

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

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

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

Wisconsin Relocation Rights



Residential

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

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, 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 potentially displaced persons with relocation information prior to displacement of the person.

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 the state relocation specialist 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 entitlements and that sufficient time to relocate will be provided; and (5) the name, address and telephone number for an agency representative to contact if further information is needed about relocation assistance matters.

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 for an agency representative to contact with questions.

RELOCATION PLAN

A displacing agency must prepare, submit and have the state relocation specialist 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 to help in a move including: finding suitable replacement housing; relocation payment eligibility; move arrangements; filing relocation claims; and providing appeal procedure information.

RELOCATION PAYMENTS

Whether you are a displaced owner or tenant you may be entitled to relocation payments, including move, search, housing replacement and incidental expenses. **NOTE:** If federal and state/local dollars are involved, the displaced person is eligible for the higher benefit amount.

REPLACEMENT HOUSING

If you **own and occupy** your home for at least **180 days (90 days** if federal dollars are involved) prior to the initiation of negotiations and you **purchase** a replacement property, you are entitled to a “differential” payment of up to **\$25,000 (\$31,000** if federal dollars are involved). 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 dwelling.

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

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

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

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

An agency may exceed these amounts if necessary to obtain a comparable replacement.

3

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

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

4

OTHER INFORMATION

Please also consider the following information.

UNIFORM RELOCATION ACT

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

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 1st or 15th 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 has taken physical possession of the property. It is important that displaced persons file proof of expenses incurred including receipts and invoices. Agencies should pay relocation expenses promptly.

APPEALS

There are several options for appeal if you are not satisfied with your relocation assistance or benefits: (1) file an appeal with the displacing agency; (2) file an appeal with the DOA; and/or (3) file an appeal under Wis. Stats. § 32.20.

5

FAIR HOUSING

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

SECTION 104(d)

Section 104(d) of the Housing and Community Development Act establishes requirements for those utilizing federal funds to convert or demolish low income housing including: replacement, on a one-for-one basis, of all occupied and vacant occupiable lower-income dwelling units demolished or converted to a use other than low-income dwelling units; certification that funding recipients have and are following a residential antidisplacement and relocation assistance plan; and 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. Low-income residential tenants include those whose income does not exceed 80% of the median income for the HUD established area. If eligible, you will receive assistance based on estimated needs for 60-months either in cash or under the Housing Choice Voucher Program. Cash assistance is computed by subtracting the greater of: (1) 30% of household adjusted monthly income; (2) 10% of household gross monthly income; or (3) welfare rent allowance and estimated average monthly rent costs for your new home. Moving and other allowed expenses are the same as those offered under the URA.

TAX

State relocation payments are not subject to Wisconsin income tax. Displaced persons are advised to seek qualified tax counsel.

6