

# Wisconsin Relocation Rights



## Residential

This brochure is a summary of services and payments available for residential owners and tenants displaced from their home by a public project. For more information on state relocation law and regulations, please contact the displacing agency or refer to Wis. Stat. §§ 32.185-32.27 & Wis. Admin. Code Ch. Adm 92.

## UNIFORM RELOCATION ACT (49 C.F.R. pt. 24)

The federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) is applicable when a displacing agency undertakes a project that receives federal financial assistance. **NOTE:** This brochure focuses on state relocation rules. Payments and services may be different under the URA. The displacing agency should advise a displaced person of any eligibility for payments and services under the URA.

### INTRODUCTION

When an agency undertakes a publicly-funded improvement project, it may be necessary to move people from their homes. If a public project displaces you, the displacing agency must provide certain benefits and services to ensure that you experience minimum loss and inconvenience. This brochure aims to help you understand your relocation rights, which are in addition to the acquisition payments that would normally be made for the purchase of real property for public use, if you are displaced from your home.

### NOTICE

An agency must provide property owners and any potentially displaced persons with relocation information prior to displacement.

If a public hearing is held for a project which may involve property acquisition and displacement of a person, the following must be provided: (1) general information about relocation services and payments; (2) a statement that the agency shall prepare a relocation plan for approval by DOA prior to acquisition and that persons potentially impacted by the project will be contacted to obtain information to prepare the plan; (3) identification of project boundaries and

an estimate of the number of residential and nonresidential properties to be acquired; (4) a statement that a person who moves prematurely may jeopardize relocation eligibility and that sufficient time to relocate will be provided; and (5) the name, address and telephone number of an agency representative to contact with questions.

When an agency first contacts a rental property owner to obtain information necessary for the preparation of a relocation plan, it must provide the following information: (1) a description of the nature of the proposed project; (2) notice to the owner that the tenants are being contacted to obtain information to prepare the plan; (3) caution to the owner against eviction of tenants before acquisition; (4) explanation that the tenants are being advised not to move prematurely; and (5) notice that in the event the tenants move before acquisition, an owner may qualify for a rent loss payment.

The agency must provide a tenant or owner-occupant of a property the following information: (1) a statement describing the nature of a proposed project; (2) a warning against a premature move which may jeopardize relocation entitlements, (3) the date acquisition will begin; (4) a summary of relocation assistance and benefits; and (5) the contact information of an agency representative to contact with questions.

### RELOCATION PLAN

A displacing agency must prepare, submit and have DOA approve a relocation plan before initiating negotiations for property acquisition. The plan aims to ensure that an agency will provide adequate relocation payments and services, and to determine whether displaced persons can be sufficiently relocated.

### ADVISORY SERVICES

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

### RELOCATION PAYMENTS

If you are a displaced owner or tenant, you may be eligible for relocation payments including move, housing replacement, and incidental expenses. **NOTE:** If both federal and state/local dollars are involved, to the extent that federal and state law provide for different benefit amounts, the displaced person is eligible for whichever amount is greater.

### REPLACEMENT HOUSING

If you **own and occupy** your home for at least **180 days** prior to the initiation of negotiations and you **purchase** a replacement property, you may be eligible for a "differential" payment up to **\$25,000**. This helps offset the difference between the property acquisition price and the cost of purchasing or renting a comparable replacement property, but may not cover the entire cost. You also may be eligible for an increased mortgage interest payment and incidental expenses incurred in purchasing a replacement property.

If you **own and occupy** your home for at least **90 days** prior to the initiation of negotiations and you **purchase** a replacement property, you may be eligible for down payment assistance up to **\$8,000**.

If you **own and occupy** your home for at least **90 days** prior to the initiation of negotiations and **rent** a replacement property, you may be eligible for up to **\$8,000**.

If you **rent** for at least **90 days** prior to the initiation of negotiations and **rent** a replacement property, you may be eligible for a payment up to **\$8,000**.

If you are a **90-day tenant** who chooses to **purchase** a replacement property, you may be eligible for up to **\$8,000** towards a down payment.

### **MOVING COSTS**

The displacing agency will compensate you for moving yourself and personal property to a new location. You may choose payment based on one of the following: (1) actual reasonable cost; or (2) fixed payment schedule.

#### **ACTUAL REASONABLE COST**

You may be reimbursed for actual, reasonable expenses in moving personal property. To be reimbursed, you must incur the expense and submit a claim supported by receipts. Eligible expenses include: moving persons and personal property; packing, crating and unpacking; storage for up to 12 months; replacement value of property lost, stolen or damaged in moving if insurance was not available; insurance for loss or damage in transit; disconnecting and reconnecting appliances and utilities.

#### **FIXED PAYMENT SCHEDULE**

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

<u># of rooms</u>	<u>w/ furniture</u>	<u>w/o furniture</u>
1	250	225
2	400	260
3	550	295
4	650	330
5	750	365
6	850	400
7	950	435
8	1,050	470
Ea. add'l room	100	35

### **TEMPORARY DISPLACEMENT**

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

### **OCCUPANCY**

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

### **FILING A RELOCATION CLAIM**

The displacing agency should provide you with claim forms. A relocation claim should be filed as soon as possible after a displaced person moves and related expenses have been incurred. Claims must be filed within 2 years after the displacing agency takes physical possession of the property. It is important that displaced persons file proof of expenses incurred, such as receipts and invoices. Agencies should pay relocation expenses promptly.

### **APPEALS**

If you are displaced and not satisfied with your relocation assistance or benefits you may: (1) file an appeal with the displacing agency; (2) file an appeal with DOA; or (3) file an appeal under Wis. Stat. § 32.20.

### **FAIR HOUSING**

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

### **TAX**

State relocation payments are not subject to Wisconsin income tax. Displaced persons are advised to consult qualified tax counsel with any questions.

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

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

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