOCATION CHECKLIST				
Relocation Monitoring Item:	YES	NO	N/A	DATE
Copy of any other correspondence with DEHCR				
Notice of Temporary Relocation (required if relocation was temporary)				
Owner/Tenant Moved Out of Affected/Acquired Property?*				
Replacement Address (Street Address, City, State, Zip Code): (required if applicable)				
Owner/Tenant <i>Current</i> Telephone Number:*				
Owner/Tenant Moved Back to Affected/Acquired Property: (required if applicable)				
Agency/Entity that provided Relocation Assistance:				
Agency/Entity Name:				
Agency/Entity Mailing Address:				
Agency/Entity Contact (Full Name, Title):				
Agency/Entity Phone Number:				
Agency/Entity Email Address:				
COMMENTS:				

ATTACHMENT 5-L: NOTICE OF ACQUISITION/RELOCATION TO DEHCR

ATTACHMENT 5-L: NOTICE OF ACQUISITION/RELOCATION TO DEHCR	
Community Development Block Grant Program	
DATE: [Date]	
UGLG: [UGLG Name, e.g., Village of Yourville]	CDBG GRANT AGREEMENT #: <i>(if Grant Agreement # issued)</i> [GA # (e.g., PF 20-01)]
PREPARER'S NAME & TITLE (AND ENTITY / FIRM NAME, IF NOT UGLG EMPLOYEE): [Form Preparer's Name, Title] [Entity/Firm Name, if applicable]	PREPARER'S PHONE # & EMAIL: [Phone #] [Email Address]
PREPARER'S SIGNATURE:	
1) PROPERTY ADDRESS & PARCEL #: [Property Street Address], [City], WI [Zip Code] [Parcel #]	TARGET PURCHASE DATE: [Enter Date]
<div style="display: flex; justify-content: space-between;"> <div> Check 1 Box Below: <input type="checkbox"/> Temporary Easement: <input type="checkbox"/> Permanent Easement: <input type="checkbox"/> Permanent Acquisition: </div> <div style="text-align: center;">AND</div> <div> Check 1 Box Below: <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary </div> </div>	
Relocation Required: <input type="checkbox"/> Yes <input type="checkbox"/> No [If applicable, Enter # and names of persons or type of personal property requiring relocation, if known, and timeframe for relocation planned. If not applicable, then enter "N/A"]	
2) PROPERTY ADDRESS & PARCEL #: [Property Street Address], [City], WI [Zip Code] [Parcel #]	TARGET PURCHASE DATE: [Enter Date]
<div style="display: flex; justify-content: space-between;"> <div> Check 1 Box Below: <input type="checkbox"/> Temporary Easement: <input type="checkbox"/> Permanent Easement: <input type="checkbox"/> Permanent Acquisition: </div> <div style="text-align: center;">AND</div> <div> Check 1 Box Below: <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary </div> </div>	
Relocation Required: <input type="checkbox"/> Yes <input type="checkbox"/> No [If applicable, Enter # and names of persons or type of personal property requiring relocation, if known, and timeframe for relocation planned. If not applicable, then enter "N/A"]	
3) PROPERTY ADDRESS & PARCEL #: [Property Street Address], [City], WI [Zip Code] [Parcel #]	TARGET PURCHASE DATE: [Enter Date]
<div style="display: flex; justify-content: space-between;"> <div> Check 1 Box Below: <input type="checkbox"/> Temporary Easement: <input type="checkbox"/> Permanent Easement: <input type="checkbox"/> Permanent Acquisition: </div> <div style="text-align: center;">AND</div> <div> Check 1 Box Below: <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary <input type="checkbox"/> Voluntary <input type="checkbox"/> Involuntary </div> </div>	
Relocation Required: <input type="checkbox"/> Yes <input type="checkbox"/> No [If applicable, Enter # and names of persons or type of personal property requiring relocation, if known, and timeframe for relocation planned. If not applicable, then enter "N/A"]	

Email this form to assigned DEHCR Project Representative for CDBG Project
 OR DOACDBG@wisconsin.gov (if not yet assigned a DEHCR Project Rep.);
 AND to UGLG (if form completed by 3rd party, who is not an employee of UGLG).

ATTACHMENT 5-M: NOMINAL PAYMENT PARCEL – WAIVER OF APPRAISAL (TEMPLATE)

ACQUISITION BASED ON WAIVER VALUATION

ATTACHMENT 5-M: NOMINAL PAYMENT PARCEL – WAIVER OF APPRAISAL			
ACQUISITION BASED ON WAIVER VALUATION			
<small>CH. 32 Wis. Stats. / 49 CFR 24.102(c)(2)(ii)</small> <i>(Delete This Note When Customizing Form for UGLG's purposes: Form provided as guidance only. May modify text, as needed, or use another format, contingent upon required language being included in waiver valuation.)</i>			
[Enter CDBG Grantee/Unit of General Local Government Name]			
CDBG PROJECT I.D.: [Grant Agreement #, e.g., PF 20-01, if awarded; otherwise enter CDBG Program, e.g., CDBG Public Facilities, etc.]			
OWNER(S): [Enter Owner(s) Full Name(s)]		AREA OF INTEREST REQUIRED: Street Address: [Enter Street Address, City, State, Zip] Parcel #: [Enter Parcel #/I.D.] County: [Enter County]	
PROPERTY TYPE: <input type="checkbox"/> Land <input type="checkbox"/> Land – Permanent Limited Easement <input type="checkbox"/> Other: [Enter Type, e.g., Building]			
PROPERTY VALUATION:			
Land	[Enter sq. ft.] sq. ft.	x \$ [Enter Amt.] /sf	= \$ [Enter Amt.]
Permanent Limited Easement	[Enter sq. ft.] sq. ft.	x \$ [Enter Amt.] /sf	= \$ [Enter Amt.]
Other: [Enter Type]	[Enter sq. ft.] sq. ft.	x \$ [Enter Amt.] /sf	= \$ [Enter Amt.]
Valuation Total:			\$ [Enter Amt.]
PROPERTY SETTLEMENT AMOUNT:			
Settlement Amt. (Valuation Total - Rounded): \$ [Enter Amt.]			
<p>The undersigned owner(s), having been fully informed of the right to have the property appraised, and to receive just compensation based upon an appraisal, waive the right to an appraisal and agree to accept settlement in the above-stated amount as full payment for the parcel stated, subject to approval by the Local Policy Agency.</p> <p>The undersigned owner(s) acknowledge(s) receipt of the following document(s), which include a summary of the owner(s) rights under Wisconsin law and the Uniform Relocation and Real Property Acquisition Act (URA): [List state and federal brochures/publications provided – include all applicable]</p> <p>The undersigned owner(s) further acknowledge(s) that the decision to waive the right to appraisal was made without undue influences or coercive action of any nature.</p> <p>It is intended that the instrument of conveyance will be executed upon presentation by the Local Public Agency agents or representatives.</p>			
[Add Label of "Owner(s)" in this field; OR if for Business, then enter Company/Firm Name in this field.]			
X Owner Signature _____ Date _____ [Full Name (and Title, if Business)]		X Owner Signature _____ Date _____ [Full Name (and Title, if Business)]	
X Owner Signature _____ Date _____ [Full Name (and Title, if Business)]		X Owner Signature _____ Date _____ [Full Name (and Title, if Business)]	
[Enter CDBG Grantee/Unit of General Local Government (UGLG) Name]			
X Authorized Signature _____ Date _____ [UGLG CEO Full Name and Title]		X Authorized Signature _____ Date _____ [UGLG Representative Full Name and Title]	

ATTACHMENT 5-N: DONATION OF PROPERTY – WAIVER OF APPRAISAL (TEMPLATE)

ACQUISITION BASED ON WAIVER VALUATION

ATTACHMENT 5-N: DONATION OF PROPERTY – WAIVER OF APPRAISAL													
ACQUISITION BASED ON WAIVER VALUATION													
<small>CH 32 Wis. Stats. / 49 CFR 24.102(c)(2)(ii)</small> <i>(Delete This Note When Customizing Form for UGLG's purposes: Form provided as guidance only. May modify text, as needed, or use another format, contingent upon required language being included in waiver valuation.)</i>													
[Enter CDBG Grantee/Unit of General Local Government Name]													
CDBG PROJECT I.D.: [Grant Agreement #, e.g., PF 20-01, if awarded; otherwise enter CDBG Program, e.g., CDBG Public Facilities, etc.]													
OWNER(S): [Enter Owner(s) Full Name(s)]	AREA OF INTEREST REQUIRED: Street Address: [Enter Street Address, City, State, Zip] Parcel #: [Enter Parcel #/I.D.] County: [Enter County]												
PROPERTY TYPE: <input type="checkbox"/> Land <input type="checkbox"/> Land – Permanent Limited Easement <input type="checkbox"/> Other: [Enter Type, e.g., Building]													
PROPERTY VALUATION:													
Land	[Enter sq. ft.] sq. ft. x \$ [Enter Amt.] /sf = \$ [Enter Amt.]												
Permanent Limited Easement	[Enter sq. ft.] sq. ft. x \$ [Enter Amt.] /sf = \$ [Enter Amt.]												
Other: [Enter Type]	[Enter sq. ft.] sq. ft. x \$ [Enter Amt.] /sf = \$ [Enter Amt.]												
Valuation Total: \$ [Enter Amt.]													
PROPERTY SETTLEMENT AMOUNT: Settlement Payment Amt: \$ [Enter Amt.]													
<p>The undersigned owner(s), having been fully informed of the right to have the property appraised, and to receive the current market value of the property as just compensation based upon an appraisal, waive the right to an appraisal and the current market value of the property, and agree to accept settlement in the above-stated amount as full payment for the parcel stated, subject to approval by the Local Policy Agency.</p> <p>The undersigned owner(s) acknowledge(s) receipt of the following document(s), which include a summary of the owner(s) rights under Wisconsin law and the Uniform Relocation and Real Property Acquisition Act (URA): [List state and federal brochures/publications provided – include all applicable]</p> <p>The undersigned owner(s) further acknowledge(s) that the decision to waive the right to appraisal and waive the right to the current market value of the property as just compensation, was made without undue influences or coercive action of any nature.</p> <p>It is intended that the instrument of conveyance will be executed upon presentation by the Local Public Agency agents or representatives.</p> <p>[Add Label of "Owner(s)" in this field; OR if for Business, then enter Company/Firm Name in this field.]</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;">X Owner Signature Date</td> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;">X Owner Signature Date</td> </tr> <tr> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">[Full Name (and Title, if Business)]</td> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">[Full Name (and Title, if Business)]</td> </tr> </table> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;">X Owner Signature Date</td> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;">X Owner Signature Date</td> </tr> <tr> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">[Full Name (and Title, if Business)]</td> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">[Full Name (and Title, if Business)]</td> </tr> </table> <p>[Enter CDBG Grantee/Unit of General Local Government (UGLG) Name]</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;">X Authorized Signature Date</td> <td style="width: 50%; border-bottom: 1px solid black; padding-bottom: 5px;">X Authorized Signature Date</td> </tr> <tr> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">[UGLG CEO Full Name and Title]</td> <td style="border-bottom: 1px solid black; padding-bottom: 5px;">[UGLG Representative Full Name and Title]</td> </tr> </table>		X Owner Signature Date	X Owner Signature Date	[Full Name (and Title, if Business)]	[Full Name (and Title, if Business)]	X Owner Signature Date	X Owner Signature Date	[Full Name (and Title, if Business)]	[Full Name (and Title, if Business)]	X Authorized Signature Date	X Authorized Signature Date	[UGLG CEO Full Name and Title]	[UGLG Representative Full Name and Title]
X Owner Signature Date	X Owner Signature Date												
[Full Name (and Title, if Business)]	[Full Name (and Title, if Business)]												
X Owner Signature Date	X Owner Signature Date												
[Full Name (and Title, if Business)]	[Full Name (and Title, if Business)]												
X Authorized Signature Date	X Authorized Signature Date												
[UGLG CEO Full Name and Title]	[UGLG Representative Full Name and Title]												

ADDITIONAL NOTES: (optional)