

RELOCATION PLANNING & PROCESS

1.0 General Overview

Persons or businesses (including farms and non-profit organizations; excluding government entities) may experience displacement as a result of a federally assisted project and relocation planning and processes may be required to be completed by the grantee or other buyer of property being acquired or used for the project. The grantee/buyer must complete the relocation activities in accordance with federal and state regulations. Refer to Chapter 5: *Acquisition & Relocation* of the *FFP Implementation Handbook* for guidance and definitions for acquisition, relocation, and displaced persons. The federal rules under the *Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970* (i.e., the URA, *49 CFR Part 24*), and the state rules under *Wis. Stat. § 32* and *Wis. Admin. Code ch. 92* must be followed when determining relocation applicability and processes.

Relocation may apply to voluntary acquisition (for tenant occupants) and involuntary acquisitions (for tenant occupants and owner occupants). The actual relocation of persons and/or their possessions may occur soon after the acquisition is complete, and/or may not take place for quite some time after acquisition is complete, depending on the project. Relocation benefits and services are required under URA and state rules and are applicable if:

- an owner, which may be a person, business, farm, or non-profit organization, that occupies (or has personal property on) the property being acquired for a publicly funded project that is to be displaced or relocated as a result of the acquisition or associated project; or
- a tenant occupies (or has personal property on) the property being acquired for a publicly funded project who is to be displaced or relocated as a result of the acquisition or associated project.

Generally, persons who are *not* displaced are not eligible for relocation assistance under the URA. Examples include:

- Persons for which no relocation (of persons or their personal property) from their dwelling is required as a result of the acquisition or the associated project [*NOTE: Persons who are deemed to not be displaced and therefore ineligible for relocation assistance must still receive notices of ineligibility and non-displacement, as specified in this document.*];
- Persons temporarily relocated from their dwellings for less than 12 months during rehabilitation or demolition (such as residents of a nursing home who are temporarily moved to another room in the facility while renovations are occurring; or apartment residents who are provided a different apartment or other comparable housing accommodations during renovations) [*NOTE: Persons who will be temporarily displaced must receive, at a minimum, a 30-day move notice, as specified in this document.*];
- Undocumented persons who are not lawfully present in the U.S.;
- Property owners when the acquisition is voluntary; and

- Local and tribal governments and other government entities. [NOTE: While government entities do not qualify as displaced persons and therefore are not eligible for relocation assistance as property owners, tenants on their property may still qualify as displaced persons.]

The URA and state relocation have specific requirements regarding relocation benefits and services.

Refer to the “General Standards for All Notices” section in Chapter 2: *Grant Administration* and Chapter 5: *Acquisition & Relocation* in the *FFP Implementation Handbook* regarding specifications for notices and record keeping requirements.

IMPORTANT NOTICE:

Refer to the “General Standards for All Notices” in Chapter 5: *Acquisition & Relocation* in the *FFP Implementation Handbook* regarding specifications for notices.

2.0 Relocation Process

Grantees and other buyers of property for the federally assisted project must plan for relocation and follow the appropriate process to ensure that adequate time, funding, and staffing are available to carry out their responsibilities during a relocation project and required steps are completed, as summarized in this document.

NOTE: Certain steps may occur concurrently, depending on when the grantee or other property buyer determines the property will be acquired and when the buyer becomes aware of persons who will be or potentially will be displaced. Certain notices to the property owner(s) and tenant(s) may be combined.

1. Notice to DEHCR

Submit the *Notice of Acquisition/Relocation to DEHCR* (Attachment FFP-05-01 for Chapter 5 of the *Handbook*) upon determining acquisition and/or relocation is/are necessary for the project. If the grantee initially submitted the Attachment FFP-05-01 form indicating that relocation was not applicable, but then later determines relocation is necessary, then submit an updated Attachment FFP-05-01 form.

2. Planning

Consider and plan for time and budget implications as a result of the project and relocation payments.

3. Determining Resources Needed

Determine resource needs including policies and strategies to minimize displacement and hardship, determining comparable supplies and costs as needed, and determining overall relocation costs.

4. Relocation Plan

Prepare a *Relocation Plan*, following the guidance and requirements on the State of Wisconsin [Relocation Assistance](#) website; and submit the Plan to DOA Division of Legal Services for approval.

In accordance with state law, the grantee/buyer must file a *Relocation Plan* and receive approval in writing from the State of Wisconsin Department of Administration (DOA) Division of Legal Services **prior to** proceeding with the initiation of negotiations. The grantee/buyer must also complete the required relocation processes for owner-occupants and tenant-occupants who will or potentially will be displaced.

The grantee/buyer is to proceed with preparing the *Relocation Plan* as soon as it is known that the owner(s) and/or tenant(s) (or their possessions) are on the property to be acquired and the owner(s) or tenant(s) will or potentially will experience displacement as a result of the acquisition or project (excluding owners when the acquisition qualifies as a voluntary acquisition).

The *Relocation Plan* is to assist the grantee/buyer in establishing the necessary relocation services and payments that potentially will need to be provided to displaced persons and to determine whether displaced persons can be adequately relocated. The DOA Division of Legal Services may not approve a *Relocation Plan* unless the grantee/buyer submits evidence and assurances that relocation payments and services meet the following standards:

- Displaced persons will have the opportunity to occupy comparable, decent, safe, and sanitary replacement housing;
- Displaced businesses will have an opportunity to occupy a comparable replacement and will be assisted in re-establishing;
- 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 will be assisted to ensure equal opportunity to obtain housing from within a community's total housing supply;
- Persons will receive equal treatment in the relocation process;
- Persons will be given a reasonable time to move and are not required to move unless a comparable replacement is provided for or available; and
- Persons will 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 the Relocation Assistance website at:

<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>.

The requirements for each plan are detailed in Wis. Admin. Code § 92.28:

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

DOA Division of Legal Services may request further information to supplement the *Relocation Plan* if necessary.

5. Notices and Brochures to Owner(s) and Tenant(s)

Provide the applicable required notices to tenants and property owners (and/or their designated authorized representative) during the process, fulfilling notice requirements described in the *Voluntary Acquisition Process* and *Involuntary Acquisition Process* documents (Attachment FFP-05-02 and Attachment FFP-05-03 for Chapter 5 of the *Handbook*) and this document.

Waiver of Relocation Assistance or Voluntary Move – Not Allowed:

Under the URA, the waiver of relocation rights by an owner or tenant is *not* allowed. However, if eminent domain will not be used, a grantee/government entity may undertake a voluntary acquisition (if all criteria for voluntary acquisition are met), for which an owner would *not* qualify for relocation benefits. An owner *cannot* waive the rights of tenants on the property in a voluntary or an involuntary acquisition. Tenants who experience displacement as a result of the acquisition or associated federally assisted project are always eligible for relocation assistance in a voluntary or involuntary 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. Owners and tenants must be given the proper notices regarding their relocation rights.

The URA and state acquisition and relocation laws require multiple 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, or electronic if the intended recipient voluntarily agrees to receive electronic delivery and the “General Standards” summarized in Chapter 5 of the *Handbook* are met; and the correspondence delivery and confirmed receipt are documented in the grantee’s project files.

*Notices may be combined when the sequence of activities occur simultaneously, e.g., Notice to Owner (the initial notice of interest in the property to the owner prior to negotiations for involuntary acquisition) and Notice of Intent to Acquire (notice of relocation rights to the owner(s) and tenant(s), if the grantee/buyer knows displacement will occur for the project at the time of issuing the Notice to Owner). However, review the notice requirements and guidance in this document and Chapter 5 of the *Handbook* regarding the purpose and sequence for notices, and implications when issuing certain notices at the same time. The Wisconsin state acquisition and relocation brochures may also serve as tools for informing owners and tenants of their rights under Wisconsin state law and the URA.*

Federal Relocation 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.

The notices required for the relocation process must be issued at the appropriate time:

- *General Information Notice (GIN):* This notice informs the affected persons who will or potentially will be displaced of the project and of possible displacement by the project. It must be provided as soon as possible, typically provided to tenants at the same time as the *Initial Notice to Owner* that is required for acquisition.
- *Notice of Intent to Acquire:* A *Notice of Intent to Acquire* is a displacing entity’s/buyer’s written communication that is provided to a person to be displaced and which establishes eligibility for relocation assistance. It must be issued prior to the initiation of negotiations and/or prior to the commitment of federal financial assistance.

The *Notice of Intent to Acquire* may be issued at the same time or as part of the *General Information Notice* to persons who will or potentially will be displaced and/or the *Initial Notice to Owner* that is required for acquisition. However, if the grantee/buyer does not want to trigger a person's eligibility for relocation assistance at the time of the initial notice, it must ensure that the *General Information Notice* and *Initial Notice to Owner* does not include language that would otherwise be included in the *Notice of Intent to Acquire*.

- *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. This typically may be combined with the *General Information Notice*, *Initial Notice to Owner*, or *Notice of Intent to Acquire*. See the cautionary note above regarding the *Notice of Intent to Acquire* above and triggering relocation eligibility.
- *Notice of Ineligibility for Relocation*: If a person is ineligible for relocation assistance, such persons should be provided written notice of their ineligibility for relocation assistance, the reason the persons are ineligible and their right to appeal the grantee's/buyer's determination. This typically may be combined with the *General Information Notice*, *Initial Notice to Owner*, or *Notice of Intent to Acquire*.
- *Notice of Non-displacement*: If a person does not qualify as a displaced person, that person must be notified of the grantee's/buyer's determination and their right to appeal. This typically may be combined with the *General Information Notice*, *Initial Notice to Owner*, or *Notice of Intent to Acquire*.

If a person moves after the initiation of negotiations and has not been provided with a notice of non-displacement, 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, the *NOE* and the *90-day Notice* may 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. This notice may be combined with other notices to tenants.

State Relocation Brochures: (Required)

For the FFP program, persons who will be or potentially will be displaced as a result of the acquisition or associated project, including tenants (for voluntary and involuntary acquisition), and owners if eligible (for involuntary acquisition), **must** be provided the applicable state relocation brochure:

- *Wisconsin Relocation Rights Residential; or*
- *Wisconsin Relocation Rights for Businesses.*

The state brochures are provided in English, Spanish, and Hmong languages and may be downloaded on the [DOA Relocation Assistance](https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx) website at:
<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>.

State Relocation Notice Requirements:

In addition to the federal relocation notice requirements, grantees/buyers must comply with the state relocation notice requirements. The state notices may overlap with the federal notice requirements and relocation notice letters to owners and tenants should be prepared with consideration for all the requirements. Grantees/buyers must provide the following state relocation notices (as applicable):

- *Information at a public hearing:* A grantee/buyer 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 or business:
 - A general description of the relocation services and payments;
 - A statement that the grantee/buyer must prepare a relocation plan for approval by the DOA Division of Legal Services 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 non-residential 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 the grantee/buyer representative available for further information on acquisition and relocation assistance matters.
- *Written information at initial contact:* A grantee/buyer 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 the grantee/buyer 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 the grantee/buyer representative to contact.
- *Information before initiation of negotiation: A grantee/entity with eminent domain power, must before initiation of negotiations, furnish the state brochures listed earlier in this section, unless already furnished with the written notice at the time of initial contact, including:*
- Owners only (this is for acquisition – not relocation):
The Rights of Landowners Under Wisconsin Eminent Domain Law (either Wis. Stat. Ch. 32.05 or 32.06, depending on the type of project);
 - Residential Tenants (for voluntary and involuntary acquisition) and eligible Owner-Occupants (for involuntary acquisition only):
Wisconsin Relocation Rights Residential; and
 - Business Tenant (for voluntary and involuntary acquisition) or Owner-occupant (for involuntary acquisition only) of a business (including for-profit and non-profit organizations and farms):
Wisconsin Relocation Rights for Businesses, Farm and Nonprofit Organizations.

State brochures can be downloaded at:

<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>.

- *A buyer 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; and
 - A relocation informational brochure must be provided to a tenant occupant who will be displaced as soon as feasible and no later than seven (7) days after an offer to purchase has been accepted and all contingencies removed, except for a Relocation Plan approval contingency. This would include:
 - Residential Tenants: *Wisconsin Relocation Rights Residential*; and
 - Business or Farm Property Tenants: *Wisconsin Relocation Rights for Businesses, Farm and Nonprofit Organizations*.

- **Written Notice of Replacement Payment Entitlement and Occupancy Term:** A grantee/buyer 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. A grantee/buyer may not require an occupant of property acquired by the grantee/buyer to move without at least a 90-day written notice.

6. Owner/Tenant Ongoing Communications

Consult and communicate with property owners and tenants to determine relocation needs initially and throughout the acquisition and relocation processes. Keep all parties informed via public meetings as needed, including giving proper public notice.

7. Relocation Activities & Advisory Services

Coordinate relocation activities with and provide relocation advisory services to displaced tenants and owner occupants. 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 the grantee's/buyer'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.

8. 90-Day Notice to Vacate Premises

Provide a minimum of 90 days written notice to vacate prior to requiring possession. Refer to Chapter 5 of the [FFP Implementation Handbook](#) for additional information on the notices.

9. Relocation Payments

Review and process payment/reimbursement requests from and issue payments to displaced persons for eligible moving, replacement, and re-establishment expenses. *Refer to Relocation Payments and Expenses* (Attachment FFP-05-09 for Chapter 5 of the *Handbook*) guidance on allowable relocation costs and payment specifications.

10. Individual Case Reports

Complete and submit the *Individual Relocation Case Report* (Attachment 5-10 for Chapter 5 of the *Handbook*, and linked on the State's/DOA's [Relocation Assistance website](#)) and submit it to the DOA Division of Legal Services. 'Copy' the email submission to the DEHCR project representative assigned to the FFP project or to the FFP email at FlexibleFacilitiesProgram@wisconsin.gov. Submission must be within 30 days after the displacement and payment for each person for which relocation assistance was provided.

11. Relocation Financial Records Submission and Retention

Submit financial records of the relocation payments to DEHCR with FFP payment request documents upon paying eligible relocation claims by eligible displaced persons.

Using FFP Funds for Relocation Costs:

If the grantee seeks to draw down FFP funds 'up front' to cover all or a portion of eligible relocation costs, then submit copies of the associated invoice(s) from vendor(s) and/or relocation claim(s) from the displaced person(s) (a claim serves as the 'invoice') to DEHCR with a FFP payment request. Relocation claims must be from eligible displaced persons and may not exceed the allowable federal and state payment limits. The record(s) of payment to the vendor(s) and/or eligible displaced person(s) must be submitted on the next FFP payment request that follows the relocation related payment that has been disbursed to the payee(s)/claimant(s).

If the grantee seeks to draw down FFP funds as 'reimbursement' for payments disbursed for eligible relocation costs, then submit copies of the associated invoice(s) from the vendor(s) and/or relocation claim(s) from the displaced person(s) (a claim serves as the 'invoice') and record(s) of payments to the payee(s)/claimant(s) to DEHCR with a FFP payment request. Relocation claims must be from eligible displaced persons and may not exceed the allowable federal and state payment limits.

Relocation invoices/claims for which FFP funds are used to cover all or a portion of the cost are to be recorded on the *FFP Disbursements Journal* (Attachment FFP-08-04 for Chapter 8: *Financial Management of the Handbook*).

IMPORTANT NOTE: Professional services for relocation processes and activities provided by a third-party (versus the grantee's/buyer's or a subrecipient's own employees) must be procured in accordance with the FFP procurement requirements in Chapter 3: *Procurement and Contracting of the Handbook*, to be eligible to be paid using FFP funds.

Using Only Match/Non-FFP Funds for Relocation Costs:

If the grantee is not using FFP funds for relocation and the relocation activities occur after the FFP award, then the grantee must still submit copies of the relocation invoices, claims, receipts and other records of the costs and payments to DEHCR with a FFP payment request and record the costs on the *Matching Funds Journal* (Attachment FFP-08-05 for Chapter 8 of the *Handbook*) unless the relocation costs were prior to the FFP award date. If the relocation activities and costs occurred prior to the FFP award, then the grantee is to maintain the records of the relocation invoices, claims, receipts, and other records of costs and payments in the project file and provide them to DEHCR (and other regulating entities) only upon request. Do not record pre-award acquisition and relocation costs on the *FFP Disbursements Journal* or the *Matching Funds Journal*.

For any relocation costs that are incurred after the completion of the FFP project (e.g., for an extended period of rental assistance payments, etc.), the grantee is to maintain the record(s) of the relocation claim(s) and payment(s) in the project file and provide them to DEHCR (and other regulating entities) only upon request.

12. Records of Notices

Refer to the “General Standards for All Notices” section in Chapter 5 of the *Handbook* regarding specifications for notices and record keeping requirements. Note that in addition to all correspondence and records of communication with owners and tenants (and/or their designated authorized representative), the case file must include the records of the method of delivery of the required acquisition and/or relocation notice(s) [which must be via official certified or registered First Class mail, return receipt requested, or personal delivery, *unless* they voluntarily agree to receive notices electronically] to owners and tenants (and/or their designated authorized representative), as applicable; the date of delivery; and signed confirmation of receipt (e.g., signed official mail returned receipt or signed statement(s) of acknowledgement of receipt from the owner(s)/tenant(s) that specify(ies) the type/nature/title(s) of the document(s) received and date of receipt; or the electronic tracking information document(s) and electronic signature that are date- and time-stamped for electronic delivery).

If additional optional notices are provided using other methods of delivery, the copies of the notices, method(s) of notice(s) (e.g., newspaper(s) or other publication(s), online/website publication(s), posting(s) at central location(s) within the community, etc.) and the date(s) of the notice(s) must also be in the case file. These additional methods of notices are allowed as supplemental optional efforts but *cannot* be *in lieu* of the required personal delivery or certified/registered mail delivery, or electronic delivery if voluntarily agreed upon by the intended recipient.

13. Recordkeeping in Project File

All documentation for the relocation process and related records and documentation must be maintained in the FFP project relocation file. A separate file for each property acquisition and each relocation case must be maintained. Refer to *Wisconsin Admin. Code § 92.20* and Chapter 2: *Grant Administration* and Chapter 5: *Acquisition & Relocation* of the *Handbook*, and *Acquisition/Relocation Monitoring Checklist* (Attachment FFP-05-11 for Chapter 5 of the *Handbook*) for further details on the relocation related documentation required to be maintained, and the recordkeeping and records retention requirements.