



## **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:

Sections 32.185 - 32.27, Wisconsin Statutes Ch. ADM 92, Wisconsin Administrative Code

Revised February, 2012

## INTRODUCTION

When an agency embarks on a public improvement project, it sometimes becomes necessary to move people from their homes, businesses and farms. If you are displaced by a *public project*, the displacing agency will provide you with certain benefits and services to ensure that you experience a minimum of loss and inconvenience. This brochure is designed to help you understand your rights if you are required to move.

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

## RELOCATION TERMS

Listed below are some common words and phrases related to relocation law.

### **Comparable dwelling**

One that, compared to the displacement dwelling, is substantially equal in all major characteristics and functionally similar with respect to:

- number and size of rooms, closets, and living space area;
- type of construction, age, and state of repair; and
- characteristics of neighborhood and accessibility to public services and place of employment.

The comparable dwelling must be adequate for your needs and within your financial means. It must meet standard building and code requirements of the local government and be **decent, safe, and sanitary** as defined by the Wisconsin Department of Administration.

Note: When computing the replacement housing payment, only that portion of the acquisition payment which is attributable to the displacement dwelling shall be considered. A "carve-out" may be required if your home is:

- located on a lot larger than typical for residential purposes;
- part of a property containing another dwelling unit or space used for non-residential purposes; or
- on land with a higher and better use than residential.

### **Displacing agency**

Any acquiring authority, state agency, political subdivision of the state (counties, cities, villages, etc.) or any person carrying out a publicly assisted project that causes a person to be displaced.

### **Displaced person**

A person who moves, or moves personal property, as a result of a property being acquired for a public project. Also considered displaced is a tenant permanently displaced from an activity such as a government-financed rehabilitation project.

### **Dwelling**

A single-family house, single-family unit in a duplex, apartment, or multi-purpose building, condominium or cooperative housing unit, sleeping room, or other residential unit, including a mobile home.

### **Initiation of negotiations**

The date the displacing agency makes the first monetary offer to purchase the property.

### **Public project**

An activity or program receiving public financial assistance including a grant, loan or contribution and involving:

- acquisition of real property;
- housing or commercial rehabilitation;
- a similar public improvement project.

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

A clearly written voluntary participation agreement often required by the Federal Emergency Management Agency (FEMA) voids any claim to State relocation benefits (federal relocation benefits may still apply). The lack of a clearly written voluntary participation policy or agreement triggers relocation planning requirements to be provided by the condemner or displacing agency.

## **RELOCATION SERVICES & PAYMENTS**

### **RELOCATION SERVICES**

The displacing agency will set up an interview with you to determine your specific needs and preferences. The agency then can provide you with services tailored to you and designed to help you in your move, including advice and assistance in finding suitable replacement housing, information on your relocation payment entitlements and rights, and help in arranging your move. The agency will help you through the steps in the process, including assistance in filing relocation claims and information on appeal procedures. You are assured a reasonable time to move, and that you will not have to move until a comparable replacement is made available to you.

### **RELOCATION PAYMENTS**

Whether you own or rent, you may be entitled to certain relocation payments. These may include replacement housing payments and moving costs.

**IMPORTANT:** To ensure eligibility for relocation payments, notify the displacing agency of plans **before** moving or making a commitment to move, buy or rent a replacement dwelling

### **REPLACEMENT HOUSING PAYMENTS**

If you **own and occupy** your home for at least 90 days prior to initiation of negotiations, you are entitled to a “differential” payment. This payment is to compensate you for the difference between the acquisition price of your property and the cost of purchasing or renting a comparable replacement. You also may be eligible for a refinancing payment due to the loss of favorable financing and for reimbursement of incidental expenses incurred in purchasing a replacement.

If you **rent** your home for at least 90 days prior to initiation of negotiations, you are also entitled to a differential payment consisting of the difference between your current rent and the cost of renting a comparable replacement.

Please note: Generally, you must incur the expense and submit a claim before receiving payment.

## **OWNER-OCCUPANTS**

### **180-day owners who purchase a replacement**

If you own and occupy the acquired dwelling for not less than 180 days before initiation of negotiations, you may receive a payment of **up to \$25,000**. Your actual replacement payment may be less. The payment consists of three parts:

**A differential payment** makes up the difference, if any, between the acquisition price received for your home and the reasonable cost to purchase a comparable replacement, or the actual cost of the replacement dwelling, whichever is less. The agency will determine the reasonable cost of purchasing a comparable dwelling and notify you of this maximum amount before a move.

**A refinancing payment** is for the loss of favorable financing if the mortgage or land contract on the replacement dwelling has a higher rate of interest than the rate on the present mortgage or land contract.

**An incidental expense payment** is for the cost incurred in purchasing the replacement dwelling. Included are attorney fees, commissions, discounts, survey, title evidence, and other closing costs, but not prepaid expenses.

### **90-day owners who purchase a replacement**

If you do not own and occupy a dwelling for 180 days before initiation of negotiations, but do so for at least 90 days, you may be eligible for down payment assistance on a replacement dwelling. Please refer to page 8, **90-day tenants or owners who purchase** for details on this payment.

### **90-day owners who rent a replacement**

If you own and occupy a dwelling for at least 90 days before initiation of negotiations, and elect to rent rather than purchase a replacement dwelling, you may be eligible for a payment of **up to \$8,000**. Your actual payment may be less. This payment is based on the difference between the “economic rent” of the acquired property and the reasonable cost of renting a comparable replacement, or the actual replacement rent, whichever is less, for a period of four years.

## **TENANT-OCCUPANTS**

### **90-day tenants (and 90-day owners) who rent a replacement**

If you rent and occupy a dwelling for at least 90 days before initiation of negotiations, and rent a replacement dwelling, you may receive a payment of **up to \$8,000**. Your actual payment may be less. The payment is generally based on the difference, if any, between the rent paid on the displacement dwelling (if an owner, the dwelling’s economic rent is used) and the reasonable cost of renting a comparable replacement, or the actual replacement rent, whichever is less.

Before a move, the agency should determine the reasonable cost of renting a “comparable dwelling” and will notify you of this maximum amount. The payment is the difference multiplied by 48 months. The total amount is paid in one lump sum after displacement occurs or in installments as required or allowed in some federal projects.

**IMPORTANT:** A person **must** move to decent, safe, and sanitary housing to qualify for this payment. Before making a commitment to rent a dwelling, ask the agency to do a housing inspection to ensure your eligibility for a replacement housing payment.

### **90-day tenants (and 90-day owners) who purchase a replacement**

If you rent and occupy a dwelling for at least 90 days before initiation of negotiations, and you purchase a replacement dwelling, you may receive a down payment assistance payment of **up to \$8,000**. Your actual payment may be less. You may also be reimbursed for additional incidental expenses incurred in buying the dwelling.

The amount of the down payment assistance payment is to be equal to the amount you would have been eligible to receive for renting a comparable replacement dwelling (see above), plus the incidental expenses. Generally, **this payment must be applied toward your purchase**.

### **MOBILE HOMES**

If you own and occupy a mobile home, you may qualify for a replacement housing payment if the mobile home is on a permanent foundation. If the unit is not on a permanent foundation, you may qualify for a replacement payment if the unit is not decent, safe and sanitary, cannot be moved without unreasonable cost, or no available site is available. The method of payment is essentially the same as that for owners displaced from conventional dwellings, except that, in addition to any replacement owner amount due, you may also be compensated for any increased cost in renting a replacement site for a period of 48 months.

If you rent your mobile home, you are entitled to essentially the same replacement housing payment as tenants who are displaced from conventional dwellings. The payment is typically based on the reasonable cost of obtaining a comparable mobile home.

### **MOVING COST PAYMENT**

The displacing agency will compensate you for moving personal property to a new location. You may choose payment based on

- Option 1**—Actual Reasonable Cost,  
or
- Option 2**—Fixed Payment Schedule.

#### **OPTION 1**

##### **Actual Reasonable Cost**

You may be reimbursed for actual, reasonable expenses in moving personal property. You must incur the expense and submit a claim in order to be reimbursed. Actual expenses claimed must be supported by receipts.

##### **Eligible Expenses**

- Moving persons and personal property
- Packing, crating and unpacking
- Storage, generally not to exceed 12 months
- Insurance to cover loss or damage in transit or storage
- Disconnecting or reconnecting household appliances and utilities
- Property lost, damaged or stolen through no personal fault while insurance is unavailable
- Other related moving costs considered reasonable by the displacing agency.

##### **Ineligible Expenses**

- Additional living costs in a new location
- Interest on loans covering moving expenses

- Personal injury
- Costs associated with the search for a dwelling
- Actual loss of tangible personal property
- Costs of moving structures or other retained real property

## OPTION 2

### Fixed Payment Schedule

Payment is generally based on the number of rooms of furniture in the dwelling and includes a utility disconnect/reconnect allowance. 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.

### Fixed Payment Schedule and Utility Disconnect/Reconnect Allowance

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

**SPECIAL NOTE:** Persons with a financial hardship claiming reimbursement under the fixed payment schedule option may receive a payment before they move. Funds needed for items such as a security deposit or rent may also be made available in advance.

### Temporary Displacement

Persons temporarily relocated are eligible for actual out-of-pocket expenses in moving to and from a temporary dwelling, in addition to expenses covering increased rent or utility costs.

## OTHER INFORMATION

### Federal Uniform Relocation Act

Persons are often displaced from projects receiving federal financial assistance. In such projects, there may be additional or different payments and services available to you. The agency should advise you if you qualify under any federal relocation provisions.

### Occupancy

You will not be required to move without at least 90 days' written notice. Generally, an occupant shall have rent free use of the property for 30 days beginning with the 1st or 15th day of the month after title vests in the agency, whichever is sooner. Thereafter, rent charged for use of a 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.

The agency will not require you to move until a comparable replacement property is made available to you.

### **Filing a Relocation Claim**

A relocation claim should be filed as soon as possible after you move and related expenses have been incurred. The displacing agency will provide you with claim forms. Generally, claims must be filed within two years after the displacing agency has taken physical possession of the property. Relocation payment should be made promptly.

### **Appeals**

If you are not satisfied with the relocation payments or assistance offered by the displacing agency, you may file an appeal with the displacing agency. If you do not reach a satisfactory resolution, you may then file an appeal with the DOA, Relocation Unit. If an acceptable solution cannot be negotiated within 90 days, you may appeal to the circuit court.

### **Right to Fair Housing**

Discrimination in housing against members of a protected class is illegal. The Wisconsin Open Housing Law, s. 101.22, Wisconsin Statutes, applies to most dwellings or housing sites for sale or rent. The displacing agency must assure that housing is available on a non-discriminatory basis and is drawn from housing opportunities within the entire community.

### **Relocation Payments are not taxable**

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

## **COMMONLY ASKED QUESTIONS**

### **How will I be notified of the differential payment?**

The displacing agency will provide you with a written notice of the maximum amount you are entitled to, showing the differential payment computation, before relocation occurs.

### **What must I do to receive these payments?**

Relocation assistance can generally be characterized as a “reimbursement program.” This means that usually you must have incurred the expense and submitted a claim to the displacing agency in order to receive payment. To receive your replacement housing payments, you must usually purchase (or rent) a decent, safe, and sanitary dwelling within one year after moving from your present property. The displacing agency can give you more details. To receive your moving expense payment, you should file a claim after the move is completed but no later than two years after the agency takes physical possession of your property.

### **Do I have to move to the “comparable” selected by the agency?**

No, you are not required to relocate to the selected comparable dwelling. The agency selects a comparable to determine your maximum replacement payment. The agency will provide you written notice of your maximum replacement payment before you move.

### **What if I do not buy (or rent) a “comparable” property?**

You are not required to relocate to a property that is comparable to the displacement property. You may still qualify for the amount determined by the agency as “necessary to purchase or rent a comparable,” despite whether your replacement is more or less comparable. However, it must be decent, safe, and sanitary (or brought up to such standard) to qualify for payment.



**How far may I move?**

There is no limit to the distance you may move, but the “actual reasonable cost” moving payment is generally limited to a distance of 50 miles.

**FOR MORE INFORMATION:**

Relocation Unit  
State Energy Office  
Wisconsin Department of Administration  
P.O. Box 7868  
Madison, WI 53703-7868  
(608) 267-0317

This pamphlet is published by the Wisconsin Department of Administration in cooperation with the Attorney General pursuant to s. 32.26 (6) of Wisconsin Statutes. 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 property for a public project.

If there is a conflict between the information in this pamphlet and the Statutes, the Statutes prevail.