

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) 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 following:

- 49 CFR 24, Uniform Relocation and Real Property Acquisition Act of 1970, as amended (URA or Uniform Act) found at: http://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: <http://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.

IMPORTANT REMINDER!

The [most recent federal amendments to the URA](#) are those implemented on October 1, 2014, but do not yet appear in 49 CFR 24 (URA). The most recent state amendments are summarized in Section 1073 of the 2015 Wisconsin Act 55, and were effective as of July 13, 2015.

This chapter is intended as a general outline and reference source for UGLGs implementing an acquisition or relocation project. It is the responsibility of the UGLG 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*: http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/handbooks/cpd/13780.

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.

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.

A program or project is defined under the URA as "any activity or series of activities undertaken by an UGLG or with federal financial assistance received or anticipated in any phase of a project in accordance with the federal funding UGLG guidelines." [49 CFR 24.2(22)]

The URA defines a displaced person as an individual, family, partnership, association, corporation, or organization, who moves from their home, business, or farm, or moves personal property, as a direct result of acquisition, demolition or rehabilitation for a federally-funded project. Examples of persons not displaced include those temporarily displaced (for less than 12 months), those who move

voluntarily and illegal immigrants. These definitions are further clarified in the URA [49 CFR 240]. A person who has personal property located on the property, which must be moved or removed as a result of the CDBG project also has relocation rights.

The URA real property acquisition requirements apply to all acquiring agencies 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 carrying out a publicly assisted project causing displacement including displacements resulting from arm's length voluntary acquisitions.

ACQUISITION AND RELOCATION REQUIREMENTS

The first step in undertaking a CDBG, HOME or other federally-funded project is to identify property for acquisition. As soon as feasible, the UGLG must notify the owner in writing of the UGLG's interest in acquiring the real property and the basic protections provided to the owner by law. The UGLG 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 an UGLG acquires property under the threat or use of eminent domain. 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 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 Chapter 32.02(1), Wisconsin Statutes.

HUD provides several document templates in the *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0) Appendices* that may be utilized in acquisition and relocation process.

The appropriate 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.

VOLUNTARY ACQUISITIONS

When a voluntary sale 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 fair market value of the real property and the inapplicability of relocation benefits and assistance. Tenants are still eligible for relocation benefits in a voluntary acquisition. An UGLG may offer relocation assistance to an owner as part of negotiations for just compensation 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 where the grantee 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 where the grantee does not have the power of eminent domain (e.g., non-profit UGLGs or a private individual); and
3. Purchases of government property (state, federal, local) where the grantee does not have the power of eminent domain. For example, if a non-profit offers to purchase a piece of property from the local redevelopment UGLG and with state CDBG funds.

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

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

A sample of the written notice to the property owner in a voluntary acquisition can be found in *Sample Notice of Intent for Voluntary Acquisition* (Attachment 5-B).

Steps for Voluntary Acquisition

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

1. Determine Fair Market Value;
2. Provide Notice/Letter of Intent to Purchase;
3. Provide Acquisition and Relocation Rights brochures, as applicable;
4. Initiate and proceed with negotiations;
5. Execute Purchase Agreement; and
6. Maintain all documents in the project file.

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.

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.

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:

1. Provide Relocation Order/Determination of Necessity of Taking ;
2. Provide required Acquisition and Relocation notices and brochures;
3. Obtain appraisal(s);
4. Obtain an Appraisal Review;
5. Develop Relocation Plan and submit to DEHCR for review and approval;
6. Determine Just Compensation and Offering Price;
7. Initiate and proceed with negotiations;
8. Make a Written Jurisdictional Offer (if negotiations fail); and
9. Execute an Administrative Settlement (if necessary).

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, the UGLG must draft a letter to the State Acquisition/Relocation Specialist (and add this letter to the file) stating that URA requirements do not apply in such cases. The letter must be maintained in the project file. Refer to the example in *Sample Letter Confirming Easement Is Sole Benefit to Resident/Owner* (Attachment 5-E).

When obtaining or purchasing (i.e., acquiring) one or more easements is required for a project, the UGLG must inform the DEHCR Project Representative and contact the State Acquisition/Relocation Specialist 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 an UGLG must:

1. Create a relocation plan and receive plan approval;
2. Provide relocation and assistance services;
3. Provide sufficient notice to all affected property owners and tenants; and
4. 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 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, Ch. 19.31-19.39, Stats.

Under federal rules, an 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, Stats] an UGLG must maintain separate property acquisition and relocation case files. These files must be retained for a minimum of three 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 Form* (Attachment 5-K).

ATTACHMENTS

Attachments for this chapter are listed below.

- ATTACHMENT 5-A: RELEVANT STATE AND FEDERAL RULES FOR ACQUISITION AND RELOCATION
- ATTACHMENT 5-B: NOTICE OF INTENT FOR VOLUNTARY ACQUISITION (SAMPLE)
- ATTACHMENT 5-C: VOLUNTARY ACQUISITION PROCESS
- ATTACHMENT 5-D: INVOLUNTARY ACQUISITION PROCESS
- ATTACHMENT 5-E: LETTER CONFIRMING EASEMENT IS SOLE BENEFIT TO RESIDENT/OWNER (SAMPLE)
- ATTACHMENT 5-F: RELOCATION PLANNING 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 FORM

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) http://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)) <http://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 http://www.ecfr.gov/cgi-bin/text-idx?rgn=div5;node=24:3.1.1.3.4#se24.3.570_1606;
- Chapter 32, Wisconsin Statutes – Eminent Domain <https://docs.legis.wisconsin.gov/statutes/statutes/32/>; and
- Ch. Adm 92, Wis. Adm. 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!

The most recent federal amendments to the URA are those implemented on October 1, 2014, but do not yet appear in 49 CFR Part 24 (URA).

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 REMINDER!

Displaced Person(s) includes “persons, businesses, farms or nonprofits.”

The UGLGs must also comply with the Wisconsin Eminent Domain Statute [Ch. 32, Stats.] 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) <http://wisconsindot.gov/Pages/doing-bus/eng-consultants/cnslt-rsrcs/re/repm.aspx>;
- HUD website - http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation;
- U.S. Department of Transportation Federal Highway Administration (FHWA) website - http://www.fhwa.dot.gov/real_estate/uniform_act/; and

- State Acquisition/Relocation Specialist -
<http://DEHCRdoa.wi.gov/Divisions/Energy-Housing-and-Community-Resources/Relocation-Assistance/>.

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. **The most recent federal amendments to the URA are those implemented on October 1, 2014, but do not yet appear in 49 CFR Part 24 (URA) found at:**

<http://portal.hud.gov/hudportal/documents/huddoc?id=14-09cpdn.pdf>.

CDBG and HOME recipients must recognize and implement these amendments when utilizing federal funds to provide relocation assistance for displaced persons. The most recent state amendments were effective in and are summarized in 2015 Wisconsin Act 55, section 1073 found at:

<http://docs.legis.wisconsin.gov/2015/related/acts/55.pdf>.

IMPORTANT REMINDER!

The most recent state amendments were effective in and are summarized in Section 1073 of the 2015 Wisconsin Act 55.

ATTACHMENT 5-B: NOTICE OF INTENT FOR VOLUNTARY ACQUISITION (SAMPLE)

(ON MUNICIPALITY LETTERHEAD)

(Date)

Dear _____:

(City, County, State, other) _____, is interested in acquiring property you own at (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, (City, County, State, other) _____ 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 (\$) _____ to purchase your property. We believe this amount represents the current market value of your property. 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.

If you have any questions about this notice or the proposed project, please contact (name) _____, (title) _____, (address) _____, (telephone) _____.

Sincerely,

(name and title) _____

NOTES.

1. The case file must indicate the manner 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 form may only be used if all of the requirements of 49 CFR 24.101(b)(1)(i)-(iv) are met.

ATTACHMENT 5-C: VOLUNTARY ACQUISITION PROCESS

1. Determination of Fair Market Value

The fair market value of the property must be determined. The fair market value of the property can be obtained via formal appraisal by a licensed appraiser. However, a formal appraisal is not necessary for a voluntary acquisition. The UGLG must simply obtain a determination of fair market value by a person with knowledge of the local real estate market.

2. Notice

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

For agencies with eminent domain authority, this notice should include the following:

- An offer amount based on the fair market value determination. The sale price may be negotiated, but the owner must be informed of the fair market value.
- 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.

For agencies without eminent domain authority, this notice should include the following:

- An offer amount based on the fair market value determination. The sale price may be negotiated, but the owner must be informed of the fair market value.
- A clause that states the agency does not have eminent domain authority and in the event 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.

The case file must indicate the manner in which this notice was delivered (e.g., certified mail, return receipt requested) and the date of delivery.

3. Brochures

Federal Brochures

Although several notices must be provided according to the Uniform Relocation Act (URA), no brochures are required to be provided, by law. However, the following brochures are available for the UGLG/Agency to provide information during the acquisition or relocation stage of the project.

NOTE: The brochures were revised as of June 2016. Prior versions of the brochures should not be used. Copies of the revised brochures can be found in English and Spanish at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/publications.

- Acquisition [49 CFR 24.203]: When an UGLG/public agency acquires a property utilizing federal funds in any part of the associated project, it must provide the property owner with a brochure entitled *When a Public Agency Acquires Your Property*. This brochure informs the property owner of his/her rights under the URA.
- Relocation [49 CFR 24.203]: When an 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 may provide the affected person(s) with either *Relocation Assistance to Tenants Displaced From Their Homes*, *Relocation Assistance to Displaced Homeowner Occupants*, *Relocation Assistance to Displaced Businesses, Nonprofit Organizations and Farms* or *Relocation Assistance to Persons Displaced from Their Homes [Section 104(d)]* for lower income persons.

State Brochures

Regardless of the type of funds used (federal, state, local) at any stage of the publicly-funded project, a displacing agency in Wisconsin must provide the state brochures discussed below. Copies of the brochures can be found at <http://doa.wi.gov/Divisions/Energy-Housing-and-Community-Resources/Relocation-Assistance/>.

- Acquisition – Transportation [Ch. 32.05(2)(a), Stats.]: In projects where condemnation is undertaken for sewers and transportation facilities, at the acquisition stage and before the initiation of negotiations, owners should be given the *Rights of Landowners Under Eminent Domain Law – Procedures Under s. 32.05* brochure. At this stage, any tenant should receive the *Wisconsin Relocation Rights Residential* brochure or *Wisconsin Relocation Rights for Businesses, Farms and Non-profits* brochure – whichever is applicable.
- Acquisition – Other than Transportation [Ch. 32.06(2a), Stats.]: In projects where condemnation is being undertaken for any project other than a transportation project, at the acquisition stage, owners should be given the *Rights of Landowners under Eminent Domain Law - Procedures*

under s. 32.06 brochure. At this stage, any tenant should receive Wisconsin Relocation Rights Residential or Wisconsin Relocation Rights for Businesses, Farms and Non-profits brochure – whichever is applicable.

- Relocation: If a homeowner, residential tenant, business (including non-profits and farms) or business tenant will or may potentially be displaced, the displacing agency should provide the applicable brochure at the time of the initial contact with that person either *Wisconsin Relocation Rights Residential* or *Wisconsin Relocation Rights for Businesses, Farms and Non-profits*.

4. 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.

5. Purchase Agreement

Develop a purchase agreement that specifies the agreed upon sale price and terms of the sale. Complete the sale and have the UGLG and seller sign the purchase agreement. Once complete, provide the owner with a copy of the signed purchase agreement.

6. Files

All documentation should be maintained in the CDBG project acquisition file, including the following:

- Methodology for determining the fair market value of the property;
- Letter of intent to purchase;
- Signed purchase agreement; and
- Financial transaction records.

ATTACHMENT 5-D: INVOLUNTARY ACQUISITION PROCESS

1. Relocation Order/Determination of Necessity of Taking

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.

2. Notices

The URA requires several 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 an 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.

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 an UGLG has identified properties that it might be 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. If the UGLG 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 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*: 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.

An UGLG may meet most of the general information requirements required by the URA by providing displaced persons with a copy of the appropriate HUD information brochure along with the required notices listed above. Copies of the brochures can be downloaded in English and Spanish at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/publications.

- *When a Public UGLG Acquires Your Property;*
- *Relocation Assistance to Tenants Displaced From Their Homes;*
- *Relocation Assistance to Displaced Homeowner Occupants;*
- *Relocation Assistance to Displaced Businesses, Nonprofit Organizations and Farms; and*
- *Relocation Assistance to Persons Displaced from their Homes [Section 104(d)].*

State Notice Requirements

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

- *Information at a public hearing:* An 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 an UGLG must prepare a relocation plan for approval by the State Acquisition/Relocation Specialist 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 nonresidential 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 an UGLG representative available for further information on acquisition and relocation assistance matters.
- *Written information at initial contact:* An UGLG, except an 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 an 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 an UGLG representative to contact.
- *Information before initiation of negotiation:* An 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 Ch. 32.05 or 32.06, Stats., 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*.
 - *An 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 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:* An 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. An UGLG may not require an occupant of property acquired by an UGLG to move without at least a 90-day written notice.

3. 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.”

[http://www.ecfr.gov/cgi-](http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7c554c4eeacc19e46108961253071bd7&mc=trve&n=pt49.1.24&r=PART&ty=HTML#se49.1.24_12)

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

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 Ch. 32.09, Stats; 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 contact the State Acquisition/Relocation Specialist if it is uncertain as to 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.

4. 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.

5. Relocation Plan (Wisconsin requirement)

An UGLG must file a relocation plan and receive approval in writing from the State Acquisition/Relocation Specialist 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. The State Acquisition/Relocation Specialist may not approve a relocation plan unless an 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 reestablishing;
- 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 DEHCR's website at:

<http://doa.wi.gov/Divisions/Energy-Housing-and-Community-Resources/Relocation-Assistance/>. The requirements for each plan are detailed in Ch. Adm 92.28 Wis. Admin. Code found at:

http://docs.legis.wisconsin.gov/code/admin_code/adm/92/II/28. The

DEHCR State Acquisition/Relocation Specialist may request further information to supplement the relocation plan if necessary.

6. 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 fair market value of the property. This will be the offering price.

7. Negotiations

Negotiations are part of the eminent domain process outlined in Wis. Stat. §§ 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 should provide the written offer of just compensation, along with the summary statement, prior to beginning negotiations. The written offer of just compensation should clearly state that it is not the jurisdictional offer to purchase. The jurisdictional offer to purchase should be provided if negotiations fail and the condemnation process must begin.

8. Written 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 is found below.

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 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.

9. 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.

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

(ON MUNICIPALITY LETTERHEAD)

(Date)

Attn: Acquisition and Relocation Specialist
Department of Administration
Division of Energy, Housing and Community Resources
P.O. Box 7970
Madison, WI 53707-7970

Subject: (Municipality) Grant Agreement CDBG-PF (####)
Temporary Limited Easement Agreements

Dear Sir/Madam:

The (Municipality, e.g. City of Yourville) has proceeded with temporary limited easements in order to (add purpose....SAMPLE: "...to complete utility related connection work and subsurface room space abandonment work as agreed with property owners during project construction."). 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,

(Municipality Contact Person)
(Title)
(Municipality)

Cc: (Chief Elected Official name, title, municipality, if not signatory above)
(Clerk name, title, municipality, if not signatory above)
(Grant Administrator name, title, company/firm name)
(CDBG Program Rep Name, title) Bureau of Community Development
David Pawlisch, Director, Bureau of Community Development

ATTACHMENT 5-F: RELOCATION PLANNING 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. This section will explain relocation benefits and services under the URA and state relocation rules.

Planning

UGLGs must plan accordingly to ensure that adequate time, funding and staffing are available to carry out their responsibilities during a relocation project including:

- Planning for budget implications as a result of the project and relocation payments;
- Coordination of activities;
- Consulting with property owners and residents;
- Determining resource needs including policies and strategies to minimize displacement and hardship; determine comparable supplies and costs; and determine overall relocation costs;
- Keeping all parties informed via public meetings and fulfilling notice requirements described in Attachment 5-C and Attachment 5-D;
- 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 (RARAP);
- 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. An 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 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 years.

Relocation Payments

Federal

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

State

Under state law, residential displacees are eligible for replacement housing and move payments, while nonresidential 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 nonprofit 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 nonprofit.

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 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

An 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 expense 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), Stats.; Ch. Adm 92.56(3), Wis. Admin. Code]

An 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 fee 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 [Ch. 32.19(4)(a), Stats; Ch. Adm 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 [Ch. 32.19(4)(d), Stats]. 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 [Ch. 32.19(4)(c), Stats.]

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 [Ch. 32.19(4m), Stats; Ch. Adm 92.90, Wis. Admin. Code]

An 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.

An 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 an 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 Ch. 32.19(4)(ag), Stats. 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, Ch. 32, Stats (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 can be found at:

- MAP21 Main page - <http://www.fhwa.dot.gov/map21/>;
- Guidance Page - <http://www.fhwa.dot.gov/map21/guidance/>; and
- Questions & Answers Page - <http://www.fhwa.dot.gov/map21/qandas/qauniformact.cfm>.

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

An 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 Ch. 32.195, Stats.

(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.

ATTACHMENT 5-K: ACQUISITION/RELOCATION MONITORING CHECKLIST

| | | |
|---|---|---|
| Division of Energy, Housing and Community Resources | | |
| <u>Acquisition/Relocation Monitoring Checklist</u> | | |
| GRANTEE/UGLG NAME: _____ | | |
| DEHCR GRANT AGREEMENT #: _____ | | |
| ACQUISITION MONITORING CHECKLIST | | |
| UGLG: | | |
| Grant Agreement #: | | |
| Acquired Property Address: | | |
| Full Name and Title of Preparer of Checklist: | | |
| Preparer's Signature: | Date: | |
| Property Use Prior to Acquisition: | | |
| <input type="checkbox"/> Single Family Residential | <input type="checkbox"/> Multi-Family Residential | |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Industrial | |
| <input type="checkbox"/> Other: _____ | | |
| Acquisition Type: | | |
| <input type="checkbox"/> Voluntary | <input type="checkbox"/> Involuntary | |
| Nature of Acquisition: | | |
| <input type="checkbox"/> Property Purchase | <input type="checkbox"/> Permanent Easement | <input type="checkbox"/> Temporary Easement |
| Occupants: | | |
| TEMPERATURE | | |
| Is Relocation (Temporary or Permanent) Involved? <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| Purpose of Relocation: | | |
| Seller's Full Name: | | |
| Seller's Street Address, City, State, Zip Code: | | |
| Seller's Phone: | Seller's Email: | |

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

| ACQUISITION MONITORING CHECKLIST | |
|---|-----------------|
| Tenant's Full Name: | |
| Tenant's Street Address, City, State, Zip Code: | |
| Tenant's Phone #: | Tenant's Email: |

| Acquisition Monitoring Item: | YES | NO | N/A | DATE |
|---|-----|----|-----|------|
| VOLUNTARY ACQUISITION | | | | |
| Official determination to acquire <i>(May be the date of execution of the CDBG project Grant Agreement or a related Amendment, formal approval by the governing body for the purchase of the property, or other date documented as the UGLG's formal decision/approval to acquire)</i> | | | | |
| Fair Market Value Determination Source/Method for Determination: Fair Market Value Amount: \$ | | | | |
| Notice of Intent to Acquire/Preliminary Acquisition Notice Initial Offer Amount: \$ | | | | |
| Initiation of Negotiations documentation (Initial written offer to purchase) | | | | |
| Owner Acceptance of Offer | | | | |
| Executed Purchase Agreement (signed by all parties) Purchase Price Amount: \$ | | | | |

TEMPLATE

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

| Acquisition Monitoring Item: | YES | NO | N/A | DATE |
|--|-----|----|-----|------|
| INVOLUNTARY ACQUISITION | | | | |
| Official determination to acquire (May be the date of execution of the CDBG project Grant Agreement or a related Amendment, formal approval by the governing body for the purchase of the property, or other date documented as the UGLG's formal decision/approval to acquire) | | | | |
| Notice of Intent to Acquire/Preliminary Acquisition Notice | | | | |
| Landowner rights and/or business owner rights brochure provided to property owner | | | | |
| Did the UGLG provide the owner adequate required notice(s) in advance of initiating negotiations? | | | | |
| First Appraisal Appraisal Amount: \$ | | | | |
| Second Appraisal Appraisal Amount: \$ | | | | |
| Third Appraisal Appraisal Amount: \$ | | | | |
| Review Appraisal(s) | | | | |
| Initial Written Offer Written Offer Amount: \$ | | | | |
| Just Compensation Determination Just Compensation Amount: \$ | | | | |
| Initiation of Negotiations (start date of displacement process if relocation applies) (Initial written offer to purchase provided w/ Summary Statement of Just Compensation) | | | | |
| Are the data contained in the appraisals adequate to determine fair market value? | | | | |
| Are the analyses of the data in the appraisals reasonable? | | | | |
| Do the appraisals disregard the influence of the project on the fair market value of the property? | | | | |

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

| Acquisition Monitoring Item: | YES | NO | N/A | DATE |
|--|-----|----|-----|------|
| Is the amount determined to be just compensation an acceptable conclusion of the fair market value of the property? | | | | |
| Are the appraisals of fair market value and determination of just compensation acceptable for the acquisition? | | | | |
| Was the owner invited to accompany all of the appraisers on their inspection of the property? | | | | |
| Was the amount determined for just compensation the same or more than the UGLG's approved appraisal of the fair market value of the property? | | | | |
| 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? | | | | |
| Did the UGLG provide the owner a Statement of the Basis for the Determination of Just Compensation at the time the owner was given the written offer to purchase? | | | | |
| Did the owner receive the amount determined to be just compensation? | | | | |
| 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? | | | | |
| Owner Acceptance of Offer | | | | |
| Condemnation Proceeding Instituted | | | | |
| Estimated Just Compensation Deposited with Court (Condemnation Only) | | | | |
| Executed Purchase Agreement (signed by all parties) Purchase Price Amount: \$ | | | | |
| Transfer of Title to UGLG | | | | |
| 90 Day Notice to Vacate Property | | | | |

COMMENTS:

TEMPLATE

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

| RELOCATION MONITORING CHECKLIST | |
|--|-------|
| UGLG: | |
| Grant Agreement #: | |
| Full Name and Title of Preparer of Checklist: | |
| Preparer's Signature | Date: |
| Purpose of Relocation: | |
| Relocation Type: <input type="checkbox"/> Temporary <input type="checkbox"/> Permanent | |
| Nature of Relocation: <input type="checkbox"/> Household / Residence <input type="checkbox"/> Business | |
| Head of Household Name or Business Name: | |
| Affected/Acquired Property Address (Street 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 the displaced person 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) | |

BCD CDBG Implementation Handbook

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

| RELOCATION MONITORING CHECKLIST | | | | |
|--|-----|----|-----|------|
| Relocation Monitoring Item: | YES | NO | N/A | DATE |
| Relocation Plan for the project, approved by the State Acquisition/Relocation Specialist in DEHCR | | | | |
| Demographic data, including age and sex of Household members, including dependent family members (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 (if Residential Household) | | | | |
| Description of the farm or business, usable space, # of rooms and buildings, land, type of construction, and condition (if Business/Farm) | | | | |
| Description of relocation needs and preferences | | | | |
| Documentation verifying the displaced person received the required relocation rights brochure(s) | | | | |
| Copy of the written Preliminary Acquisition Notice | | | | |
| Description of Relocation Services and Assistance provided. | | | | |
| Referral to replacement dwelling, business, or farm operation | | | | |
| Sale/Rental Price: \$ | | | | |
| Copy of the Occupancy Agreement | | | | |
| Copy of the Replacement Property Inspection Report with dates, description of property and condition | | | | |
| Record of payment to Household for Lodging | | | | |
| Copy of the claim(s) and related documents for Household for Lodging | | | | |
| Amount of Payment: \$ | | | | |
| Record of payment to Household for Meals | | | | |
| Copy of the claim(s) and related documents on file for Household for Meals | | | | |
| Amount of Payment: \$ | | | | |
| Record of payment to Household for Increased Transportation Costs | | | | |
| Copy of the claim(s) and related documents on file for Household for Increased Transportation Costs | | | | |
| Amount of Payment: \$ | | | | |

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

| RELOCATION MONITORING CHECKLIST | | | | |
|---|-----|----|-----|------|
| Relocation Monitoring Item: | YES | NO | N/A | DATE |
| Record of payment to Household for Laundry Facilities? | | | | |
| Copy of the claim(s) and related documents for Household for Laundry Facilities | | | | |
| <i>Amount of Payment: \$</i> | | | | |
| Record of payment to Household for Other Costs | | | | |
| <i>List Other Costs:</i> | | | | |
| Copy of the claim(s) and related documents for Household for Other Costs | | | | |
| <i>Amount of Payment: \$</i> | | | | |
| Written acknowledgment from Household of receipt of Total Relocation Payment | | | | |
| Copy of Appeal and explanation of any action taken to resolve and final determination | | | | |
| Copy of individual case reports or other correspondence with DEHCR | | | | |
| Notice of Temporary Relocation | | | | |
| Owner/Tenant Moved Out of Affected/Acquired Property: | | | | |
| Replacement Address (Street Address, City, State, Zip Code): | | | | |
| Owner/Tenant Current Telephone Number: | | | | |
| Owner/Tenant Moved Back to Affected/Acquired Property: | | | | |
| Agency that provided Relocation Assistance: | | | | |
| <i>Agency Name:</i> | | | | |
| <i>Agency Mailing Address:</i> | | | | |
| <i>Agency Contact (Full Name, Title):</i> | | | | |
| <i>Agency Phone Number:</i> | | | | |
| COMMENTS: | | | | |

TEMPLATE

ADDITIONAL NOTES: (optional)

ADDITIONAL NOTES: (optional)