

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);
- [24 CFR 42](#) (implementing rule for the Housing and Community Development Act § 104(d) ([§ 104\(d\) or Section 104\(d\)](#)));
- [24 CFR 570.606](#), Community Development Block Grants – Displacement, Relocation, Acquisition and Replacement of Housing;
- [Section 104\(d\) of the Housing and Community Development Act of 1974](#) (as amended, [42 USC 5304\(d\)](#));
- [Chapter 32, Wisconsin Statutes – Eminent Domain](#); and
- [Ch. Adm 92, Wis. Admin. Code – Relocation Assistance](#)

The URA aims to:

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

The provisions in [24 CFR 570.606](#) describe acquisition and relocation requirements specific to CDBG.

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

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

acquisition and relocation process). UGLGs must plan to ensure that sufficient time, funding, and staffing are available to carry out the acquisition and relocation responsibilities.

Although both the federal and state acquisition and relocation rules are explained in this chapter, it is not intended to be fully comprehensive. Additional guidance and details are provided using the following web sources:

- [Wisconsin Department of Transportation's \(WisDOT\) Real Estate Program Manual \(REPM\)](#)
- [HUD Acquisition and Relocation \(for Community Development Programs\)](#)
- [HUD Real Estate Acquisition and Relocation Publications](#)
- [HUD Exchange guidance materials for URA, Section 104\(d\), and related CDBG Program Requirements](#)
- [HUD Tenant Assistance, Relocation and Real Property Acquisition Handbook \(1378.0\)](#)
- [U.S. Department of Transportation Federal Highway Administration \(FHWA\)](#)
- [Wisconsin Department of Administration Acquisition/Relocation Assistance](#)

CDBG and HOME recipients must recognize and implement the state and federal regulations and subsequent amendments when utilizing federal funds for a project involving acquisition and/or relocation. DEHCR will exercise due diligence in updating this chapter with changes to the federal and state laws; however, it is the responsibility of the UGLG (and other buyers) to ensure that all state and federal acquisition and relocation procedures and laws are followed.

Changes are made periodically to the federal and state regulations for property acquisition and the potential dislocation of persons. UGLGs and other buyers are responsible for following the most current regulations.

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The URA and Wisconsin state statutes for acquisition and relocation are applicable 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 payment for certain expenses and losses. Displaced persons may include persons, businesses, farms, and non-profit organizations. UGLG property owners do not qualify as displaced persons so if the property owner/seller is a UGLG, relocation provisions do not apply to the UGLG regardless of the acquisition type (although they still apply to any tenants on the property).

Displaced person(s) include(s) "persons, businesses, farms, or non-profits." A UGLG does not qualify as a displaced person.

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