

# ACQUISITION / RELOCATION

## TABLE OF CONTENTS

CHAPTER 5: ACQUISITION / RELOCATION .....	3
INTRODUCTION.....	3
APPLICABILITY .....	4
DEFINITIONS .....	5
ACQUISITION AND RELOCATION REQUIREMENTS.....	5
GENERAL OVERVIEW.....	5
CONFLICTS OF INTEREST .....	6
TEMPLATES AND FORMS .....	6
GENERAL STANDARDS FOR ALL NOTICES.....	7
VOLUNTARY ACQUISITIONS .....	7
INVOLUNTARY ACQUISITIONS.....	9
EASEMENTS.....	9
RELOCATION.....	10
RECORDKEEPING AND REPORTS.....	11
ATTACHMENTS.....	12
ATTACHMENT 5-A: RELEVANT STATE AND FEDERAL RULES FOR ACQUISITION AND RELOCATION .....	14
ATTACHMENT 5-B: INFORMATIONAL NOTICE TO OWNER FOR VOLUNTARY ACQUISITION (TEMPLATE) .....	17
ATTACHMENT 5-C: VOLUNTARY ACQUISITION PROCESS.....	19
ATTACHMENT 5-D: INVOLUNTARY ACQUISITION PROCESS .....	27
ATTACHMENT 5-E: LETTER CONFIRMING EASEMENT IS SOLE BENEFIT TO RESIDENT/OWNER (TEMPLATE).....	40
ATTACHMENT 5-F: RELOCATION PLANNING/PROCESS AND ADVISORY SERVICES.....	41
ATTACHMENT 5-G: LMI HOUSING RELOCATION ASSISTANCE.....	52
ATTACHMENT 5-H: RELOCATION CLAIMS AND PAYMENTS.....	53
ATTACHMENT 5-I: RELOCATION COMPENSATION RULES AND LIMITS.....	59
ATTACHMENT 5-J: CHAPTER ADM 92.20 ACQUISITION/RELOCATION FILE .....	61

ATTACHMENT 5-K: ACQUISITION/RELOCATION MONITORING CHECKLIST .....	63
ATTACHMENT 5-L: NOTICE OF ACQUISITION/RELOCATION TO DEHCR .....	74
ATTACHMENT 5-M: WAIVER VALUATION (TEMPLATE).....	75
ATTACHMENT 5-N: WAIVER OF APPRAISAL – DONATION OF PROPERTY (TEMPLATE).....	76
ATTACHMENT 5-O: INDIVIDUAL RELOCATION CASE REPORT (TEMPLATE) .....	77
ATTACHMENT 5-P: GENERAL URA ACQUISITION PROCESS .....	79

## CHAPTER 5: ACQUISITION / RELOCATION

### INTRODUCTION

Whenever federal funds are used in a project involving the acquisition, rehabilitation or demolition of real property, a federal law known as the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) generally applies. The purpose of the URA is to justly compensate people who are displaced and must move from their homes, farms, or businesses or who relinquish ownership of a portion of their land due to a publicly assisted project.

All Units of General Local Government (UGLGs) in the State of Wisconsin receiving Community Development Block Grants (CDBG) funds or other federal funding for projects that involve property acquisition and potential displaced persons must comply with the following:

- 49 CFR 24, Uniform Relocation and Real Property Acquisition Act of 1970, as amended (URA or Uniform Act):  
[https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24_main_02.tpl);
- 24 CFR 42, [implementing rule for the Housing and Community Development Act 104(d)] - establishes requirements governing conversion demolition and one-for-one replacement of low-income housing under CDBG:  
<https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:1.1.1.1.27>;
- 24 CFR 570.606, Community Development Block Grants – Displacement, Relocation, Acquisition and Replacement of Housing:  
[https://www.ecfr.gov/cgi-bin/text-idx?SID=98ca028ec32a7182f1611295145dbec8&mc=true&node=se24.3.570\\_1606&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=98ca028ec32a7182f1611295145dbec8&mc=true&node=se24.3.570_1606&rgn=div8);
- Section 104(d) of the Housing and Community Development Act of 1974 (as amended, *42 USC 5304(d)*):  
<https://www.hudexchange.info/resource/6225/section-104d-of-the-housing-and-community-development-act-of-1974-as-amended/>
- Chapter 32, Wisconsin Statutes – Eminent Domain:  
<https://docs.legis.wisconsin.gov/statutes/statutes/32>; and
- Chapter Adm 92, Wisconsin Administrative Code – Relocation Assistance:  
[https://docs.legis.wisconsin.gov/code/admin\\_code/adm/92](https://docs.legis.wisconsin.gov/code/admin_code/adm/92).

This chapter is intended as a general outline and reference source for UGLGs (and subrecipients) implementing an acquisition or relocation project. It is the responsibility of the UGLG (and subrecipient, if applicable) to adhere to the relevant federal and state laws. While both federal and state acquisition and relocation rules are included in this chapter, the state rule will only be emphasized if it differs from the federal rule. A more detailed discussion of the relevant state and federal rules can be found in *Relevant State and Federal Rules for Acquisition and Relocation* (Attachment 5-A) and in HUD's *Tenant Assistance, Relocation and*

*Real Property Acquisition Handbook (1378.0):*

<https://www.hudexchange.info/programs/relocation/guidance/#handbooks>.

The assigned Division of Energy, Housing and Community Resources (DEHCR) Project Representative must be notified in advance of starting the acquisition/relocation process if acquisition and/or relocation will occur as part of a project. A property or easement acquisition may only be completed after (i.e., the property purchase/closing cannot be finalized until) the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR to be an eligible cost paid (or reimbursed) with CDBG funds. DEHCR recommends no acquisition of real property for a CDBG project be completed until the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR, regardless of funding source. Construction cannot begin on a property until the acquisition and relocation of displaced persons (if applicable) are completed.

## IMPORTANT REMINDERS:

- *The purchase of real property for a CDBG project cannot be completed/closed until after the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR for the cost to be eligible to be paid (or reimbursed) with CDBG funds. DEHCR recommends UGLGs/buyers wait until the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR before finalizing any purchase of real property for a CDBG project, regardless of funding source.*
- *Construction on a property cannot begin until the acquisition and relocation of displaced persons (if applicable) are completed.*

## APPLICABILITY

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. UGLGs must plan to ensure that sufficient time, funding, and staffing are available to carry out these responsibilities.

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 URA real property acquisition requirements apply to all acquiring agencies/entities utilizing HUD funds and projects under the URA. The requirements that are applicable under the URA differ for voluntary and involuntary acquisitions.

The URA relocation requirements may apply to any person or agency/entity carrying out a publicly assisted project causing displacement including displacements resulting from arm's length voluntary acquisitions.

## DEFINITIONS

For a list of definitions associated with the URA, refer to [49 CFR 24.2](#). Some key terms are listed below (with details provided in 49 CFR 24.2):

**Displaced Person:** A displaced person is defined under the URA [49 CFR 24.2(a)(9)(i)] as any person who moves from the real property (i.e., moves from their home, business, or farm), or moves their personal property from the real property, as a direct result of acquisition, demolition or rehabilitation for a federally funded project, excluding those who fall under the category of "persons not displaced" defined in 49 CFR 24.2(a)(9)(ii).

**Person:** A person is defined as an individual, family, partnership, association, corporation, or organization [49 CFR 24.2(a)(21)]. Government entities do not qualify as displaced persons.

**Persons Not Displaced:** Persons in one or more of the categories listed under 49 CFR 24.2(a)(9)(ii). Examples of persons not displaced include those temporarily displaced (for less than 12 months) due to the project, those who move voluntarily prior to the initiation of negotiations for the property acquisition (unless the move was a direct result of the project), undocumented immigrants, and owner-occupants when their property is acquired through voluntary acquisition.

**Program or Project:** A program or project is defined under the URA [49 CFR 24.2(a)(22)] as, "any activity or series of activities undertaken by a Federal Agency or with Federal financial assistance received or anticipated in any phase of an undertaking in accordance with the Federal funding Agency guidelines."

**Tenant:** A person who has the temporary use and occupancy of real property owned by another [49 CFR 24.2(a)(26)].

## ACQUISITION AND RELOCATION REQUIREMENTS

### GENERAL OVERVIEW

When acquisition of real property is necessary to complete a CDBG funded or other federally funded project, as soon as feasible, the UGLG/buyer must notify the owner in writing of the UGLG's/buyer's interest in acquiring the real property and the basic protections provided to the owner by law. The UGLG/buyer must make every reasonable effort to acquire the real property expeditiously by negotiation.

An acquisition is classified as voluntary or involuntary. The URA requirements for voluntary and involuntary acquisitions differ. While there are protections for property owners in both circumstances, only involuntary acquisitions trigger the full acquisition requirements of the URA [29 CFR 24, Subpart B]. Under the URA, an acquisition is considered to be involuntary when a UGLG acquires property under the threat or use of eminent domain, or the acquisition does not meet the criteria specified for voluntary acquisitions (as summarized later in this chapter). Eminent domain (also known as condemnation) is the power of the government to take private property for public purposes with payment of just compensation.

Grantees/buyers must understand the critical differences between voluntary and involuntary acquisitions under the URA **before** acquiring property for publicly funded projects. Wisconsin Statutes define who has the authority to use eminent domain to acquire real property. Counties, towns, villages, and cities are granted the authority to use eminent domain under Wis. Stat. Ch. 32.02(1).

The assigned DEHCR Project Representative for the UGLG's CDBG project must be notified in advance of starting acquisition and relocation processes.

## CONFLICTS OF INTEREST

UGLGs (and subrecipients) must comply with the conflicts of interest regulations for federally funded projects in pursuing acquisition processes. Refer to [Chapter 3: Procurement & Contracting](#) in the [CDBG Implementation Handbook](#) for additional guidance related to conflict of interest regulations and review processes. The process for disclosure and review of potential conflicts of interest for contracting activities may be modified to include applicable steps for potential conflicts of interest for acquisition and relocation activities. Contact the assigned DEHCR Project Representative for additional guidance.

### IMPORTANT REMINDER:

*Conflict of interest requirements apply to **all** CDBG project activities, including the acquisition of real property. Refer to Chapter 3: Procurement and Contracting for information regarding conflict of interest regulations and review processes.*

## TEMPLATES AND FORMS

Sources for accessing templates and forms for the acquisition and relocation processes include the following:

- DEHCR provides certain forms and templates pertaining to acquisition and relocation within the Attachments at the end of this chapter, which are also linked as editable/fillable documents on the [CDBG Implementation Handbook](#) website under the “Chapter Attachments/Fillable Forms” section.
- HUD provides several document templates in the Appendices of HUD's [Tenant Assistance, Relocation and Real Property Acquisition Handbook \(1378.0\)](#), which are intended to serve as guidance and must be modified and edited to fit the circumstances and requirements of the specific acquisition and/or relocation required for the project.

- The State of Wisconsin Department of Administration Division of Legal Services provides templates and forms for state-required relocation activities on the [DOA Relocation Assistance](#) website. These are to be utilized and customized for the particular type of relocation and relocation assistance required for the project, as applicable.

## GENERAL STANDARDS FOR ALL NOTICES

All notices pertaining to the acquisition and relocation as specified in this chapter must include the content specified as required and meet the following general standards unless otherwise stated within other sections that follow:

- Each notice must be written in plain, understandable language.
- Translation and counseling/advising services must be provided, as appropriate.
- Each notice must have the name and telephone number (and email address is recommended but optional) of the UGLG/buyer contact person.
- Each notice must be personally delivered or sent via official certified or registered First Class mail, return receipt requested.
- The record of the recipient's receipt of each notice is required, such as the official signed mail return receipt, or a signed personal statement from the recipient that specifies the type and nature of the notice/document(s) received and date of receipt, if personally delivered.
- The UGLG/buyer must be available to discuss any questions or concerns the property owner(s) and/or tenant(s) may have regarding the notice(s).

## VOLUNTARY ACQUISITIONS

There can be no threat of eminent domain or condemnation when acquisition is undertaken as voluntary. Additional requirements apply under the URA. The requirements of [49 CFR 24.101\(b\)\(1\)-\(5\)](#), which are summarized in the "criteria" below, must be satisfied for a transaction to be considered a voluntary acquisition.

### Criteria for Voluntary Acquisition

The URA recognizes three general types of purchases which can be voluntary:

1. Purchases in which the buyer has the power of eminent domain, but agrees that it will not condemn the property if an agreeable purchase price cannot be reached;
2. Purchases in which the buyer does not have the power of eminent domain (e.g., non-profits, developers, or private individuals); and
3. Purchases of government property (federal, state, local), when the buyer does not have the power of eminent domain. For example, if a non-profit offers to purchase a piece of property from the local UGLG, the acquisition is considered a voluntary acquisition.

In addition, for buyers with eminent domain authority (i.e., UGLGs), the acquisition only qualifies as voluntary if all the following criteria are also met:

1. No specific site is needed and any of several properties could be acquired for project purposes;



2. The property is not part of an intended, planned, or designated project area where other properties will be acquired within specific time limits;
3. The buyer informs the owner in writing of the property's market value; and
4. The buyer informs the owner in writing that the property will not be acquired, through condemnation, if negotiations do not reach an amicable agreement.

## IMPORTANT NOTICE:

*A common misconception is that a “willing seller” or “amicable agreement” means a transaction is “voluntary.” This is not necessarily true under the URA and the applicable requirements of [49 CFR 24.101\(b\)\(1\)-\(5\)](#) (as summarized above) must be satisfied for a transaction to be considered a “voluntary acquisition” for purposes of the URA.*

For buyers without eminent domain authority, the acquisitions are voluntary and the following are required under the URA:

- The buyer must notify the owner in writing of the property’s current fair market value; and
- The buyer must notify the owner prior to making an offer that it will not acquire the property if an amicable settlement cannot be reached.
- If any tenants occupy (or have possessions on) the property, the buyer must comply with applicable federal and state relocation regulations and requirements pertaining to tenant-occupants.

When an acquisition is voluntary, the UGLG is required, under state and federal law, to complete certain processes for acquiring real property, which have fewer requirements than involuntary acquisitions.

### Steps for Voluntary Acquisition

Refer to the Voluntary Acquisition Process (Attachment 5-C) for the steps involved with voluntary acquisition. Also refer to the Acquisition/Relocation Monitoring Checklist (Attachment 5-K) for activities and documentation required.

For a general overview, refer to *General URA Acquisition Process* (Attachment 5-P), which is HUD’s [Tenant Assistance, Relocation and Real Property Acquisition Handbook \(1378.0\) – Appendix 23](#), also available at: <https://www.hud.gov/sites/documents/1378X23CPDH.PDF>.

### Relocation Applicability (Tenants Only)

Property owners do not have relocation rights and are not eligible for relocation assistance for a voluntary acquisition. Tenants do have relocation rights and may be eligible for relocation assistance. Tenant-occupants are eligible for relocation assistance in a voluntary acquisition if deemed displaced persons. Federal funds may be applied towards eligible tenant relocation costs. The UGLG/buyer may offer relocation assistance to an owner as part of negotiations for a voluntary acquisition, but federal funds may not be used for a relocation payment to an owner when the acquisition is voluntary.



For guidance on the relocation process and requirements, refer to *Relocation Planning/Process and Advisory Services* (Attachment 5-F) in this chapter. Additional relocation related guidance is in Attachment A, Attachment 5-G through 5-K, and Attachment 5-O in this chapter.

## IMPORTANT REMINDER!

Owner-occupants are not eligible for relocation assistance in a voluntary acquisition.  
Tenant-occupants are eligible for relocation assistance in a voluntary acquisition, if deemed displaced persons.

## INVOLUNTARY ACQUISITIONS

Any acquisition that does not meet the criteria for voluntary acquisition is considered an involuntary acquisition. When an acquisition is involuntary, the UGLG/public agency is required, under state and federal law, to complete certain processes for acquiring real property, which involve more requirements than voluntary acquisitions.

### Steps for Involuntary Acquisition

Refer to the *Involuntary Acquisition Process* (Attachment 5-D) for the steps involved with involuntary acquisition. Also refer to the *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) for activities and documentation required.

For a general overview, refer to *General URA Acquisition Process* (Attachment 5-P), which is HUD's *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0) – Appendix 23*, also available at: <https://www.hud.gov/sites/documents/1378X23CPDH.PDF>.

### Relocation Applicability (Owners and Tenants)

Property owners and tenants both have relocation rights and may be eligible for relocation assistance for an involuntary acquisition. Owner-occupants and tenant-occupants are eligible for relocation assistance for an involuntary acquisition if deemed displaced persons. Federal funds may be used towards eligible relocation costs for owners and tenants when the acquisition is involuntary.

For guidance on the relocation process and requirements, refer to *Relocation Planning/Process and Advisory Services* (Attachment 5-F) in this chapter. Additional relocation related guidance is in Attachment A, Attachment 5-G through 5-K, and Attachment 5-O in this chapter.

## EASEMENTS

An easement is the right to use the real property of another for a specific purpose without profit. The easement is itself a real property interest, but legal title to the underlying land is retained by the original owner for all other purposes.

Easements can be either temporary or permanent. Temporary easements are easements granted for a specified period. For example, an easement granted to allow a construction company to store equipment and/or materials on private property during the reconstruction of a sanitary sewer line requires a temporary easement.

Permanent easements are attached to a deed and continue to affect the land through subsequent changes in ownership. For example, an easement granted to construct utility lines (sewer, water, electrical) across private property that will be maintained after construction is complete by the UGLG requires a permanent easement.

Easements are considered a type of acquisition. Therefore, federal and state acquisition and relocation rules and regulations apply to permanent and temporary easements. The easement acquisition may be voluntary or involuntary. The requirements that apply will be dependent on whether the easement acquisition meets the voluntary acquisition criteria or must be approached as an involuntary acquisition.

***Sole Benefit to Property Owner Exception:*** The only exception to an easement acquisition being subject to all the processes typically required by state and federal laws for an acquisition is when it is a temporary easement obtained for the sole benefit of the property owner. For example, obtaining an easement to reconstruct the owner's driveway apron to improve the grading and the owner's access to a newly constructed public street could be considered for the sole benefit of the property owner. If the UGLG determines the temporary easement is obtained for the sole benefit of the property owner, then the UGLG must email a letter to the DEHCR Project Representative stating that URA requirements do not apply. The letter must be maintained in the project file. Refer to the *Letter Confirming Easement Is Sole Benefit to Resident/Owner* template (Attachment 5-E) for guidance on the required letter content.

When obtaining or purchasing (i.e., acquiring) one or more easements is required for a project, the UGLG must inform the DEHCR Project Representative, submitting the *Notice of Acquisition/Relocation to DEHCR* (Attachment 5-L) and comply with the applicable federal and state requirements for acquisition and relocation summarized in this chapter.

## RELOCATION

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. If a project requires the relocation of a homeowner, business (including businesses, farms, and non-profit organizations) or tenant, then the UGLG must complete relocation processes. Refer to *Relocation Planning/Process and Advisory Services* (Attachment 5-F) for the requirements, notices, steps, and activities involved with the relocation process.

Relocation benefits may be applicable if an owner, a business/farm/non-profit organization, or a tenant must be relocated or if their possessions that are located on the property being acquired for the project are 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 possessions) from their dwelling is required as a result of the acquisition or the associated project;
- 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 or wing of the facility while renovations are occurring; or

apartment residents who are provided a replacement apartment or other comparable housing accommodations during renovations); and

- Undocumented persons who are not lawfully present in the U.S. The URA restricts using federal funds to pay relocation costs for these persons.

More detailed information regarding the rules covering relocation can be found in *Relocation Planning/Process and Advisory Services* (Attachment 5-F), *LMI Housing Relocation Assistance* (Attachment 5-G), *Relocation Claims and Payments* (Attachment 5-H), *Relocation Compensation Rules and Limits* (Attachment 5-I), and *Individual Relocation Case Report* (Attachment 5-O). Also refer to the *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) for activities and documentation required.

### **Waiver of Relocation Assistance or Voluntary Move**

Under the URA, relocation assistance may not be waived. However, if eminent domain will not be used, the UGLG may undertake a voluntary acquisition (if all criteria for voluntary acquisition are met) in which an owner would not qualify for relocation benefits. An owner cannot waive the rights of tenants on the property in a voluntary or involuntary acquisition. Tenants who experience displacement as a result of the acquisition/project are always eligible for relocation benefits in a voluntary 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.

## **RECORDKEEPING AND REPORTS**

A list of the required documents to be maintained in the files can be found in:

- *Chapter Adm 92.20 Acquisition/Relocation File* (Attachment 5-J).
- *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K).

The *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) also serves as a tracking tool for acquisition and relocation activities and will be required to be submitted by the UGLG during DEHCR's monitoring of the CDBG project.

## **ACQUISITION / RELOCATION TRACKING**

The UGLG will be required to submit a completed *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) during DEHCR's monitoring of the CDBG project. UGLGs are strongly advised to complete the checklist during acquisition and relocation processes to ensure the required information is collected.

Property acquisition and relocation records must be available for inspection by DEHCR, HUD, and any person as specified under the Wisconsin Open Records Law, Wis. Stats. Ch. 19.31-19.39.

Under federal rules, the UGLG must maintain adequate records of its acquisition and displacement activities. These records must be in enough detail to demonstrate compliance with the URA and be retained for at least three (3) years after each owner of a property and each displaced person received final payment. The UGLG must submit a report of its real property acquisition and displacement activities if the federal UGLG funding the project requires such a report (which Wisconsin does – this is the required *Individual Relocation Case Report* (Attachment 5-O in this chapter, and linked on the [DOA Relocation Assistance](#) website)).

Under state rules [Ch. Adm 92.20, Wis. Admin. Code] the UGLG must also maintain separate property acquisition and relocation case files. These files must be retained for a minimum of three (3) years following the completion of a project or a final relocation payment, whichever is later. Under CDBG rules, the records retention period may be longer. The UGLG must contact DEHCR and receive written authorization before destroying any records for a CDBG project.

## ATTACHMENTS

Attachments for this chapter are listed below.

- ATTACHMENT 5-A: RELEVANT STATE AND FEDERAL RULES FOR ACQUISITION AND RELOCATION
- ATTACHMENT 5-B: INFORMATIONAL NOTICE TO OWNER FOR VOLUNTARY ACQUISITION (TEMPLATE)
- ATTACHMENT 5-C: VOLUNTARY ACQUISITION PROCESS
- ATTACHMENT 5-D: INVOLUNTARY ACQUISITION PROCESS
- ATTACHMENT 5-E: LETTER CONFIRMING EASEMENT IS SOLE BENEFIT TO RESIDENT/OWNER (TEMPLATE)
- ATTACHMENT 5-F: RELOCATION PLANNING/PROCESS AND ADVISORY SERVICES
- ATTACHMENT 5-G: LMI HOUSING RELOCATION ASSISTANCE
- ATTACHMENT 5-H: RELOCATION CLAIMS AND PAYMENTS
- ATTACHMENT 5-I: RELOCATION COMPENSATION RULES AND LIMITS
- ATTACHMENT 5-J: CHAPTER ADM 92.20 ACQUISITION/RELOCATION FILE
- ATTACHMENT 5-K: ACQUISITION/RELOCATION MONITORING CHECKLIST
- ATTACHMENT 5-L: NOTICE OF ACQUISITION/RELOCATION TO DEHCR
- ATTACHMENT 5-M: WAIVER VALUATION (TEMPLATE)
- ATTACHMENT 5-N: WAIVER OF APPRAISAL – DONATION OF PROPERTY (TEMPLATE)

ATTACHMENT 5-O: INDIVIDUAL RELOCATION CASE REPORT  
(TEMPLATE)

ATTACHMENT 5-P: GENERAL URA ACQUISITION PROCESS

## 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) [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title49/49cfr24_main_02.tpl);
- 24 CFR 42 (implementing rule for the Housing and Community Development Act § 104(d) (§ 104(d) or Section 104(d)) <https://www.ecfr.gov/cgi-bin/text-idx?rgn=div5&node=24:1.1.1.1.27>;
- 24 CFR 570.606, Community Development Block Grants – Displacement, Relocation, Acquisition and Replacement of Housing [https://www.ecfr.gov/cgi-bin/text-idx?SID=98ca028ec32a7182f1611295145dbec8&mc=true&node=se24.3.570\\_1606&rgn=div8](https://www.ecfr.gov/cgi-bin/text-idx?SID=98ca028ec32a7182f1611295145dbec8&mc=true&node=se24.3.570_1606&rgn=div8);
- Section 104(d) of the Housing and Community Development Act of 1974 (as amended, *42 USC 5304(d)*):  
<https://www.hudexchange.info/resource/6225/section-104d-of-the-housing-and-community-development-act-of-1974-as-amended/>
- Chapter 32, Wisconsin Statutes – Eminent Domain <https://docs.legis.wisconsin.gov/statutes/statutes/32/>; and
- Ch. Adm 92, Wis. Admin. Code – Relocation Assistance [https://docs.legis.wisconsin.gov/code/admin\\_code/adm/92](https://docs.legis.wisconsin.gov/code/admin_code/adm/92).

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):  
<https://wisconsin.gov/Pages/doing-business/eng-consultants/cnslt-rsrcs/re/repm.aspx>
- HUD Acquisition and Relocation website (for Community Development Programs):  
<https://www.hud.gov/relocation>
- HUD Real Estate Acquisition and Relocation Publications website:  
<https://www.hudexchange.info/programs/relocation/publications/>
- HUD Exchange guidance materials for URA, Section 104(d), and related CDBG Program Requirements:  
<https://www.hudexchange.info/programs/relocation/>
- HUD *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)* website:  
<https://www.hudexchange.info/programs/relocation/guidance/#handbooks>
- U.S. Department of Transportation Federal Highway Administration (FHWA) website:  
[https://www.fhwa.dot.gov/real\\_estate/uniform\\_act/](https://www.fhwa.dot.gov/real_estate/uniform_act/)
- Wisconsin Department of Administration Acquisition/Relocation Assistance website:  
<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>

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.

## **IMPORTANT REMINDER!**

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.



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).

### **IMPORTANT REMINDER!**

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

**ATTACHMENT 5-B: INFORMATIONAL NOTICE TO OWNER FOR VOLUNTARY ACQUISITION (TEMPLATE)**

(ON UNIT OF GENERAL LOCAL GOVERNMENT (UGLG) LETTERHEAD)

**ATTACHMENT 5-B: INFORMATIONAL NOTICE TO OWNER FOR VOLUNTARY ACQUISITION (TEMPLATE)**

(ON LETTERHEAD OF THE UNIT OF GENERAL LOCAL GOVERNMENT (UGLG) OR OFFICIALLY AUTHORIZED ENTITY HANDLING THE ACQUISITION PROCESS)

[Date]

TEMPLATE

[Property Owner Name]  
[Property Owner Street Address]  
[Property Owner P.O. Box (if applicable)]  
[Property Owner City, State, Zip]

RE: Property at [Property Street Address, City], WI; Parcel #[Parcel #]

Dear [Property Owner Name]:

The [UGLG Name] of [County Name] County, Wisconsin is interested in acquiring property you own at [Street Address] for a proposed project which may receive funding assistance from the U.S. Department of Housing and Urban Development (HUD) under the program. [Provide Description of Project, If Determined]. Please be advised that the [UGLG Name] possesses eminent domain authority to acquire property. However, in the event you are not interested in selling your property, or if we cannot reach an amicable agreement for the purchase of your property, we will not pursue its acquisition under eminent domain.

Your property is not a necessary part of the proposed project and is not part of an intended, planned, or designated project area where substantially all of the property within the area is to be acquired.

We are prepared to offer you \$[Amount] to purchase your property. We believe this amount represents the current market value of your property based on [Enter Basis or Source of Determination]. Please contact us at your convenience if you are interested in selling your property.

In accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA), owner-occupants who move as a result of a voluntary acquisition are not eligible for relocation assistance. Any tenants living at or using the property may however be eligible for relocation assistance. Under the URA and Wisconsin law, the [UGLG Type, e.g., Town, Village, City, County] must give notice to property owners [and tenants] if applicable of certain rights through providing the state publication(s), [Name of Applicable Wisconsin State Acquisition Brochure (and Relocation Brochure If There Will Be Tenant Relocation)], enclosed. Additional information regarding owner [and tenant if applicable] rights under the URA are provided in the U.S. Department of Housing and Urban Development (HUD) publication(s), [Name of Applicable HUD Brochure(s)], also enclosed.

[Add Additional Information If Follow-Up Regarding Obtaining Tenant Information Will Be Necessary OR If Tenants Were Provided The Same Notices.]

[Date]

[Property Owner Name and Nature of Notice, e.g., "Jane Smith: Acquisition Informational Notice]

Page 2 of 2

If you have any questions about this notice or the proposed project, please contact: [Contact Name], [Contact Title], of [Contact Entity/Company/Firm Name] at [Contact Mailing Address], or phone number [Contact Telephone #], or [Contact Email Address].

Sincerely,

*(Add CEO or Officially Authorized Representative Signature)*

[Typed First and Last Name of UGLG Chief Elected Official (CEO) or Name of Officially Authorized Representative]

[Title of UGLG CEO or Officially Authorized Representative]

[Enter "Enclosure" or "Enclosures" here]: Enter/List the Name(s) of Applicable/Enclosed Brochure(s) – if multiple, list each on a separate line.]

cc: [Add UGLG CEO's First and Last Name and Position Title if they are not the person signing the letter – the CEO must be 'copied' on the correspondence.]  
[Add UGLG Clerk's First and Last Name and Position Title – the Clerk must be copied on the correspondence.]

# TEMPLATE

#### **NOTES TO UGLG IN USING THIS FORM:**

1. The UGLG receiving the CDBG award should be the entity signing this notice to an owner. Alternatively, the UGLG may formally authorize/designate another entity to represent the UGLG for the acquisition process and send correspondence. This requires governing body approval, local policy compliance pertaining to the authorization/designation, and the establishment of a formal, signed written agreement. The UGLG should seek legal advisement if contracting with another entity and the UGLG must comply with the applicable CDBG procurement and contracting requirements. It is the UGLG's responsibility to ensure compliance with the CDBG acquisition/relocation policies and regulations, regardless of any agreements it has with third party entities. If the buyer is not a government entity with eminent domain authority, a different informational notice letter template is applicable. Refer to other letter templates in the *HUD Tenant Assistance, Relocation and Real Property Acquisition Handbook 1378*.
2. The CDBG project file must include the method in which this notice was delivered and date; as well as a signed acknowledgment of receipt from the recipient(s) (e.g., a signed certified/registered First Class mail return receipt or signed statement from the recipient(s) which identifies the item(s) received and the date of receipt).
3. Tenant-occupants displaced as a result of a voluntary acquisition may be entitled to URA relocation assistance and must be so informed per 49 CFR 24.2(a)(15)(iv) –Initiations of negotiations, and 49 CFR 24 Appendix A - 24.2(a)(15)(iv).
4. This letter template may only be used if all of the requirements of 49 CFR 24.101(b)(1)(i)-(iv) are met.
5. The Template Title Heading and Page Footer are to be deleted when customizing the template for the UGLG's and other entities' use.
6. Refer to Chapter 5 of the *CDBG Implementation Handbook* for guidance when the buyer/purchaser is not a UGLG.:  
<https://energyandhousing.wi.gov/Pages/AgencyResources/CDBG-Implementation-Handbook.aspx>
7. Refer to the *HUD Tenant Assistance, Relocation and Real Property Acquisition Handbook 1378* for additional templates that may be modified/customized for other acquisition circumstances:  
[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/13780](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780)
8. The State of Wisconsin acquisition and relocation brochures may be accessed at:  
<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>
9. The federal HUD acquisition and relocation publications, including the "booklets"/brochures, may be accessed at:  
[https://www.hud.gov/program\\_offices/comm\\_planning/relocation/publications](https://www.hud.gov/program_offices/comm_planning/relocation/publications)

## ATTACHMENT 5-C: VOLUNTARY ACQUISITION PROCESS

### REMINDER OF IMPORTANT REQUIREMENTS

*A real property or easement acquisition may only be completed after (i.e., the property purchase/closing cannot be finalized until) the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR to be an eligible cost paid (or reimbursed) with CDBG funds. DEHCR recommends no acquisition for a CDBG project to be completed until the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR, regardless of funding source.*

*Construction on the property cannot begin until the acquisition is complete/property closing is finalized.*

### CRITERIA FOR VOLUNTARY ACQUISITION

There can be no threat of eminent domain or condemnation when acquisition is undertaken as voluntary. Additional requirements apply under the URA. The requirements of 49 CFR 24.101(b)(1)-(5), which are summarized within the “criteria” section below, must be satisfied for a transaction to be considered a voluntary acquisition.

The URA recognizes three general types of purchases which can be voluntary:

1. Purchases where the buyer has the power of eminent domain, but agrees that it will not condemn the property if an agreeable purchase price cannot be reached, and the acquisition meets the URA criteria listed in this chapter;
2. Purchases in which the buyer does not have the power of eminent domain (e.g., non-profits, private developers, etc.); and
3. Purchases of government property (federal, state, local) in which the buyer does not have the power of eminent domain. For example, if a non-profit organization offers to purchase a piece of property from the local UGLG and with state CDBG funds.

In addition, for buyers with eminent domain authority (i.e., UGLGs), the acquisition only qualifies as voluntary if all the following criteria are also met:

1. No specific site is needed and any of several properties could be acquired for project purposes;
2. The property is not part of an intended, planned, or designated project area where other properties will be acquired within specific time limits;
3. The UGLG informs the owner in writing of the property's market value; and
4. The UGLG informs the owner in writing that the property will not be acquired, through condemnation, if negotiations do not reach an amicable agreement.

A common misconception is that a “willing seller” or “amicable agreement” means a transaction is “voluntary.” This is not necessarily true under the URA and the applicable requirements of 49 CFR 24.101(b)(1)-(5) (as summarized above) must be satisfied for a transaction to be considered a voluntary acquisition for purposes of the URA.

For buyers without eminent domain authority, the acquisitions are voluntary and the following is required under the URA:

- The buyer must notify the owner in writing of the property’s market value; and

- The buyer must notify the owner prior to making an offer that it will not acquire property if an amicable settlement cannot be reached.
- If any tenants occupy (or have possessions on) the property, the buyer must comply with applicable federal and state relocation regulations and requirements pertaining to tenant-occupants.

## RELOCATION APPLICABILITY (TENANTS ONLY)

An owner does not have relocation rights and is not eligible for relocation assistance in a voluntary acquisition, but tenants do have relocation rights and may be eligible for relocation assistance. Tenant-occupants are eligible for relocation assistance in a voluntary acquisition if deemed displaced persons. The UGLG/buyer may offer relocation assistance to an owner as part of negotiations for a voluntary acquisition, but federal funds may not be used for a relocation payment to an owner when the acquisition is voluntary.

## VOLUNTARY ACQUISITION PROCESS

The UGLG/buyer must complete the processes presented below and should consult legal counsel to ensure all applicable state and federal laws are followed (the guidance below is not meant to be and should not be interpreted as legal advisement from DEHCR).

For a general overview, refer to *General URA Acquisition Process* (Attachment 5-P), which is HUD's *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0) – Appendix 23*, also available at: <https://www.hud.gov/sites/documents/1378X23CPDH.PDF>.

*NOTE: The order in which Steps #2-8 are completed may vary, depending on when the UGLG determines the property will be acquired and when the UGLG becomes aware of tenants or displaced persons (excluding the property owner). Certain notices to the property owner(s) and tenant(s) may be combined.*

Refer to the “General Standards for All Notices” section on page 7 within this chapter and #12-#13 within Attachment 5-C regarding specifications for notices and record keeping requirements.

## IMPORTANT NOTICE:

Refer to the “General Standards for All Notices” section on page 7 within this chapter and #12-#13 within Attachment 5-C regarding specifications for notices and record keeping requirements.

### 1. Notice to DEHCR

The DEHCR Project Representative must be notified prior to starting the acquisition/relocation process and the start of construction if acquisition and/or relocation will occur as part of a project. Complete and submit the *Notice of Acquisition/Relocation to DEHCR* (Attachment 5-L).

### 2. Determination of Fair Market Value

The current fair market value (FMV) of the property must be determined and the owner must be informed of the FMV (in the initial notice to the owner referenced below). The FMV of the



property may be obtained via formal appraisal by a licensed appraiser, but a formal appraisal is not required for a voluntary acquisition. The UGLG/buyer may obtain a determination of the FMV from a person with knowledge of/expertise in the current local real estate market in lieu of obtaining an appraisal. The “assessed” value of property based on a tax assessment is not necessarily the FMV. The value must be based on current real estate market information. The source and method of the FMV determination records must be maintained in the project file.

### 3. Informational Notice (Initial Notice to Owner)

As soon as feasible and prior to negotiations, the UGLG/buyer must notify the owner in writing of the UGLG’s/buyer’s interest in acquiring the real property and the basic protections provided to the owner by law.

When the buyer is an agency/entity with eminent domain authority (i.e., a UGLG), then this notice should include the following:

- A property value amount based on the current fair market value (FMV) determination. The sale price may be negotiated, but the owner must be informed of the current FMV. Provide the source/basis of the FMV determination.
- A clause that states the UGLG possesses eminent domain authority; however, in the event the owner is not interested in selling their property, or if the owner cannot reach an amicable purchase agreement, the UGLG will NOT pursue its acquisition under eminent domain.
- A clause stating that the property is not a necessary part of the proposed project.
- A clause stating that the property is not part of an intended, planned, or designated project area where substantially all the property within the area is to be acquired.
- Notification that owner occupants who move as a result of a voluntary acquisition are NOT eligible for relocation assistance, but tenants do have relocation rights and may be eligible for relocation assistance.
- A contact name, title, address, email address (optional) and telephone number for a person who can answer questions.
- Providing the applicable publications listed in #4 (Brochures) below may be provided with this initial informational notice to the property owner or provided separately].

Refer to the *Informational Notice to Owner for Voluntary Acquisition* template (Attachment 5-B) for guidance on the required language for this type of notice.

When the buyer is an agency/entity without eminent domain authority, then this notice should include the following:

- A property value amount based on the current FMV determination. The sale price may be negotiated, but the owner must be informed of the current FMV. Provide the source/basis of the FMV determination.
- A clause that states the agency does not have eminent domain authority and in the event that an amicable purchase agreement cannot be reached, the agency will not pursue the acquisition.

- Notification that owner occupants who move as a result of a voluntary acquisition are NOT eligible for relocation assistance, but tenants do have relocation rights and may be eligible for relocation assistance.
- A contact name, title, address, email address and telephone number for a person who can answer questions.
- The applicable publications listed in #4 (Brochures) below may be provided with this initial informational notice to the property owner or provided separately.

## **Additional Notices To Tenants:**

While property owners are not eligible for relocation assistance using federal funds for voluntary acquisition, notice of relocation rights must be given to any tenants, as listed in Attachment 5-D and Attachment 5-F. The buyer must consult with the property owner and URA and HUD regulations to make the determination of whether any persons will qualify as tenants, for which the additional notices apply.

For various acquisition and relocation notices/letters, forms and templates, refer to the Appendices of HUD's *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)*:  
[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/13780](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780).

## **4. Brochures to Owners and Notices & Brochures to Tenants**

The UGLG/buyer must determine the applicable brochures that must be provided to the owner(s) and tenant(s) (if applicable). The brochure(s) may be sent with the initial informational notice to the property owner(s) and tenant(s) (recommended) or provided separately but must be provided prior to the initiation of negotiations.

The buyer must consult with the property owner to make the determination of whether any persons will qualify as “displaced tenants” who must be provided with relocation rights brochure(s) and notices listed in Attachment 5-D and Attachment 5-F. Both the federal government and the state have developed brochures to be provided to potential sellers and tenants during the acquisition/relocation process. The UGLG/buyer is not required to provide the federal brochures but is required to provide the applicable Wisconsin state brochure(s). DEHCR recommends that the UGLG/buyer provide both the federal and state brochure publications that are applicable to the acquisition and/or relocation process.

### Acquisition

#### *Federal Acquisition Brochures:*

Although multiple notices must be provided to comply with the URA, the URA does not specify that the federal brochures issued by HUD are required to be provided. However, the HUD brochures/booklets for acquisition and relocation are designed to include the information that is required to be provided in accordance with the URA for a UGLG/buyer and are recommended to be provided to the owner(s) and tenant(s) (if applicable) at the initial notice stage of the acquisition or relocation process. If the buyer is a UGLG/public agency with eminent domain authority, the following HUD acquisition booklet/brochure is **recommended** (in addition to the applicable HUD relocation brochures listed in *Relocation Planning/Process and Advisory Services* (Attachment 5-F)):

- *When a Public Agency Acquires Your Property*. This booklet/brochure informs a property owner of their rights under the URA.



The federal/HUD acquisition and relocation booklets/brochures are available in English and Spanish and may be accessed at:

<https://www.hudexchange.info/programs/relocation/publications/>.

## *State Acquisition Brochures:*

Regardless of the type of funds used (federal, state, local) at any stage of a publicly funded project, a displacing UGLG/public agency with eminent domain authority in Wisconsin is **required** to provide the applicable state acquisition brochure(s) listed below (in addition to the applicable relocation brochures listed in the *Relocation Planning/Process and Advisory Services* (Attachment 5-F) in this chapter):

Transportation [Wis. Stat. Ch. 32.05(2)(a)] Projects:

- *The Rights of Landowners Under Eminent Domain Law – Procedures Under §. 32.05, Wisconsin Statutes* brochure; or

Other than Transportation [Wis. Stat. Ch. 32.06(2a).] Projects:

- *The Rights of Landowners under Eminent Domain Law - Procedures under s. 32.06 Wisconsin Statutes* brochure; or

A buyer without eminent domain authority must provide the applicable relocation notice(s) and brochure(s) to any tenant-occupants who will be displaced as a result of the acquisition/project.

The state acquisition and relocation brochures may be accessed at:

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

## Relocation

If a homeowner, residential tenant, business (including non-profit organizations and farms) or business tenant *will or potentially will* be displaced as a result of the acquisition or associated project, then the UGLG/buyer is **required** to provide the applicable state relocation brochure(s) and it is **recommended** that the applicable federal/HUD relocation booklet(s)/brochure(s) also be provided at the same. The applicable relocation brochure(s) must be provided to the affected persons prior to the initiation of negotiations for the acquisition.

- Refer to *Relocation Planning/Process and Advisory Services* (Attachment 5-F) in this chapter for guidance on the federal and state relocation brochures and notice requirements.

## **5. Relocation Plan and Processes**

For voluntary acquisition, while property owners are not eligible for relocation assistance, tenant-occupants who will or potentially will be displaced as a result of a voluntary acquisition or the associated project may be entitled to relocation assistance and must be so informed. The relocation processes may begin earlier in the acquisition process. The UGLG/buyer is to proceed with the Relocation Plan and relocation planning processes as soon as it is known that any tenants (or their possessions) are on the property to be acquired and the tenant(s) will or potentially will experience displacement as a result of the acquisition or associated project.

The UGLG/buyer must file the Relocation Plan and receive approval in writing from DOA Division of Legal Services before proceeding with the initiation of negotiations. The

UGLG/buyer must also complete the required relocation processes for tenant-occupants who will or potentially will be displaced.

Refer to Attachment 5-F through Attachment 5-J in this chapter for guidance on the Relocation Plan and relocation processes and requirements.

## **6. Notice of Intent to Acquire (if Tenant Relocation is required)**

If tenant relocation is required, a Notice of Intent to Acquire must be issued to trigger relocation eligibility. Refer to Attachment 5-F through 5-J for guidance on actions required for relocation rights/assistance for tenants who will be displaced tenants as a result of the voluntary acquisition. This notice may be combined with the initial informational notice or other notices associated with relocation.

## **7. Negotiations**

A written offer to purchase generally serves as the initiation of negotiations. However, the date of a verbal monetary offer to purchase authorized by the acquiring UGLG/buyer must be considered as initiation of negotiations to establish eligibility for a relocation benefit.

Proceed with negotiations with the property owner(s) to determine a mutually agreed upon sales price and any other terms of the sale, if applicable. Maintain any documentation associated with the negotiations process in the CDBG project file.

## **8. Determination of Final Offering Price**

Determine the final offering price after negotiations with the property owner(s) are complete and a mutually agreed upon sales price and any other terms of the sale are settled. Maintain any documentation associated with the negotiations process in the CDBG project file.

Any amount above the FMV cannot be paid with CDBG funds without prior approval from DEHCR. Generally, no more than the current FMV should be offered when using CDBG funds. Paying above the current FMV when using CDBG funds requires documenting sufficient justification for how it is in the best interest of the public and a responsible use of public funds. Any value above this threshold generally must be paid by the UGLG. Regulatory provisions allow for a request for an exception when a higher amount is justified as necessary and in the public interest. For an exception to be considered, the UGLG must submit to DEHCR, prior to payment to the owner, a request for an exception with sufficient justification for the necessity of a higher purchase amount. The request must be approved by DEHCR prior to the UGLG proceeding with offering an amount above the threshold. DEHCR may approve up to 20% above the FMV and anything greater than 20% above the FMV must be approved by HUD when using CDBG funds for the acquisition. Typically, an exception for paying more than 20% above the FMV would *not* be considered for voluntary acquisition. The URA does not restrict the UGLG from using its own funds (i.e., matching funds for the project) to pay above the FMV, but the UGLG may have local policies or ordinances that restrict it, which must be followed.

## **9. Official Determination/Approval To Acquire**

The UGLG must make an official determination to acquire the property and approve the purchase price (if the UGLG is the buyer). Record of the UGLG's actions must be in the acquisition file for the CDBG project. If a subrecipient is the buyer rather than the UGLG, an official determination from the UGLG is not required but recommended, due to the UGLG being the responsible entity for the expenditure of grant funds.

## 10. Purchase Agreement and Title Transfer

Upon finalizing negotiations, a written agreement for the purchase of property with the purchase terms and amount must be executed, signed by the seller and buyer. The purchase agreement must be in writing and include details of the property and purchase amount. Provide a copy of the executed purchase agreement to the seller. The signed purchase agreement and records of the financial transaction and title transfer must be maintained in the acquisition file for the CDBG project. *[Note: If the acquisition is to be paid/reimbursed with any CDBG funds, the Grant Agreement must be fully executed, and the Environmental Review must be certified by DEHCR prior to the acquisition purchase being completed/closed. Construction cannot begin on any property until the acquisition is complete (purchase completed and title transferred).]*

## 11. Acquisition Financial Records to DEHCR

### Using CDBG Funds for Acquisition Costs:

If the UGLG seeks to draw down CDBG funds 'up front' to cover all or a portion of the acquisition transaction(s) cost, then submit the FMV determination record(s) and unexecuted purchase agreement (as the 'invoice') to DEHCR with a CDBG Payment Request. The executed purchase agreement, title transfer record(s), and record(s) of payment to the owner(s) must be submitted on the next CDBG Payment Request that follows the completion of the acquisition.

If the UGLG seeks to draw down CDBG funds as 'reimbursement' to cover all or a portion of the acquisition transaction(s) cost after the acquisition has occurred, submit the FMV determination record(s), executed purchase agreement (as the 'invoice'), record(s) of payment(s) to the owner(s), and title transfer record(s) to DEHCR with a CDBG payment request.

Acquisition costs are to be recorded on the CDBG Disbursements Journal if CDBG funds are used to cover all or a portion of the acquisition costs, and/or recorded on the Matching Funds Journal if non-CDBG funds (i.e., matching funds) are used to cover all or a portion of the acquisition costs.

**IMPORTANT NOTE:** Professional services for acquisition processes and activities provided by a third-party (versus the UGLG's/buyer's own employees) must be competitively procured, meeting the procurement requirements in Chapter 3: *Procurement and Contracting* of the [CDBG Implementation Handbook](#), to be eligible to be paid using CDBG funds.

### Using Only Match/Non-CDBG Funds for Acquisition Costs:

If the UGLG is *not* using CDBG funds for the acquisition and the acquisition occurs *after* the CDBG Award, then the UGLG must still submit the records of the acquisition transaction(s) and record the costs on the Matching Funds Journal. Submit the FMV determination record(s), executed purchase agreement (as the 'invoice'), record(s) of payment(s) to the owner(s), and title transfer record(s) to DEHCR with a CDBG payment request.

If the UGLG is *not* using CDBG funds for the acquisition and the acquisition occurs *prior to* the CDBG Award, then the UGLG is to maintain the records of the acquisition transaction(s) in the project file and provide them to DEHCR (and other regulating entities) only upon request. *Do not* record pre-Award acquisition costs on the CDBG Disbursements Journal or the Matching Funds Journal.

## 12. Records of Notices

Refer to the “General Standards for All Notices” section on page 7 within this chapter regarding specifications for notices and record keeping requirements. Note that in addition to all correspondence and records of communication with owners and tenants, 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] to owners and tenants, 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). 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.

## 13. Recordkeeping in Project File

All documentation for the acquisition process must be maintained in the CDBG project acquisition file. A separate file for each property acquisition and each relocation case must be maintained. Refer to *Chapter ADM 92.20 Acquisition/Relocation File* (Attachment 5-J) and *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) for further details on the documentation required to be maintained.

## ATTACHMENT 5-D: INVOLUNTARY ACQUISITION PROCESS

### REMINDER OF IMPORTANT REQUIREMENTS

*A real property or easement acquisition may only be completed after (i.e., the property purchase/closing cannot be finalized until) the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR to be an eligible cost paid (or reimbursed) with CDBG funds. DEHCR recommends no acquisition for a CDBG project to be completed until the Grant Agreement is fully executed and the Environmental Review is certified by DEHCR, regardless of funding source.*

*Construction on the property cannot begin until the acquisition is complete/ property closing is finalized.*

### INVOLUNTARY ACQUISITION CRITERIA

Any acquisition that does not meet the criteria for voluntary acquisition is considered an involuntary acquisition and must proceed following the requirements of involuntary acquisition, as listed here in Attachment 5-D.

*[Note: Acquisition for which the buyer is an entity without eminent domain authority will never be classified as an involuntary acquisition.]*

### RELOCATION APPLICABILITY (OWNERS AND TENANTS)

Property owners and tenants both have relocation rights and may be eligible for relocation assistance for an involuntary acquisition. Owner-occupants and tenant-occupants are eligible for relocation assistance for an involuntary acquisition if deemed displaced persons. Federal funds may be used towards eligible relocation costs for owners and tenants when the acquisition is involuntary.

For guidance on the relocation process and requirements, refer to *Relocation Planning/Process and Advisory Services* (Attachment 5-F) in this chapter. Additional relocation related guidance is in Attachment A, Attachment 5-G through 5-K, and Attachment 5-O in this chapter.

### INVOLUNTARY ACQUISITION PROCESS

The UGLG/public agency must complete the processes presented below and should consult legal counsel to ensure all applicable state and federal laws are followed (the guidance below is not meant to be and should not be interpreted as legal advisement from DEHCR).

For a general overview, refer to *General URA Acquisition Process* (Attachment 5-P), which is HUD's *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0) – Appendix 23*, also available at: <https://www.hud.gov/sites/documents/1378X23CPDH.PDF>.

*NOTE: The order in which Steps #2-16 are completed may vary, depending on when the UGLG determines the property will be acquired and when the UGLG becomes aware of tenants or displaced persons. Certain notices to the property owner(s) and tenant(s) may be combined.*

Refer to the “General Standards for All Notices” section on page 7 within this chapter and #18-#19 within Attachment 5-D regarding specifications for notices and record keeping requirements.

## IMPORTANT NOTICE:

Refer to the “General Standards for All Notices” section on page 7 within this chapter and #18-#19 within Attachment 5-D regarding specifications for notices and record keeping requirements.

### 1. Notice to DEHCR

The DEHCR Project Representative must be notified prior to starting the acquisition/relocation process and the start of construction if acquisition and/or relocation will occur as part of a project. UGLGs will be notified if a relocation plan is required. Complete and submit the *Notice of Acquisition/Relocation to DEHCR* (Attachment 5-L).

### 2. Relocation Order/Determination of Necessity of Taking (if UGLG/public agency intends to/may potentially use condemnation, if necessary)

If/when the UGLG intends to exercise its eminent domain authority to embark upon condemnation proceedings, before an acquisition can occur, Wisconsin law requires either a “relocation order” or a “determination of necessity of taking.” A relocation order is required for any transportation facility or sewer project if relocation is involved. A determination of the necessity of taking is required for any other type of project if relocation is involved. Refer to Wis. Stat. Ch. 32.07 for guidance on the determination of necessity of taking at <https://docs.legis.wisconsin.gov/statutes/statutes/32>.

Additional relocation processes may occur at this time, as well. Refer to #3 (Notices) and #6 (Relocation Plan & Processes) below and later in this section of the chapter for additional guidance regarding relocation notices and processes.

### 3. Notices

The URA and state laws require multiple acquisition and relocation notices to be provided to real property owners and potentially displaced persons.

*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 UGLG 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 section and chapter regarding the purpose and sequence for notices, and implications when issuing certain notices at the same time. The Wisconsin state acquisition and relocation brochures and the HUD/federal acquisition and relocation booklets/brochures may also serve as tools for informing owners and tenants of their rights under Wisconsin state law and the URA.*

#### Federal Acquisition 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. These notices must be issued at the appropriate time. For various acquisition and relocation notices/letters, forms and templates, refer to the Appendices of HUD’s [Tenant Assistance, Relocation and Real](#)



*Property Acquisition Handbook (1378.0):*

[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/13780](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780).

- *Initial Informational Notice to Owner:* As soon as the UGLG has identified properties that it is interested in acquiring for a HUD-funded project, the UGLG must notify the owner(s) in writing of its interest in acquiring the property and the basic protections applicable under the URA.

Refer to the Appendices in the *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)* for acquisition notice templates for owners for residential and business/non-residential involuntary acquisitions.

If the UGLG does not want to trigger a person's eligibility for relocation assistance at the time of this notice, it must ensure that the notice is not confused with a *Notice of Intent to Acquire* (which is specifically used to establish relocation eligibility prior to the initiation of negotiations).

- *Notice of Intent to Acquire:* A *Notice of Intent to Acquire* is a displacing UGLG's written communication that is provided to a person to be displaced and which establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of federal financial assistance.
- *General Information Notice:* This notice informs the affected persons 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*.
- Additional notices are required per the URA/federal regulations that pertain to relocation associated with the acquisition. Refer to *Relocation Planning/Processes and Advisory Services* (Attachment 5-F) in this chapter for the owner and tenant notices required for relocation.

A UGLG may meet most of the general information and initial notice requirements required by the URA by furnishing the applicable HUD acquisition and relocation booklets/brochures referenced in #4 (Brochures) later in this section of the chapter.

## State Acquisition Notice Requirements

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

- *Information before initiation of negotiation:* A UGLG with eminent domain power, must before initiation of negotiations, furnish the applicable state acquisition brochure(s) referenced in #4 (Brochures) later in this section of the chapter.
- *Written Offer to Purchase:* An offer to purchase a property must be in writing and must establish the date of initiation of negotiations. However, the date of a verbal monetary offer to purchase authorized by the acquiring UGLG must/public agency be considered as initiation of negotiations to establish eligibility for a relocation benefit.

Refer to the *Voluntary Acquisition Process* (Attachment 5-A) and *Relocation Planning/Process and Advisory Services* (Attachment 5-F) for the notice requirements for a buyer without the power of eminent domain.



## 4. Brochures

The UGLG must determine the applicable brochures that must be provided to the owner(s) and tenant(s) (if applicable). The brochure(s) may be sent with the initial informational notice to the property owner(s) and tenant(s) (recommended) or provided separately but must be provided prior to the initiation of negotiations. The case file must indicate the manner in which the brochure(s) for owner(s), and tenant(s) if applicable, were/was delivered (e.g., certified mail, return receipt requested, signed confirmation of delivery from owner for other in-person delivery method) and the date of delivery.

The UGLG must consult with the property owner to make the determination of whether any persons will qualify as “displaced tenants” who must be provided with relocation rights brochure(s) and notices listed in Attachment 5-D and Attachment 5-F. Both the federal government and the state have developed brochures to be provided to potential sellers and tenants during the acquisition/relocation process. The UGLG is not required to provide the federal brochures but is required to provide the applicable Wisconsin state brochure(s). DEHCR recommends that the UGLG provide both the federal and state brochure publications that are applicable to the acquisition and/or relocation process.

### Acquisition

#### *Federal Acquisition Brochures:*

Although multiple notices must be provided to comply with the URA, the URA does not specify that the federal brochures issued by HUD are required to be provided. However, the HUD brochures/booklets for acquisition and relocation are designed to include the information that is required to be provided in accordance with the URA for a UGLG agency and are recommended to be provided to the owner(s) and tenant(s) (if applicable) at the initial notice stage of the acquisition or relocation process. If the buyer is a UGLG with eminent domain authority, the following HUD acquisition booklet/brochure is **recommended** (in addition to the applicable HUD relocation brochures listed in *Relocation Planning/Process and Advisory Services* (Attachment 5-F)):

- *When a Public Agency Acquires Your Property*. This booklet/brochure informs a property owner of their rights under the URA.

The federal/HUD acquisition and relocation booklets/brochures are available in English and Spanish and may be accessed at:

<https://www.hudexchange.info/programs/relocation/publications/>.

#### *State Acquisition Brochures:*

Regardless of the type of funds used (federal, state, local) at any stage of a publicly funded project, a displacing UGLG with eminent domain authority in Wisconsin is **required** to provide the applicable state acquisition brochure(s) listed below (in addition to the applicable relocation brochures listed in the *Relocation Planning/Process and Advisory Services* (Attachment 5-F) in this chapter):

Transportation [Wis. Stat. Ch. 32.05(2)(a)] Projects:

- *The Rights of Landowners Under Eminent Domain Law – Procedures Under §. 32.05, Wisconsin Statutes* brochure; or

Other than Transportation [Wis. Stat. Ch. 32.06(2a).] Projects:

- *The Rights of Landowners under Eminent Domain Law – Procedures under s. 32.06 Wisconsin Statutes* brochure; or

## Relocation

If a homeowner, residential tenant, business (including non-profit organizations and farms) or business tenant *will or potentially will* be displaced as a result of the acquisition or associated project, then the UGLG is **required** to provide the applicable state relocation brochure(s) and it is **recommended** that the applicable federal/HUD relocation booklet(s)/brochure(s) also be provided at the same. The applicable relocation brochure(s) must be provided to the affected persons prior to the initiation of negotiations for the acquisition.

- Refer to *Relocation Planning/Process and Advisory Services* (Attachment 5-F) in this chapter for guidance on the federal and state relocation brochures and notice requirements.

Refer to the *Voluntary Acquisition Process* (Attachment 5-A) and *Relocation Planning/Process and Advisory Services* (Attachment 5-F) for the brochure requirements for a buyer without the power of eminent domain.

## 5. Appraisals

For involuntary acquisition, the real property to be acquired must be appraised by a licensed appraiser before the initiation of negotiations, unless it is determined that an appraisal is not required. Refer to the “*Exceptions to Appraisal Requirement*” further below in this section for the exceptions.

The URA defines an appraisal as: “A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.”

[https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7c554c4eeacc19e46108961253071bd7&mc=true&n=pt49.1.24&r=PART&ty=HTML#se49.1.24\\_12](https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=7c554c4eeacc19e46108961253071bd7&mc=true&n=pt49.1.24&r=PART&ty=HTML#se49.1.24_12).

The property owner, or the owner’s designated representative, must be given an opportunity to accompany the appraiser during the appraiser’s inspection of the property. The appraiser must make all reasonable attempts to contact the owner regarding the appraisal, including sending a certified letter if necessary. During the appraisal inspection, enough information must be recorded so that it can be later used to prepare a full before and after appraisal. It is very important to record real property and personal property at the time of the appraisal.

### **Appraisal Format:**

Appraisers must adhere to URA appraisal requirements and be in compliance with other appraisal requirements, including the Uniform Standards of Professional Appraisal Practice (USPAP), to the extent appropriate. The USPAP contains a jurisdictional exception provision, which states that if any part of USPAP is contrary to the law or regulation of any jurisdiction, then the conflicting part only of the USPAP is void and of no force or effect in that jurisdiction.

### Federal Appraisal Requirements

The URA requires the following:

- An appraisal of real property before the initiation of negotiations;
- Determination of the just compensation amount for the acquisition before the initiation of negotiations;
- A valuation of uneconomic remnants;
- The opportunity for the owner or a designated representative to accompany the appraiser on property inspection;
- A valuation of tenant owned buildings, structures, or other improvements; and
- Record of real property and personal property.

Also refer to [Chapter 4: Property Valuation and Appraisals](#) of the *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)*.

### Wisconsin Appraisal Requirements

Wisconsin has specific appraisal requirements including the following:

- An appraisal of all property to be acquired;
- Discussion with one of the owners or their personal representative regarding the appraisal, if reasonably possible;
- Providing the owner with an appraisal;
- Offer to acquire uneconomic remnants concurrently with the required purchase;
- Compliance with the standards governing the determination of just compensation in Wis. Stat. Ch. 32.09; and
- State licensed or certified appraisers.

### Appraisal Formats

Various appraisal formats are required depending on the complexity and price of the acquisition. The UGLG should refer to the federal and state appraisal requirements and consult legal counsel as necessary to determine which appraisal format to utilize in the acquisition process.

### URA Appraisal Report Requirements

The URA appraisal report requirements include the following:

- An adequate description of the physical characteristics of the property being appraised;
- A statement of the known and observed encumbrances, if any, title information, location, zoning, present use and analysis of highest and best use, and at least a five-year sales history of the property;
- All relevant and reliable approaches to value consistent with state and federally assisted program appraisal practices;
- A description of comparable sales, including a description of all relevant physical, legal, and economic factors such as parties to the transaction, source and method of financing and verification by a party involved in the transaction;
- A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining property; and

- The effective date of valuation, date of appraisal and signed certification of appraisal.

## **Exceptions to Appraisal Requirement:**

An appraisal is not required for the acquisition of property under the URA in the following circumstances:

- The acquisition qualifies as voluntary acquisition; or
- The owner is donating the property and releases the UGLG/public agency from its obligation to appraise the property; or
- The UGLG/public agency determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the anticipated value of the proposed acquisition is estimated at \$10,000 or less, based on a review of available data.\*

*\*The UGLG/public agency may request from DEHCR (which would proceed with a request to HUD) an exception to exceed the \$10,000 threshold, up to a maximum of \$25,000, if the UGLG/public agency acquiring the real property offers the property owner the option of having the UGLG/public agency appraise the property. If the property owner elects to have the UGLG/public agency appraise the property, and the exception regarding the \$10,000 threshold is approved by DEHCR and HUD, then the UGLG/public agency shall obtain an appraisal and not use procedures described in this chapter.*

When an appraisal is not required, the FMV must still be determined and the owner must be informed of the FMV (in the initial notice to the owner), but the UGLG/public agency may obtain a determination of the FMV from a person with knowledge of/expertise in the current local real estate market in lieu of obtaining an appraisal. The “assessed” value of property based on a tax assessment is not necessarily the FMV. The value must be based on current real estate market information. The source and method of the FMV determination records must be maintained in the project file.

Donation of Property: When property is donated, the UGLG/public agency must obtain from the property owner a signed statement in which the property owner acknowledges being informed of their rights under the URA and Wisconsin state law, receiving the applicable federal and/or state acquisition brochures (stating the brochure(s) received), and waiving their rights to an appraisal and the current FMV of the property, without undue influence or coercion.

The *Waiver of Appraisal – Donation of Property Template* (Attachment 5-N) may be used in preparing a waiver of appraisal.

Waiver Valuation for <\$10,000 Property Value: When an appraisal is determined to be otherwise unnecessary, the UGLG/public agency must prepare a waiver valuation. The person performing the waiver valuation must have sufficient understanding and expertise in the local current real estate market to be qualified to make the waiver valuation.

The *Waiver Valuation Template* (Attachment 5-M) may be used in preparing a waiver valuation.

## 6. Appraisal Review

The purpose of the appraisal review process is to ensure that the factual data, assumptions and techniques within each appraisal are reasonable and sufficient to support the appraiser's conclusion as well as verify that the appraisal meets all applicable state and federal requirements. After review, the review appraiser must designate each appraisal report as:

- Recommended;
- Accepted; or
- Not Accepted.

If the review appraiser is unable to recommend (or approve) an appraisal as an adequate basis for the just compensation offer, there are several ways to alleviate the review appraiser's concern and ultimately gain approval. Once the appraisal is approved, the review appraiser must recommend the just compensation amount.

### Property Owner Appraisals

Owners must be informed of their right to obtain their own appraisal by a qualified appraiser. This appraisal may be reimbursed if the appraisal report is delivered to the UGLG within 60 days from receipt of the UGLG's appraisal. The condemning UGLG and the review appraiser must consider this appraisal when determining just compensation. The owner's appraisal must meet these three criteria before being reimbursed for the cost of the appraisal:

- All appraisal requirements are met;
- Analysis and presentation are documented with logical and reasonable conclusions of value; and
- Fees are reasonable and charges are typical for the type of appraisal.

## 7. Relocation Plan & Processes

For involuntary acquisition, owner-occupants and tenant-occupants who will or potentially will be displaced as a result of the acquisition or the associated project may be entitled to relocation assistance and must be so informed. The relocation processes may fall earlier in the acquisition process. The UGLG is to proceed with the Relocation Plan and relocation processes 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) and/or tenant(s) will or potentially will experience displacement as a result of the acquisition or project.

In accordance with state law, if the involuntary acquisition or associated project will result in the displacement of owners and/or tenants, the UGLG/buyer must file a Relocation Plan and receive approval in writing from DOA Division of Legal Services before proceeding with the initiation of negotiations. The UGLG/buyer must also complete the required relocation processes for owner-occupants and tenant-occupants who will or potentially will be displaced. Refer to Attachment 5-F through Attachment 5-J in this chapter for guidance on the Relocation Plan and relocation processes and requirements.

## 8. Just Compensation and Offering Price

Before the initiation of negotiations, the UGLG must establish an amount which it believes is just compensation for the real property. The amount must not be less than the

approved appraisal\* of the current FMV of the property. This will be the (initial) offering price.

*\*Exception: Refer to #4 under “Exceptions to Appraisal Requirement” above.*

## **9. Notice of Intent to Acquire (if Relocation is required)**

If relocation is required, a Notice of Intent to Acquire must be issued to trigger relocation eligibility. Refer to Attachment 5-F through 5-J for guidance on actions required for relocation rights/assistance for persons who will be displaced as a result of the acquisition or associated project. This notice may be combined with the initial informational notice or other notices associated with relocation.

## **10. Negotiations**

A written offer to purchase generally serves as the initiation of negotiations. However, the date of a verbal monetary offer to purchase authorized by the acquiring UGLG must be considered as initiation of negotiations to establish eligibility for a relocation benefit.

The URA requires that a written offer establishing just compensation is provided prior to initiation of negotiations. This may seem to contradict the requirements of the state law. However, a written offer of just compensation differs from the jurisdictional offer. The UGLG must provide the written offer of just compensation, along with the summary statement, prior to beginning negotiations. The written offer of just compensation must clearly state that it is not a jurisdictional offer to purchase. The jurisdictional offer to purchase must be provided if negotiations fail and the condemnation process must begin.

Negotiations are part of the eminent domain process outlined in Wis. Stats. Ch. 32.05(2a) and 32.06(2a). Negotiations must be attempted prior to the public acquisition of private property by exercise of eminent domain. When the condemnor enters negotiations, the condemnor is establishing a jurisdictional step necessary to the acquisition of the property by eminent domain providing an agreed price cannot be achieved. If negotiations are successful, displaced persons are still eligible for relocation payments. If the negotiations are not successful, then a jurisdictional offer is made.

## **11. Determine Final Offer**

Generally, no more than the current FMV should be offered when using CDBG funds. Paying above the current FMV requires documenting sufficient justification for how it is in the best interest of the public and a responsible use of public funds. In all cases, the purchase price cannot exceed 20% of the current FMV when using CDBG funds. Any value above this threshold must be paid by the UGLG. Regulatory provisions allow for a request for an exception when a higher amount is justified as necessary and in the public interest. For an exception to be considered, the UGLG must submit to DEHCR, prior to payment to the owner, a formal request for an exception with sufficient justification for the necessity of a higher settlement amount. The request must be on municipal letterhead and signed by the chief elected official. The request must be approved by DEHCR prior to the UGLG proceeding with offering a just compensation amount above the threshold.

## **12. Official Determination/Approval To Acquire**

The UGLG must make an official determination to acquire the property and approve the just compensation/jurisdictional offer. Record of the UGLG's actions must be in the acquisition file for the CDBG project.



## 13. Written Offer of Just Compensation/Jurisdictional Offer to Purchase

The federal written offer of just compensation and the state jurisdictional offer to purchase, including when each should be provided, are discussed above under #9 (Negotiations) above. Greater detail on what these offers must include is provided in the paragraphs that follow.

### Federal

Under the URA, the UGLG must make a written offer to the owner to acquire the property for the full amount believed to be just compensation. The owner must be given a written statement of the basis for the offer of just compensation called the summary statement. The summary statement must include:

- A statement of the amount offered as just compensation;
- A description and location identification of the real property and the interest in the real property to be acquired; and
- The identification of the buildings, structures and other improvements that are included as part of the offer of just compensation.

The UGLG must make all reasonable efforts to contact the owner or the owner's representative and discuss its offer to purchase the property and explain its acquisition policies and procedures, including its payment of incidental expenses. The owner must be given reasonable opportunity to consider the offer and present material which the owner believes is relevant to determining the value of the property. If the acquisition of only a portion of a property would leave the owner with an uneconomic remnant, the UGLG must offer to acquire the uneconomic remnant along with the portion of the property needed for the project.

### State

The written offer at the state level is called the *Jurisdictional Offer to Purchase*. The condemner must send to the owner, or one of the owners of record, and to the mortgagee, or one of the mortgagees of each mortgage of record, a notice:

- Briefly stating the nature of the project, with reference to the relocation order if required, and that the condemner in good faith intends to use the property sought to be condemned for such public purpose;
- Describing the property and the interest therein sought to be taken;
- Stating the proposed date of occupancy regardless of the date of taking;
- Stating the amount of compensation offered;
- Stating that the appraisal or one of the appraisals of the property on which condemner's offer is based is available for inspection at a specified place by persons having an interest in the lands sought to be acquired;
- Stating that the owner has 20 days from date of completion of service upon the owner of the offer in which to accept or reject the offer;
- Stating that if the owner has not accepted such offer the owner has 40 days from the date of completion of service upon the owner of the offer to commence a court action to contest the right of condemnation -- provided that the acceptance and retention of any compensation resulting from an award made prior to the commencement of such an action must be an absolute bar to such action; and



- Stating that the owner will have two (2) years from the date of taking the property by award in which to appeal for greater compensation without prejudice to the right to use the compensation given by the award.

## 14. Administrative Settlement

When negotiations result in a purchase price exceeding the UGLG's estimate of just compensation, it is called an administrative settlement. Administrative settlements may be approved if considered to be reasonable, prudent and in the best interest of the public. UGLG files must include proper documentation to justify and support the decision for an administrative settlement, which is subject to HUD review.

Refer to #9 above regarding limitations for paying above the FMV when using CDBG funds for the acquisition.

## 15. Condemnation Proceedings

If negotiations fail, the UGLG/public agency may consider acquiring the property through eminent domain, pursuing legal action through the court system using condemnation proceedings to take title of the owner's property. Consult legal counsel for this process. CDBG regulations restrict grantees from taking property for a CDBG funded project using its eminent domain authority, except for the acquisition of property for public use. Contact DEHCR immediately if the UGLG seeks to pursue condemnation proceedings.

## 16. Purchase Agreement and Title Transfer

Upon finalizing negotiations and settlement, if required, a written agreement for the purchase of property with the purchase terms and amount must be executed, signed by the seller and buyer. The purchase agreement must be in writing and include details of the property and purchase amount. Provide a copy of the executed purchase agreement to the seller. The signed purchase agreement and records of the financial transaction and title transfer must be maintained in the acquisition file for the CDBG project. *[Note: If the acquisition is to be paid/reimbursed with any CDBG funds, the Grant Agreement must be fully executed, and the Environmental Review must be certified by DEHCR prior to the acquisition purchase being completed/closed. Construction cannot begin on any property until the acquisition is complete (purchase completed and title transferred).]*

## 17. Acquisition Financial Records to DEHCR

### Using CDBG Funds for Acquisition Costs:

If the UGLG seeks to draw down CDBG funds 'up front' to cover all or a portion of the acquisition transaction(s) cost, then submit the FMV determination record(s) and unexecuted purchase agreement (as the 'invoice') to DEHCR with a CDBG Payment Request. The offer of just compensation or administrative settlement agreement if applicable, purchase agreement, title transfer record(s), and record(s) of payment to the owner(s) must be submitted on the next CDBG Payment Request that follows the completion of the acquisition.

If the UGLG seeks to draw down CDBG funds as 'reimbursement' to cover all or a portion of the acquisition transaction(s) cost after the acquisition has occurred, submit the FMV determination record(s), offer of just compensation or administrative settlement agreement if applicable, executed purchase agreement (as the 'invoice'), record(s) of payment(s) to the owner(s), and title transfer record(s) to DEHCR with a CDBG payment request.

Acquisition costs are to be recorded on the CDBG Disbursements Journal if CDBG funds are used to cover all or a portion of the acquisition costs, and/or recorded on the Matching Funds Journal if non-CDBG funds (i.e., matching funds) are used to cover all or a portion of the acquisition costs.

**IMPORTANT NOTE:** Professional services for acquisition processes and activities provided by a third-party (versus the UGLG's/buyer's own employees) must be competitively procured, meeting the procurement requirements in Chapter 3: *Procurement and Contracting* of the [CDBG Implementation Handbook](#), to be eligible to be paid using CDBG funds.

### Using Only Match/Non-CDBG Funds for Acquisition Costs:

If the UGLG is not using CDBG funds for the acquisition and the acquisition occurs after the CDBG Award, then the UGLG must still submit the records of the acquisition transaction(s) and record the costs on the Matching Funds Journal. Submit the FMV determination record(s), executed purchase agreement (as the 'invoice'), record(s) of payment(s) to the owner(s), and title transfer record(s) to DEHCR with a CDBG payment request.

If the UGLG is not using CDBG funds for the acquisition and the acquisition occurs prior to the CDBG Award, then the UGLG is to maintain the records of the acquisition transaction(s) in the project file and provide them to DEHCR (and other regulating entities) only upon request. Do not record pre-Award acquisition costs on the CDBG Disbursements Journal or the Matching Funds Journal.

## **18. Records of Notices**

Refer to the "General Standards for All Notices" section on page 7 within this chapter regarding specifications for notices and record keeping requirements. Note that in addition to all correspondence and records of communication with owners and tenants, 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] to owners and tenants, 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). 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.

## **19. Recordkeeping in Project File**

All documentation for the acquisition process must be maintained in the CDBG project acquisition file. A separate file for each property acquisition and each relocation case must be maintained. Refer to *Chapter ADM 92.20 Acquisition/Relocation File* (Attachment 5-J) and *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) for further details on the documentation required to be maintained.



## ATTACHMENT 5-E: LETTER CONFIRMING EASEMENT IS SOLE BENEFIT TO RESIDENT/OWNER (TEMPLATE)

A 'fillable' current version of this form is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section).

**ATTACHMENT 5-E: LETTER CONFIRMING EASEMENT IS SOLE BENEFIT TO RESIDENT/OWNER (TEMPLATE)**

(ON MUNICIPALITY LETTERHEAD)

TEMPLATE

[Date]

Attn: [DEHCR Project Representative First and Last Name]  
Department of Administration  
Division of Energy, Housing and Community Resources  
Email: [DEHCR Project Representative Email Address]

Subject: [UGLG Name, e.g., Village of Yourville]  
CDBG Grant Agreement #: [Grant Agreement #, e.g. PF-22-01]  
Temporary Limited Easement: Sole Benefit to Owner

Dear [DEHCR Project Representative First and Last Name]:

The [UGLG Name] has proceeded with temporary limited easements in order to [State Purpose, e.g., "...to complete utility related connection work and subsurface room space abandonment work as agreed with property owners during project construction."]. The properties are located at:

- [List street and city address for each property on separate lines here; or modify template language to indicate the list of properties are attached with this letter.]

These commitments have been planned, and are currently being completed, without a cost expense being assigned to any of the property owners. The temporary easement gained to enter owner's property during construction is exclusively for the benefit of the property owner. Our continued understanding is that this approach and effort meets the exception criteria allowed for relocation and acquisitions as defined with 49 CFR 24.101(c)(2) regulations.

Please feel free to contact me at [Phone Number] or [Email Address] should you have further concerns or questions regarding the project.

Sincerely,

[Add Signature]

[UGLG Acquisition Contact Person First and Last Name]  
[UGLG Acquisition Contact Title]

Attachment: [Add Attachment Name (if a list of multiple property addresses/parcels are attached)]

Cc: [Chief Elected Official Name, Title, UGLG Name, if not signatory above]  
[Clerk Name, Title, UGLG Name, if not signatory above]  
[Grant Administrator Name, Title, Company/Firm Name, if not signatory above]  
David Pawlisch, Director, Bureau of Community Development

Sole Benefit to Resident/Property Owner Easement Letter (Template) Attach05-E Form v2022-09-01

## ATTACHMENT 5-F: RELOCATION PLANNING/PROCESS AND ADVISORY SERVICES

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 the Relocation Planning/Process summarized in the Relocation Notices & Brochures section of Attachment 5-F.*];
- 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 the Relocation Planning/Process summarized in the Relocation Notices & Brochures section of Attachment 5-F.*];
- Undocumented persons who are not lawfully present in the U.S.;
- Property owners when the acquisition is voluntary; and
- Units of general local government (UGLGs) and other government entities. [*NOTE: While UGLGs 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 on page 7 within this chapter and within Attachment 5-F regarding specifications for notices and record keeping requirements.

## IMPORTANT NOTICE:

Refer to the “General Standards for All Notices” section on page 7 within this chapter and within Attachment 5-F regarding specifications for notices and record keeping requirements.

### Relocation Planning/Process

UGLGs 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 section of the chapter.

*NOTE: Certain steps may occur concurrently, depending on when the UGLG determines the property will be acquired and when the UGLG 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 5-L) upon determining acquisition and/or relocation is/are necessary for the project. If the UGLG initially submitted the Attachment 5-L form indicating that relocation was not applicable, but then later determines relocation is necessary, then submit an updated Attachment 5-L form.

#### 2. Planning:

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

#### 3. Determining Resource Needs:

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

The UGLG/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 is voluntary).

The Relocation Plan is to assist the UGLG/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. DOA Division of Legal



Services may not approve a relocation plan unless the UGLG/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 Ch. Adm 92.28, Wis. Admin. Code: [https://docs.legis.wisconsin.gov/code/admin\\_code/adm/92/11/28](https://docs.legis.wisconsin.gov/code/admin_code/adm/92/11/28).

DOA Division of Legal Services may request further information to supplement the relocation plan if necessary.

## 5. Notices to Owner(s)/Tenant(s) & Brochures:

Provide the applicable required notices to tenants and property owners during the process, fulfilling notice requirements described in Attachment 5-C, Attachment 5-D, and Attachment 5-F within this chapter.

### 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 UGLG may undertake a voluntary acquisition (if all criteria for voluntary acquisition are met) in which an owner would not qualify for relocation benefits. An owner cannot waive the rights of tenants on the property in a voluntary or involuntary acquisition. Tenants who experience displacement as a result of the acquisition or associated 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 and documented in the UGLG's project files.

Each notice must be written in plain, understandable language. Persons unable to read and understand the notice must be provided appropriate translation and counseling. Each

notice must have the name and telephone number of the UGLG/buyer contact person. Additionally, the state relocation program strongly recommends that the notices be signed by the UGLG/buyer and the recipient to prove that the recipient has read and understands the notice. The UGLG/buyer must be available to discuss any questions or concerns the property owner or tenant may have regarding the notices.

*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 UGLG/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 section and chapter regarding the purpose and sequence for notices, and implications when issuing certain notices at the same time. The Wisconsin state acquisition and relocation brochures and the HUD/federal acquisition and relocation booklets/brochures may also serve as tools for informing owners and tenants of their rights under Wisconsin state law and the URA.*

### **Federal Relocation Brochures: (Recommended)**

Although multiple notices must be provided according to the URA, the federal/HUD relocation related brochures are *not required* to be provided by federal law. However, the HUD brochures listed below are available for the UGLG/buyer and designed to provide the information to comply with relocation requirements for a federally funded project. Copies of the brochures can be found in English and Spanish at:

<https://www.hudexchange.info/programs/relocation/publications/> .

It **recommended** that the affected person(s) (displaced owners and tenants) be provided with the applicable HUD relocation related booklet/brochure:

- *Relocation Assistance to Tenants Displaced From Their Homes*; or
- *Relocation Assistance to Displaced Homeowner Occupants*; or
- *Relocation Assistance to Displaced Businesses, Nonprofit Organizations*.

A UGLG/buyer may meet the general information requirements required by the URA by providing displaced persons with a copy of the appropriate HUD brochures and the required state brochures listed further below.

### **Federal Relocation Notice Requirements: (Required)**

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.

For various acquisition and relocation notices/letters, forms and templates, refer to the Appendices of HUD's *Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)*:

[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/cpd/13780](https://www.hud.gov/program_offices/administration/hudclips/handbooks/cpd/13780).

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 UGLG'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 UGLG/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 HUD policy recommends that such persons be provided written notice of their ineligibility for relocation assistance, the reason the persons are ineligible and their right to appeal the UGLG'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 UGLG'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, HUD's view is that 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, HUD policy permits the *NOE* and the *90-day Notice* to 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 CDBG 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, Farm and Nonprofit Organizations*.

The state brochures 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: (Required)**

In addition to the federal relocation notice requirements, UGLGs/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. UGLGs/buyers must provide the following state relocation notices (as applicable):

- *Information at a public hearing*: A UGLG/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:
  - A general description of the relocation services and payments;
  - A statement that the UGLG/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 UGLG/buyer representative available for further information on acquisition and relocation assistance matters.

- *Written information at initial contact:* A UGLG/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 UGLG/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 UGLG/buyer representative to contact.
- *Information before initiation of negotiation:* A UGLG 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 UGLG/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 UGLG/buyer may not require an occupant of property acquired by the UGLG/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 UGLG'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.



## Applicability of Section 104(d) for LMI Displaced Persons

The relocation regulations of [Section 104\(d\) of the Housing and Community Development Act of 1974](#) (as amended, [42 USC 5304\(d\)](#)) applies to CDBG projects and provides additional protections and provisions for low- and moderate-income (LMI) residential tenants who are displaced as a result of a CDBG project. Key requirements of the law include:

- The requirement for CDBG grant applicants to have a Residential Anti-Displacement and Relocation Assistance Plan (RADRAP) in place to be eligible for a CDBG award (which CDBG applicants are required to submit with a grant application). Grantees must follow the RADRAP in planning for and addressing relocation needs and providing relocation assistance for a HUD-funded project.
- Additional relocation assistance provisions (beyond those of the URA) for displaced lower-income residential tenants (as referenced in the RADRAP and summarized in [Exhibit 7-1](#) of the [Tenant Assistance, Relocation and Real Property Acquisition Handbook \(1378.0\)](#)).
- Requirements and terms for one-for-one replacement of lower-income dwelling units (which are specified in the RADRAP).

If the acquisition will involve the displacement of LMI residential tenants, then the UGLG/buyer must ensure adherence to URA and Section 104(d) relocation requirements, as well as state relocation requirements.

### URA Income Limits pertaining to Section 104(d):

The HUD [URA Income Limits](#) to use when determining if an owner or tenant is low- or moderate-income (LMI) may be accessed at:

<https://www.huduser.gov/portal/datasets/il.html> (with persons with a family income equal to or less than the “Low (80%) Income Limit” for their family size (in the county in which they live) qualifying as an LMI resident.

IMPORTANT NOTE: The HUD [URA Income Limits](#) are *different* than the HUD [CDBG Income Limits](#) at: <https://www.hudexchange.info/resource/5334/cdbg-income-limits/>.

## 8. 90-Day Notice to Vacate Premises:

Provide a minimum of 90 days written notice to vacate prior to requiring possession. Refer to page 43 and page GENERAL STANDARDS FOR ALL NOTICES7 within this chapter 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 Attachments G-I in this chapter for guidance on allowable relocation costs and payment specifications.

## 10. Individual Case Reports:

Complete and submit the *Individual Relocation Case Report* (refer to Attachment 5-O) this document is 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 DEHCR. 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 CDBG Payment Request documents upon paying eligible relocation claims by eligible displaced persons.

### Using CDBG Funds for Relocation Costs:

If the UGLG seeks to draw down CDBG 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 CDBG 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 CDBG Payment Request that follows the relocation related payment that has been disbursed to the payee(s)/claimant(s).

If the UGLG seeks to draw down CDBG 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 CDBG 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 CDBG funds are used to cover all or a portion of the cost are to be recorded on the CDBG Disbursements Journal. Relocation invoices/claims for which non-CDBG funds (i.e., matching funds) are used to cover all or a portion of the costs are to be recorded on the Matching Funds Journal (except costs incurred prior to the CDBG Award).

**IMPORTANT NOTE:** Professional services for relocation processes and activities provided by a third-party (versus the UGLG’s/buyer’s own employees) must be competitively procured, meeting the procurement requirements in Chapter 3: *Procurement and Contracting* of the [CDBG Implementation Handbook](#), to be eligible to be paid using CDBG funds.

### Using Only Match/Non-CDBG Funds for Relocation Costs:

If the UGLG is not using CDBG funds for relocation and the relocation activities occur after the CDBG Award, then the UGLG must still submit copies of the relocation invoices, claims, receipts and other records of the costs and payments to DEHCR with a CDBG Payment Request and record the costs on the Matching Funds Journal.

If the UGLG is not using CDBG funds for relocation and the relocation activities occurred prior to the CDBG Award, then the UGLG 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 relocation costs on the CDBG Disbursements Journal or the Matching Funds Journal.

For any relocation costs that are incurred after the completion of the CDBG project (e.g., for an extended period of rental assistance payments, etc.), the UGLG 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 on page 7 within this chapter regarding specifications for notices and record keeping requirements. Note that in addition to all correspondence and records of communication with owners and tenants, 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] to owners and tenants, 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). 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.

## 13. Recordkeeping in Project File

All documentation for the relocation process and related records and documentation must be maintained in the CDBG project relocation file. A separate file for each property acquisition and each relocation case must be maintained. Refer to *Chapter ADM 92.20 Acquisition/Relocation File* (Attachment 5-J) and *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) for further details on the documentation required to be maintained.

## ATTACHMENT 5-G: LMI HOUSING RELOCATION ASSISTANCE

Section 104(d) of the Housing and Community Development Act provides minimum relocation assistance requirements for certain HUD funded programs or projects involving the demolition of or conversion of low- or moderate-income housing, including CDBG, HOME and UDAG.

Section 104(d) specifically requires that funding recipients do the following:

- Certify that they have in effect, and are following, a Residential Anti-Displacement and Relocation Assistance Plan (RADRAP), which CDBG applicants are required to submit with a CDBG application;
- Provide 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 in connection with an assisted activity (as referenced in the RADRAP); and
- Provide replacement, on a one-for-one basis, of all occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than lower income dwelling units in connection with an assisted activity (as specified in the RADRAP).

### URA Income Limits pertaining to Section 104(d):

The HUD [URA Income Limits](https://www.huduser.gov/portal/datasets/il.html) to use when determining if an owner or tenant is low- or moderate-income (LMI) may be accessed at: <https://www.huduser.gov/portal/datasets/il.html> (with persons with a family income equal to or less than the “Low (80%) Income Limit” for their family size (in the county in which they live) qualifying as an LMI resident.

IMPORTANT NOTE: The HUD [URA Income Limits](https://www.hudexchange.info/resource/5334/cdbg-income-limits/) are different than the HUD [CDBG Income Limits](https://www.hudexchange.info/resource/5334/cdbg-income-limits/) at: <https://www.hudexchange.info/resource/5334/cdbg-income-limits/>.

## ATTACHMENT 5-H: RELOCATION CLAIMS AND PAYMENTS

### Claims for Relocation Payments

The relocation program is a reimbursement program, meaning a displaced person or business must spend to get its relocation payments. Therefore, those eligible for relocation payments must submit a claim to receive relocation payments. A UGLG/buyer must provide displaced persons with a claim form along with an explanation of how to fill out this form and the filing procedure before the person is displaced. Any claim for a relocation payment must be supported by such documentation as may be reasonably required to support expenses incurred, such as bills, certified prices, appraisals, or other evidence of such expenses. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment. All claims for a relocation payment must be filed with the UGLG/buyer no later than two (2) years after:

- The date of displacement (for tenants); or
- The date of displacement or the date of the final payment for the acquisition of the real property, whichever is later (for owners).

If the claim is denied, the UGLG/buyer must promptly notify the claimant in writing of its determination, the basis for the determination and the procedures for appealing. If the claim is accepted, the UGLG/buyer must pay the claim in a timely manner. Under Wisconsin relocation provisions, a person displaced from a residence may submit claims for fees to prepare a claim, under moving expenses. These costs are ineligible under federal law. The URA allows for a person up to 18 months to file a claim and Wisconsin provides up to two (2) years.

### Relocation Payments

Refer to *Relocation Compensation Rules and Limits* (Attachment 5-I) for a summary of the rules and amount limits associated with payments for relocation.

#### Federal

Under federal law, persons displaced from residences are eligible for replacement housing and move payments. Non-residential displacees are eligible for move and re-establishment payments.

#### State

Under state law, residential displacees are eligible for replacement housing and move payments, while non-residential displacees are eligible for replacement business, move and re-establishment costs. These, and other associated costs, are explained in further detail below.

NOTE: For all relocation payments, the displaced person or business must receive the amount (federal or state) that is most generous. For example, if the state payment allows for a greater reimbursement than the federal, that amount must be reimbursed and vice versa.

### Move Payments

Refer to *Relocation Compensation Rules and Limits* (Attachment 5-I) for a summary of the rules and amount limits associated with payments for moving expenses.

#### Federal

The URA provides for the following move payments: (1) Actual; (2) Fixed; or (3) a combination of both based on circumstances.

## Federal – Residential

Displaced persons may receive actual moving payments from a self-move or a commercial move that the UGLG/buyer determines are reasonable and necessary. Actual moves must be supported by receipted bills for labor and equipment. Hourly labor rates and equipment rental fees may not exceed the cost paid by a commercial mover. Commercial moves must be based on the lower of two bids or estimates prepared by a commercial mover.

Alternatively, the displaced person may choose to receive fixed move costs. This payment is determined according to the [Fixed Residential Moving Cost Schedule](#) (as updated, per Federal Reserve Notice 86 FR 40227, [Notice of URA for Federal and Federally-Assisted Programs; Fixed Payment for Moving Expenses; Residential Moves](#) issued by the Federal Highway Administration and published 07/27/2021).

Finally, a displaced person may choose to receive a combination of actual and fixed move payments, based on circumstances.

## Federal – Non-residential

Personal property, as determined by an inventory from a business, farm or non-profit organization, may be moved through actual or fixed move costs. Actual move costs can involve either a:

- 1) Commercial move (based on the lower of two bids or estimates prepared by a commercial mover);
- 2) Self-move (based on the lower of two bids or estimates prepared by a commercial mover or qualified UGLG/buyer staff person); or
- 3) Self-move supported by receipted bills for labor or equipment; however, hourly rates or equipment rental fees may not exceed those of the commercial mover.

A displaced business may alternatively choose to receive a fixed payment in lieu of actual moving payments which may be up to \$40,000. Guidance on fixed payment costs are provided in and on the HUD CPD form, [Claim for Fixed Payment in Lieu of Payment for Actual Nonresidential Moving and Related Expenses](#). Additionally, displaced persons may be reimbursed when required to move personal property from real property but are not actually required to move from a dwelling, business, farm or nonprofit.

## State

Ch. Adm 92, Wis. Admin. Code provides for actual and fixed move payments.

## State – Residential

Displaced persons may receive actual moving payments from a self-move or a commercial move that the UGLG/buyer determines are reasonable and necessary. Actual moves must be supported by receipts. Self-moves may not exceed the estimated cost of a commercial move. Commercial moves must be based on the lower of two bids or estimates prepared by a commercial mover. Alternatively, the displaced person may choose to receive fixed move costs. This payment is determined according to the “Fixed Payment Schedule” listed in the [Wisconsin Relocation Rights – Residential brochure](#) and Ch. Adm 92.54, Wis. Admin. Code. When federal funds are involved, the UGLG/buyer is to provide the amount that is higher between the state and federal limits.

Additionally, displaced persons may be reimbursed when required to move personal property from real property but are not actually required to move from a dwelling.



## State – Non-residential

A business, farm or non-profit may receive an actual reasonable cost move payment plus re-establishment payment or a fixed payment-in-lieu of that actual move and re-establishment cost. The actual, reasonable move cost can be accomplished through the following: (1) Commercial move (based on the lower of two bids or estimates prepared by a commercial mover); (2) Self-move based on the lower of two bids or estimates prepared by a commercial mover or qualified UGLG/buyer staff person; (3) Self-move supported by receipted bills for labor or equipment (unless under \$1,000); however, hourly rates or equipment rental fees may not exceed those of the commercial mover. A displaced business may also choose to receive a fixed payment-in-lieu of actual moving payments according to criteria established by the state. The fixed payment limits are provided in the [Wisconsin Relocation Rights – Business brochure](#). When federal funds are involved, the UGLG/buyer is to provide the amount that is higher between the state and federal limits.

Additionally, displaced persons may be reimbursed when required to move personal property from real property but are not actually required to move from a business, farm or non-profit.

## **Re-establishment Expense**

Refer to *Relocation Compensation Rules and Limits* (Attachment 5-l) for a summary of the rules and amount limits associated with payments for re-establishment expenses.

Re-establishment costs are available for business displacements only.

## Federal Non-Residential Re-establishment Payments

The URA provides for business re-establishment expenses. Eligible items include, but are not limited to the following:

- Repairs or improvements to replacement real property as required by federal, state, or local law, code or ordinance;
- Modifications to the replacement property to accommodate business operations or make replacement structures suitable for conducting the business;
- Construction and installation costs for exterior signage to advertise the business;
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting; and
- Estimated increase costs of operation during the first two (2) years at replacement site, for certain items.

## State Non-Residential Re-establishment Payments

State relocation provisions provide for business re-establishment costs. When federal funds are involved, the UGLG/buyer may provide the amount that is higher between the state and federal limits. This is limited to certain items, and even more limited if the maximum Business Replacement payment has already been provided. Re-establishment costs include, but are not limited to the following:

- Connecting to public utilities;
- Reimbursement for professional services;
- Repairs or improvements to the replacement real property as required by applicable federal, state, or local codes or ordinances;
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business;
- Installation costs for exterior signage to advertise the business;
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling, or carpeting;

- Licenses, fees, and permits when not paid as part of moving expenses; and
- Feasibility surveys, soil testing and marketing studies.

## Direct Loss of Tangible Personal Property – Non-residential

A UGLG/buyer must pay a person for direct loss of tangible property which a person may move but does not, provided the person makes a good faith effort to sell the property. Selling expenses and sale proceeds must be documented by receipts or records. At the state level, these costs are covered under actual move costs. This person is covered separately under the URA.

## Purchase of Substitute Personal Property – Non-residential

Under the URA, if an item of personal property which is used as part of a business or farm is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to the cost of the substitute item or the estimated cost of moving and reinstalling the replaced item.

## **Search Expenses**

### Federal – Non-residential

A business or farm is entitled to actual expenses, up to \$2,500 which are incurred in searching for a replacement location including: (1) transportation; (2) meals and lodging away from home; (3) time spent searching; (4) fees paid to a real estate agent or broker; (5) time spent in obtaining permits and attending zoning hearings; and (6) time spent negotiating the purchase of a replacement site based on some reasonable salary or earnings. The URA does not provide for residential search expenses. [49 CFR 24.301(h)(9)]

### State Residential and Non-Residential [Wis. Stat. Ch. 32.19(3)(a); Ch. Adm 92.56(3), Wis. Admin. Code]

A UGLG/buyer must pay a person up to \$1,000 (unless the UGLG/buyer determines more is necessary) for actual and reasonable expenses in searching for a replacement business, including: (1) transportation; (2) food and lodging away from home; and (3) the value of time spent searching including any fee paid to a real estate agent or broker (not including commission). All expenses must be supported by receipts.

## **Replacement Payment**

Refer to *Relocation Compensation Rules and Limits* (Attachment 5-1) for a summary of the rules and amount limits associated with replacement payments.

Both federal and state law allow for replacement housing payments based on occupancy status and length of occupancy. However, only state law provides a business replacement payment. Details of these payments are discussed in greater detail below.

### Federal Replacement Payment – Residential [49 CFR 24.401]

Tenant occupants of 90 days or more prior to the initiation of negotiations may be eligible for a rental assistance payment to supplement the costs of leasing a comparable replacement dwelling, or down-payment assistance to purchase a replacement dwelling. A rental assistance payment is based on the difference, if any, between the cost of the monthly rent and utilities of the displacement dwelling and a comparable decent, safe, and sanitary replacement dwelling, as determined by the UGLG/buyer. The URA has established a 42-month period for supplementing this payment difference up to \$7,200. [49 CFR 24.402]

Owner-occupants of at least 90 days prior to initiation of negotiations may be eligible for a price differential payment of up to \$31,000, including any mortgage interest differential and costs

incidental to the purchase of a comparable replacement dwelling. A price differential payment is based on the difference, if any, between the acquisition price of the acquired dwelling and the purchase price of a comparable decent, safe, and sanitary replacement dwelling. The incidental expenses that can be reimbursed are those costs actually incurred by the displaced person incident to the purchase of a replacement dwelling and normally paid by the buyer, including: (1) legal, closing and related costs; (2) lender, FHA or VA application and appraisal fees; (3) loan origination or assumption fees that do not represent prepaid interest; (4) professional home inspection; (5) credit report; (6) title insurance; (7) escrow agent's fee; and (8) others.

## Housing of Last Resort

The URA requires that comparable decent, safe, and sanitary replacement housing within a person's financial means be made available before that person may be displaced. When such housing cannot be provided using the replacement housing allotment of \$31,000, the URA provides for a "housing of last resort" payment [49 CFR 24.404]. UGLGs/buyers have broad flexibility in the use of housing of last resort. It is intended to enable UGLGs/buyers to respond to difficult or special displacements, but it must not be used as a substitute for lack of time or lack of relocation advisory services.

## State Replacement Payment - Residential

Owner occupants of at least 180 days are eligible for a replacement housing payment of up to \$25,000 [Wis. Stat. Ch. 32.19(4)(a), Ch. Admin 92.70, Wis. Admin. Code]; however, if federal funds are involved the homeowner could be eligible for up to \$31,000 for replacement housing payments [Wis. Stat. Ch 32.19(4)(d)]. This payment reimburses for the differential cost to purchase a comparable dwelling, for the loss of favorable financing on an existing mortgage, and for expense incidental to the purchase including:

- Legal, closing, and related costs;
- Lender, appraisal, or application fees;
- Certification of structural soundness;
- Credit reports;
- Owner or mortgage title insurance policy;
- Escrow agent fee; and
- Other.

A tenant of at least 90 days is eligible for a rent differential payment of up to \$8,000. This payment is equal to the difference for 48 months, if any, between the monthly rent for the displacement unit and the lesser of the monthly rent for a comparable dwelling or the actual replacement rent [Ch. Adm 92.78, Wis. Admin. Code].

## Additional Payment - State [Wis. Stat. Ch. 32.19(4)(c)]

If a comparable dwelling is not available within the monetary limits established above, the UGLG/buyer may exceed the monetary limits and make payments necessary to provide a comparable dwelling.

## State Replacement Payment - Non-residential [Wis. Stat. Ch. 32.19(4m), Ch. Adm 92.90, Wis. Admin. Code]

A UGLG/buyer must make a replacement payment to a business, farm or non-profit not to exceed \$50,000 for an owner occupant or \$30,000 for a tenant-occupant.

A UGLG/buyer must pay an owner-occupant of a business or farm operation up to \$50,000 for the difference necessary to purchase a replacement business or farm operation, the loss of

favorable financing on an existing mortgage or land contract in financing a replacement property, and expenses incidental to the purchase of a replacement business or farm operation including: (1) legal, closing and related costs; (2) lender, appraisal or application fee; (3) certification of structural soundness; (4) credit reports; (5) owner or mortgagee title insurance policy; (6) escrow agent fee; and (7) other. [Ch. Adm 92.92, Wis. Admin. Code]

A tenant-occupant of a business or farm operation must receive up to \$30,000 from the UGLG/buyer for the increased cost to rent or lease a replacement business, non-profit or farm operation [Ch. Adm 92.96, Wis. Admin. Code]. The rent differential is a payment equal to the difference for 48 months, if any, between the monthly rent for the displacement unit and the lesser of the monthly rent for a comparable business or farm operation or the actual replacement.

### Decent, Safe and Sanitary Housing

Decent, safe, and sanitary standards exist in both the 49 CFR 24.2(8) and state relocation rules Wis. Stat. Ch. 32.19(4)(ag), and Ch. Adm 92.04, Wis. Admin. Code. Although state and federal provisions differ in defining decent, safe, and sanitary, the general purpose is the same - to establish a minimum housing standard to ensure that comparable replacement housing quality is adequate for the protection of public health, safety and welfare. UGLGs/buyers must become familiar with the decent, safe, and sanitary housing standards.

## ATTACHMENT 5-I: RELOCATION COMPENSATION RULES AND LIMITS

Wisconsin UGLGs/buyers are required to follow both the State and Federal relocation rules when implementing a federally funded project. To align Federal and State benefit limit provisions, 2015 Wisconsin Act 55 was passed. In 2015 Wisconsin Act 55, changes were made to the state eminent domain statute, Wis. Stats. Ch. 32 (beginning on page 273, Section 1066v).

The Federal and Wisconsin equivalent relocation assistance benefits are summarized in the table below, which reflects the changes resulting from 2015 Wisconsin Act 55.

<b>Replacement Housing Payments for Displaced Homeowners and Tenants</b>	
<b>Federal Limit</b>	<b>Wisconsin Limit</b>
1. Replacement Housing Payment of \$31,000 for Homeowners.	\$25,000 (owner) or up to \$31,000 when federal funds are involved.
2. Replacement Housing Payment of \$7,200 for Residential tenants.	\$8,000 (tenant) – since the state provision is higher, Wisconsin UGLGs/buyers generally would provide the state relocation benefit.
3. Occupancy requirement for Displaced Homeowners is 90 days prior to Initiation of Negotiations (ION).	Wisconsin Homeowner (180 days) – not impacted by 2015 Wisconsin Act 55. Wisconsin Tenant (90 days) Wisconsin 90-day homeowner can qualify for tenant replacement payment.
<b>Non-residential Moving Expense Payments (displaced businesses, farms, non-profits)</b>	
<b>Federal Statutory Change</b>	<b>Wisconsin Limit</b>
4. Fixed Move Payment Statutory Limit of \$40,000.	\$20,000 (owner and tenant) or up to \$40,000 when federal funds are involved.
5. Re-establishment expense payment of \$25,000.	\$25,000 (owner)

**NOTE:** If the payment caps under #1, and #2 and the time limit in #3 are not sufficient, based on the required calculations, these payment caps are to be exceeded (reference: Housing of Last Resort – the Uniform Act 24.404).

### Self-Move Fixed Payment Schedules:

State:

*Wisconsin Relocation Rights Residential Brochure* (November 2021)

[https://doa.wi.gov/Legal/English\\_Wisconsin%20Relocation%20Rights%20Residential\\_read.pdf](https://doa.wi.gov/Legal/English_Wisconsin%20Relocation%20Rights%20Residential_read.pdf)

<b>FIXED PAYMENT SCHEDULE</b>		
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

## Federal/URA:

Wisconsin Department of Transportation Real Estate Program Manual – Chapter 5: Relocation (Revision 12/2018)

<https://wisconsin.gov/dtsdManuals/re/repchap5/chapter5.pdf>

Self-move. The personal property owner is required to sign a Self-Move Agreement (RE2266) to take full responsibility of the move and will be reimbursed based on the schedules below. WisDOT will reimburse this self-move option after the relocation specialist has inspected the storage unit or property to ensure its vacancy.

Schedule of Unit Size and Rates for Self-Moves	
Unit Size	Self-Move Reimbursable Rates
50 sq. feet or under	\$200
51 sq. feet - 100 sq. feet	\$350
101 sq. feet - 200 sq. feet	\$500
201 sq. feet - 300 sq. feet	\$750
Over 300 sq. ft.	Add square footage from unit sizes above [Example: 350 sq. ft. unit is \$950]

Schedule of Itemized Personal Property for Self-Move Reimbursement	
Operational vehicles	\$35 per vehicle
Boats/trailers, utility trailers, and fifth wheel trailers	\$150 each
Non-operating vehicles or any other item requiring towing	\$150 per trailer
Appliances	\$50 per appliance
Other fixtures/personal property	\$25 per item

More information regarding the federal relocation rules and limits are in HUD's *Moving Ahead for Progress in the 21<sup>st</sup> Century (MAP-21)* and the HUD acquisition and relocation booklet/brochure publications available at:

<https://www.fhwa.dot.gov/map21/>

and

<https://www.hud.gov/sites/documents/14-09CPDN.PDF>.

For State of Wisconsin relocation requirements and limits, refer to the information and brochure publications available on the State of Wisconsin Department of Administration Relocation Assistance website at:

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



## **ATTACHMENT 5-J: CHAPTER ADM 92.20 ACQUISITION/RELOCATION FILE**

A UGLG shall maintain a current individual property acquisition and individual relocation case file.

(1) PROPERTY ACQUISITION FILE SHALL CONTAIN:

- a. The name and address of a property owner and the address or other legal description of an acquired property;
- b. A copy of written notice(s) (i.e., acquisition notice letter(s) and brochure(s) sent/delivered to the owner(s)), that are specified as required under this chapter and any additional documents provided (e.g., optional federal/HUD acquisition brochure(s), etc.);
- c. The relocation case file(s) with the documents listed under “(2) Individual Relocation Case File” below;
- d. A copy of appraisal reports or documents on which a determination of just compensation is based;
- e. A copy of the written offer to purchase and the date of initiation of negotiations to acquire a property;
- f. A copy of a purchase agreement, deed, declaration of taking, waiver or related document involving conveyance of the property;
- g. Evidence that a property owner(s) was/were paid for the purchase price and expenses incurred incidental to transfer of the property as specified under Wis. Stat. Ch. 32.195; and
- h. Record(s) of the owner(s) receiving all written correspondence sent/delivered to them (e.g., signed certified or registered First Class mail returned receipt or signed acknowledgement of receipt with the nature/type of document(s) received and date of receipt specified),

(2) INDIVIDUAL RELOCATION CASE FILE SHALL CONTAIN:

- a. Record(s) of information obtained in the initial interview;
- b. Name, on-site addresses of the displacement and relocation, contact information [mailing address, telephone number, and email address (optional)] before and after the relocation for any tenant(s) and owner(s) displaced, and their date of displacement and relocation;
- c. The age and sex of dependent household members, the average monthly income of adult household members and the monthly housing cost of an acquired and replacement dwelling;
- d. A description of the business or farm operation being conducted, whether a displaced person relocated or discontinued, and the average monthly cost of the acquired and replacement facilities;
- e. A description of a dwelling, habitable space, number of rooms and bedrooms, and the type of construction;
- f. A description of relocation needs and preferences;

- g. A copy of the brochure(s) sent or delivered to all displaced persons, which must include the brochure entitled, *Wisconsin Relocation Rights*, and the date received;
- h. A copy of a written notice as specified under this chapter or otherwise given to a displaced person;
- i. Relocation service and assistance provided and the date;
- j. Referral to a replacement dwelling, business, or farm operation, including the date, address, and sale or rental price;
- k. A copy of an occupancy agreement for the period after acquisition;
- l. A copy of a replacement property inspection document shall include the inspection date, description of a property, and its condition;
- m. Type and amount of each relocation payment made;
- n. A copy of a relocation claim, supporting documentation, and related documents for determining eligibility for or an amount of a payment, evidence of payment, and correspondence relating to a claim;
- o. A copy of an appeal and an explanation of the action taken to resolve the appeal, and the final determination;
- p. Record(s) of any displaced person(s) receiving all written correspondence sent/delivered to them (e.g., signed certified or registered First Class mail returned receipt or signed acknowledgement of receipt with the nature/type of document(s) received and date of receipt specified);
- q. A copy of individual relocation case reports or other correspondence with the department; and
- r. The agency representative who provided the relocation assistance.

In addition, the UGLG must maintain a completed *Acquisition/Relocation Monitoring Checklist* (Attachment 5-K) in the CDBG project file upon the CDBG project being monitored by DEHCR.

**ATTACHMENT 5-K: ACQUISITION/RELOCATION MONITORING CHECKLIST**

A 'fillable' current version of this form is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section).

<p><b>Division of Energy, Housing and Community Resources</b>  <u>Acquisition/Relocation Monitoring Checklist</u></p>	
<p><b>ACQUISITION/RELOCATION MONITORING CHECKLIST</b></p>	
<p>TEMPLATE</p>	
<p>GRANTEE/UGLG NAME:                  DEHCR GRANT AGREEMENT #:</p>	
<p><b>PART 1: ACQUISITION</b></p>	
<p><b>ACQUISITION CHECKLIST</b></p>	
<p>Full Name and Title of Preparer of Checklist:</p>	
Preparer's Phone:	Preparer's Email:
<p>UGLG Approver Name and Title*:                  Approval Date:</p>	
<p><small>*Type In First &amp; Last Name and Title of UGLG Approver of this document above (required only if the Preparer is an external third-party).                  *By entering the name and title of the UGLG Approver above, the Preparer of this document is certifying that the person identified as the UGLG Approver is an employee or official from the UGLG; is authorized by the UGLG to review and approve this document; and approved and authorized the Preparer to submit this document to DEHCR on the UGLG's behalf. The UGLG Approver must be the Chief Elected Official (CEO) or a person authorized/designated by the CEO on the Signature Certification Form (submitted with the pre-agreement documents for the project) or by the UGLG's governing body to approve CDBG project documents.                  If the person submitting this document is not the UGLG Approver, then the submitter must copy ('cc') the UGLG Approver when emailing it to DEHCR.</small></p>	
<p>Acquisition Required for CDBG Project?  <input type="checkbox"/> YES                      <input type="checkbox"/> NO  <b>IF NO, then SKIP the remaining items in PART 1: ACQUISITION and go to PART 2: RELOCATION.</b></p>	
<p>Acquired Property Address and Parcel #:  <i>If multiple properties were acquired, a separate checklist for each property or acquisition transaction may be required. Consult with DEHCR Project Representative.</i></p>	
<p>Property Use Prior to Acquisition:</p> <p><input type="checkbox"/> Single Family Residential                      <input type="checkbox"/> Multi-Family Residential  <input type="checkbox"/> Commercial    <input type="checkbox"/> Industrial  <input type="checkbox"/> Other: _____</p>	
<p>Acquisition Type:  <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary</p>	
<p>Acquisition/Relocation Monitoring Checklist</p>	<p>Page 1 of 11</p>
<p>Attach06-K Form v.2022-09-01</p>	

**Division of Energy, Housing and Community Resources**

Acquisition/Relocation Monitoring Checklist

Nature of Acquisition:	
<input type="checkbox"/> Property Purchase/Acquisition <input type="checkbox"/> Permanent Easement <input type="checkbox"/> Temporary Easement	
Owner Occupant(s): <i>[Owner(s) occupying the land/building/structure or with personal property at the address.]</i>	
Is Relocation (Temporary or Permanent) Involved? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Seller(s)/Owner(s) Full Name:	
Seller(s)/Owner(s) Street Address, City, State, Zip Code:	
Seller(s)/Owner(s) Phone:	Seller's/Owner's Email:
Tenant(s) (Non-Owner Occupant(s) Full Name(s): ): <i>[Non-Owner person(s) occupying the land/building/structure or with personal property at the address.]</i>	
Tenant(s) Street Address, Unit # (if a multiple-unit structure at the acquired property/address), City, State, Zip Code:	
Tenant(s) Phone #:	Tenant(s) Email:

Acquisition Monitoring Item:	YES	NO	N/A	DATE
<b>ACQUISITION FOR SOLE BENEFIT OF PROPERTY OWNER</b> <i>Acquisition must be for a temporary easement that meets the requirements specified in Ch. 5 of the CDBG Implementation Handbook to qualify as "sole benefit to property owner".</i>				
Was the acquisition for "Sole Benefit of Property Owner"?				
Is Sole Benefit of Property Owner Letter to DEHCR on file? (required if applicable; enter date of submission to DEHCR) <b>IF</b> the acquisition was for "Sole Benefit of Property Owner", then <b>SKIP</b> the remaining items in <b>PART 1: ACQUISITION</b> and <b>go to PART 2: RELOCATION</b> in this document.				
COMMENTS:				

## Division of Energy, Housing and Community Resources

### Acquisition/Relocation Monitoring Checklist

Acquisition Monitoring Item:	YES	NO	N/A	DATE
<b>VOLUNTARY ACQUISITION</b>				
*All items below are required for Voluntary Acquisition.				
1. Is the acquisition a voluntary acquisition? <b>IF NO</b> , then <b>SKIP</b> the remaining items in the <b>VOLUNTARY ACQUISITION</b> section in Part 1 and <b>go to the INVOLUNTARY ACQUISITION</b> section of Part 1 in this document.				
2. Notice of Acquisition/Relocation to DEHCR*				
3. Acquisition Meets the ALL Criteria Required to Qualify As a Voluntary Acquisition (as specified in Chapter 5 of CDBG Implementation Handbook)				
4. Initial Acquisition Notice/Informational Notice to Property Owner*  Initial current Fair Market Value (FMV) Determination:* \$				
5. Fair Market Value (FMV) Determination:  Source(s)/Method(s) for FMV Determination (Initial determination and any subsequent determination, if applicable):*  Final current FMV Amount:* \$				
6. State of Wisconsin rights under eminent domain brochure(s) for landowners/property owners and/or businesses/farms provided (required unless buyer does not have eminent domain authority, e.g., non-profit, developer, etc.)*				
7. HUD Federal URA acquisition rights booklet(s)/brochure(s) for land owners/property owners and/or businesses/farms provided (optional)				
8. State of Wisconsin relocation rights brochure(s) for landowners/property owners and/or businesses/farms provided (required if any displacement)				
9. HUD Federal URA relocation rights booklet(s)/brochure(s) for land owners/property owners and/or businesses/farms (optional & only if any displacement)				
10. Documentation associated with any negotiation proceedings*				
11. Record(s) of official determination to acquire and approval of terms of acquisition/purchase by UGLG governing body (required if UGLG is buyer; otherwise strongly recommended if subrecipient/developer is buyer)*				
12. Intent to Purchase/Offer to Purchase Letter/Record*				
13. Owner Acceptance of Offer*				

**Division of Energy, Housing and Community Resources**

Acquisition/Relocation Monitoring Checklist

Acquisition Monitoring Item:	YES	NO	N/A	DATE
14. Executed Purchase Agreement (signed by all parties) Purchase Price Amount: \$				
15. Transfer of Title Record(s)				
COMMENTS:				
<b>INVOLUNTARY ACQUISITION</b>				
<i>**Items denoted with ** below are required for Involuntary Acquisition. Other items are required only if applicable to the project (based on Handbook and HUD guidance).</i>				
16. Is the acquisition an involuntary acquisition? <b>IF NO</b> , then <b>SKIP</b> the remaining items in the <b>INVOLUNTARY ACQUISITION</b> section in Part 1 and <b>go to Part 2: RELOCATION</b> in this document.				
17. Notice of Acquisition/Relocation to DEHCR**				
18. Relocation Order or Determination of Necessity of Taking (required – if relocation is involved) – prior to proceeding with acquisition				
19. Preliminary/Initial Notice of Acquisition to Property Owner(s)/Business/Farm**				
20. State of Wisconsin rights under eminent domain brochure(s) for landowners/property owners and/or businesses/farms provided**				
21. HUD Federal URA acquisition rights booklet(s)/brochure(s) for landowners/property owners and/or businesses/farms provided (optional)				
22. State of Wisconsin relocation rights brochure(s) for landowners/property owners and/or businesses/farms provided (required if any displacement)				
23. HUD Federal URA relocation rights booklet(s)/brochure(s) for land owners/property owners and/or businesses/farms (optional & only if any displacement)				
24. Waiver Valuation signed record (required if using waiver valuation in lieu of appraisal)				
25. Waiver Valuation completed by professional with relevant knowledge/expertise of current real estate market? (required if using waiver valuation in lieu of appraisal)				
26. Waiver of Appraisal signed record for Donation of Property (if applicable)				
27. Waiver of Appraisal FMV determination/valuation completed by professional with relevant knowledge/expertise of current real estate market? (required if using FMV valuation in lieu of appraisal due to owner's waiver of appraisal)				
28. First Appraisal (required if not nominal value and/or no waiver of appraisal)				
Appraisal Amount: \$				



**Division of Energy, Housing and Community Resources**

Acquisition/Relocation Monitoring Checklist

Acquisition Monitoring Item:	YES	NO	N/A	DATE
29. Second Appraisal (if applicable) Appraisal Amount: \$				
30. Third Appraisal (if applicable) Appraisal Amount: \$				
31. Was the owner invited to accompany all of the appraisers on their inspection of the property? (required if appraisal required/not waived)				
32. Review Appraisal(s) (required if appraisal not waived)				
33. Are the data contained in the appraisals adequate to determine FMV? (required if not waived)				
34. Are the analyses of the data in the appraisals reasonable? (required if not waived)				
35. Do the appraisals disregard the influence of the project on the FMV of the property? (required if not waived)				
36. Just Compensation Determination** Just Compensation Amount: \$				
37. Was the amount determined for just compensation the same or more than the UGLG's/buyer's approved appraisal of the FMV of the property? (required if not waived)				
38. Are the appraisal(s) of FMV and determination of just compensation acceptable for the acquisition? (required if not waived)				
39. Record(s) of official determination to acquire and approval of terms of acquisition/purchase by UGLG governing body (or other entity of the UGLG, if local policy allows; required if UGLG is the buyer)**				
40. Initiation of Negotiations / Written Offer to Purchase, with Statement of Basis of Determination of Offer Amount (initial written offer date or start date of displacement process if relocation applies)** Written Offer Amount: \$				
41. Prior to any bargaining, did the UGLG/buyer furnish the owner with a firm offer to purchase, stating all basic terms and conditions, at the full just compensation amount? (required if not waived)				
42. Is the amount determined to be just compensation an acceptable conclusion of the FMV of the property? (required if not waived)				
43. Owner Acceptance of Offer**				

**Division of Energy, Housing and Community Resources**

Acquisition/Relocation Monitoring Checklist

Acquisition Monitoring Item:	YES	NO	N/A	DATE
44. Did the UGLG/buyer carry out the acquisition process in a manner that minimized hardships to the owner and was consistent with its treatment with other owners?*				
45. Administrative Settlement records on file (if applicable)				
46. Estimated Just Compensation Deposited with Court (if applicable - Condemnation Only)				
47. Condemnation Proceeding Records on file (if applicable – Condemnation Only)				
48. Executed Purchase Agreement (signed by all parties) Purchase Price Amount (or Terms of Sale/Donation Records signed by all parties):** \$				
49. Did the owner receive the amount determined to be Just Compensation? (required if no waiver)				
50. Record of Transfer of Title to UGLG/buyer**				
51. 90 Day Notice to Vacate Property (if applicable – required if displacement; may be combined with NOE)				
COMMENTS:				

Division of Energy, Housing and Community Resources

Acquisition/Relocation Monitoring Checklist

**ACQUISITION/RELOCATION MONITORING CHECKLIST**

GRANTEE/UGLG NAME:

DEHCR GRANT AGREEMENT #:

**PART 2: RELOCATION**

**RELOCATION CHECKLIST**

Full Name and Title of Preparer of Checklist:

Preparer's Phone:

Preparer's Email:

UGLG Approver Name and Title\*:

Approval Date:

\*Type in First & Last Name and Title of UGLG Approver of this document above (required only if the Preparer is an external third-party).

*\*By entering the name and title of the UGLG Approver above, the Preparer of this document is certifying that the person identified as the UGLG Approver is an employee or official from the UGLG; is authorized by the UGLG to review and approve this document; and approved and authorized the Preparer to submit this document to DEHCR on the UGLG's behalf. The UGLG Approver must be the Chief Elected Official (CEO) or a person authorized/designated by the CEO on the Signature Certification Form (submitted with the pre-agreement documents for the project) or by the UGLG's governing body to approve CDBG project documents.*

*If the person submitting this document is not the UGLG Approver, then the submitter must copy (cc) the UGLG Approver when emailing it to DEHCR.*

Affected/Acquired Property Address (Street Address, City, State, Zip Code):

Relocation Required for CDBG Project?

YES

NO

***IF NO, THEN NO OTHER ENTRIES ON THE RELOCATION CHECKLIST ARE REQUIRED.***

Purpose of Relocation:

*If multiple tenants or displaced families/owners, the UGLG may be required to complete a separate checklist for each tenant/displace family/owner. Consult with DEHCR Project Representative.*

Relocation Type:

Temporary

Permanent

Nature of Relocation:

Household / Residence

Business

Farm

Non-profit

## Division of Energy, Housing and Community Resources

### Acquisition/Relocation Monitoring Checklist

Head of Household Name or Name of Business/Farm:
Address of Displaced Person(s) (Street Address, Unit # (if a multi-unit structure at the acquired property/address), City, State, Zip Code):
Affected/Acquired Property Contact Name and Telephone Number:
Number of People in Family affected by the Residential Relocation (If Applicable):
Average Monthly Income of Family affected by the Residential Relocation (If Applicable):
Average Monthly Cost of Affected/Acquired Business/Farm Facilities (If Applicable): \$
Average Monthly Cost of Replacement Business/Farm Facilities (If Applicable): \$
Is/Are the displaced person(s) affected by the Business/Farm Relocation going to relocate or discontinue (If Applicable)?  <input type="checkbox"/> Relocate <input type="checkbox"/> Discontinue <input type="checkbox"/> Not Applicable (N/A)

RELOCATION CHECKLIST				
Relocation Monitoring Item:	YES	NO	N/A	DATE
*Items marked with * below are required if relocation/displacement is applicable to the CDBG project. Other items are only required if applicable to the project/displaced person(s).				
1. Notice of Acquisition/Relocation to DEHCR*				
2. Relocation Plan, approved by the DOA Legal Services*				
3. Copy of approved Relocation Plan provided to DEHCR*				
4. Preliminary/Initial Acquisition Notice Letter to Owner(s)/Tenant(s)*				
5. General Information Notice Letter to Owner(s)/Tenant(s)* <i>[May be included in/part of other notices]</i>				
6. Notice of Intent to Acquire (giving notice of relocation required – triggers relocation rights) to Owner/Business/Farm/Tenants* <i>[May be included in/part of other notices]</i>				
7. Was/were the displaced person(s) provided the Notice of Intent to Acquire prior to the UGLG's/buyer's initiation of negotiations, as required?				

**Division of Energy, Housing and Community Resources**

Acquisition/Relocation Monitoring Checklist

RELOCATION CHECKLIST				
Relocation Monitoring Item:	YES	NO	N/A	DATE
8. Documentation verifying the displaced person received the required Wisconsin relocation rights brochure(s)*				
9. Public meeting(s) included required content, as specified in Ch. 5 of Handbook (if public meeting(s) held regarding relocation)				
10. Notice of Relocation Eligibility (NOE) to Owner/Business/Farm/Tenants (required if deemed 'displaced' and eligible for relocation benefits) <i>[May be included in/part of other notices]</i>				
11. Notice of Ineligibility for Relocation to Owner/Business/Farm/Tenants (recommended if deemed to not be displacement/ineligible for relocation benefits) <i>[May be included in/part of other notices]</i>				
12. Notice of Non-displacement to Owner/Business/Farm/Tenants (required if deemed to not be displacement/ineligible for relocation benefits) <i>[May be included in/part of other notices]</i>				
13. 90-Day Notice / Notice of Replacement Payment Entitlement and Occupancy Term to Owner/Business/Farm/Tenants (required if displacement/relocation required) – must be at least 90 days from the date to vacate or at the request of displaced person, whichever is earlier.* <i>[May be included as Combined Notice with NOE]</i>				
14. Record of initial interview(s) and communications with owner/tenant to determine displacement and relocation needs and eligibility*				
15. Demographic data, including age and sex of Household members, including dependent family members (required if Residential Household)				
16. Description of the dwelling, business or farm, including useable or habitable space, # of rooms, # of bedrooms, land, type of construction, and condition (required if Residential Household)				
17. Description of the business or farm, usable space, # of rooms and buildings, land, type of construction, and condition (required if Business/Farm)				
18. Description of relocation needs and preferences*				
19. Written Offer of Just Compensation, with summary of what is being offered, provided to owner(s)/tenant(s)*				
20. Description of Relocation Services and Assistance provided (required if needed):				
21. Referral to replacement dwelling, business, or farm operation (required if needed)  Sale/Rental Price: \$				
22. Copy of the Occupancy Agreement for Replacement Property (required if needed)				

**Division of Energy, Housing and Community Resources**

Acquisition/Relocation Monitoring Checklist

RELOCATION CHECKLIST				
Relocation Monitoring Item:	YES	NO	N/A	DATE
23. Copy of the Replacement Property Inspection Report with dates, description of property and condition (required if replacement dwelling applicable)				
24. Record of payment to Household for Lodging (required if applicable)				
25. Copy of the claim(s) and related documents for Household for Lodging (required if applicable) <i>Amount of Payment: \$</i>				
26. Record of payment to Household for Meals (if applicable)				
27. Copy of the claim(s) and related documents on file for Household for Meals (required if applicable) <i>Amount of Payment: \$</i>				
28. Record of payment to Household for Increased Transportation Costs (required if applicable)				
29. Copy of the claim(s) and related documents on file for Household for Increased Transportation Costs (required if applicable) <i>Amount of Payment: \$</i>				
30. Record of payment to Household for Laundry Facilities (required if applicable)				
31. Copy of the claim(s) and related documents for Household for Laundry Facilities (required if applicable) <i>Amount of Payment: \$</i>				
32. Record of payment to Household for Other Costs (required if applicable) <i>List Other Costs:</i>				
33. Copy of the claim(s) and related documents for Household for Other Costs (required if applicable) <i>Amount of Payment: \$</i>				
34. Documented acknowledgment from Household / Business / Farm of receipt of Total Relocation Payment(s)*				
35. Copy of Appeal and explanation of any action taken to resolve and final determination (required if appealed)				
36. Individual Relocation Case Report(s) are on file for each relocation case and submitted to DOA Legal Services and DEHCR upon closing/relocation payment being finalized (Enter Date(s) submitted to DOA Legal Services and DEHCR)*				
37. Copy of any other correspondence with DEHCR				



**Division of Energy, Housing and Community Resources**

Acquisition/Relocation Monitoring Checklist

RELOCATION CHECKLIST				
Relocation Monitoring Item:	YES	NO	N/A	DATE
38. Notice of Temporary Relocation (required if relocation was temporary)				
39. Owner/Tenant Moved Out of Affected/Acquired Property?*				
40. Replacement Address (Street Address, City, State, Zip Code): (required if applicable)				
41. Owner/Tenant Current Telephone Number:*				
42. Owner/Tenant Moved Back to Affected/Acquired Property: (required if applicable)				
43. Agency/Entity that provided Relocation Assistance:				
Agency/Entity Name: __				
Agency/Entity Mailing Address:				
Agency/Entity Contact (Full Name, Title):				
Agency/Entity Phone Number: __				
Agency/Entity Email Address: __				
COMMENTS:				

## ATTACHMENT 5-L: NOTICE OF ACQUISITION/RELOCATION TO DEHCR

A 'fillable' current version of this form is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section).

<b>ATTACHMENT 5-L: NOTICE OF ACQUISITION/RELOCATION TO DEHCR</b>	
<b>Community Development Block Grant Program</b>	
DATE: [Date]	
UGLG: [UGLG Name, e.g., Village of Yourville]	CDBG GRANT AGREEMENT #: <i>(if Grant Agreement # issued)</i>  [GA # (e.g., PF 20-01)]
PREPARER'S NAME & TITLE (AND ENTITY / FIRM NAME, IF NOT UGLG EMPLOYEE): [Form Preparer's Name, Title] [Entity/Firm Name, if applicable]	PREPARER'S PHONE # & EMAIL:  [Phone #] [Email Address]
PREPARER'S SIGNATURE:	
1) PROPERTY ADDRESS & PARCEL #: [Property Street Address], [City], WI [Zip Code] [Parcel #]	TARGET PURCHASE DATE: [Enter Date]
<p style="text-align: center;"><i>Check 1 Box Below:</i>                      <b>AND</b>                      <i>Check 1 Box Below:</i></p> <p> <input type="checkbox"/> Temporary Easement:                      <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary  <input type="checkbox"/> Permanent Easement:                      <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary  <input type="checkbox"/> Permanent Acquisition:                      <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary                 </p>	
<p><b>Relocation Required:</b>    <input type="checkbox"/> Yes                      <input type="checkbox"/> No</p> <p>[If applicable, Enter # and names of persons or type of personal property requiring relocation, if known, and timeframe for relocation planned. If not applicable, then enter "N/A"]</p>	
2) PROPERTY ADDRESS & PARCEL #: [Property Street Address], [City], WI [Zip Code] [Parcel #]	TARGET PURCHASE DATE: [Enter Date]
<p style="text-align: center;"><i>Check 1 Box Below:</i>                      <b>AND</b>                      <i>Check 1 Box Below:</i></p> <p> <input type="checkbox"/> Temporary Easement:                      <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary  <input type="checkbox"/> Permanent Easement:                      <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary  <input type="checkbox"/> Permanent Acquisition:                      <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary                 </p>	
<p><b>Relocation Required:</b>    <input type="checkbox"/> Yes                      <input type="checkbox"/> No</p> <p>[If applicable, Enter # and names of persons or type of personal property requiring relocation, if known, and timeframe for relocation planned. If not applicable, then enter "N/A"]</p>	
3) PROPERTY ADDRESS & PARCEL #: [Property Street Address], [City], WI [Zip Code] [Parcel #]	TARGET PURCHASE DATE: [Enter Date]
<p style="text-align: center;"><i>Check 1 Box Below:</i>                      <b>AND</b>                      <i>Check 1 Box Below:</i></p> <p> <input type="checkbox"/> Temporary Easement:                      <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary  <input type="checkbox"/> Permanent Easement:                      <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary  <input type="checkbox"/> Permanent Acquisition:                      <input type="checkbox"/> Voluntary    <input type="checkbox"/> Involuntary                 </p>	
<p><b>Relocation Required:</b>    <input type="checkbox"/> Yes                      <input type="checkbox"/> No</p> <p>[If applicable, Enter # and names of persons or type of personal property requiring relocation, if known, and timeframe for relocation planned. If not applicable, then enter "N/A"]</p>	

Email this form to assigned DEHCR Project Representative for CDBG Project  
 OR [DOACDBG@wisconsin.gov](mailto:DOACDBG@wisconsin.gov) (if not yet assigned a DEHCR Project Rep.);  
 AND to UGLG (if form completed by 3<sup>rd</sup> party, who is not an employee of UGLG).

## ATTACHMENT 5-M: WAIVER VALUATION (TEMPLATE)

A 'fillable' current version of this form is available on the [CDBG Implementation Handbook website](#) (under the "Chapter Attachments/Fillable Forms" section).

### ATTACHMENT 5-M: WAIVER VALUATION (TEMPLATE)

#### WAIVER VALUATION

CH. 32 Wis. Stats. / 49 CFR 24. 102(c)(2)(ii)

[Delete the "Attachment 5-M" line in the header and this note when customizing form for use. This form is provided as guidance only. Modify text and options below as needed. Alternative format acceptable, contingent upon required language being included in waiver valuation.]

CDBG PROJECT I.D.: [Enter UGLG Name and Grant Agreement #, e.g., Village of Yourville CDBG-PF 22-01; OR Enter UGLG Name and CDBG Program if no Award or Grant Agreement yet, e.g., Village of Yourville CDBG Public Facilities]	
OWNER(S) (i.e., SELLER(S)): [Enter Owner(s)/Seller(s) Full Name(s)]	AREA OF INTEREST REQUIRED: Street Address(es): [Enter Street Address (if assigned; or only Street name for location, if the location does not have an assigned street address), City, State, Zip] Parcel #(s): [Enter Parcel #/I.D.] County: [Enter County]
PROPERTY TYPE: (CHECK ALL THAT APPLY)	
<input type="checkbox"/> Land	<input type="checkbox"/> Land – Permanent Limited Easement Only
<input type="checkbox"/> Building (Residential)	<input type="checkbox"/> Building (Non-Residential)
	<input type="checkbox"/> Land – Temporary Easement Only
	<input type="checkbox"/> [Enter Other Type if applicable]
PROPERTY VALUATION:	
[Enter Property Type]	[Enter sq. ft.] sq. ft. x \$ [Enter Amt.] /sf = \$ [Enter Amt.]
[Enter Property Type]	[Enter sq. ft.] sq. ft. x \$ [Enter Amt.] /sf = \$ [Enter Amt.]
[Enter Property Type]	[Other Calculation] x \$ [Enter Amt.] = \$ [Enter Amt.]
[Enter Property Type]	[Other Calculation] x \$ [Enter Amt.] = \$ [Enter Amt.]
Valuation Total: \$ [Enter Amt.]	
BASIS OF VALUATION:	
[Enter sources(s) and date(s) obtained/accessed]	
PROPERTY SETTLEMENT AMOUNT:	
Settlement Amt. (Valuation Total (Rounded)): \$ [Enter Amt.]	

The undersigned Seller(s) and Buyer(s) acknowledge that the acquisition of the real property described above qualifies for a waiver of an appraisal under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA) due to the estimated value of the property not exceeding \$10,000. This valuation is prepared in lieu of an appraisal and represents the fair market value as determined on the basis of valuation stated above.

The undersigned seller(s) acknowledge(s) receipt of the following document(s), which include(s) a summary of an owner's rights under Wisconsin law and the URA:

1. [List state and federal brochures/publications provided – include all applicable]
2. [List state and federal brochures/publications provided – include all applicable]

The undersigned seller(s) and owner(s) agree to the settlement in the above-stated amount as full payment for the parcel(s) stated, subject to approval by the [UGLG] [UGLG Governing Body Name]. It is intended that the instrument of conveyance will be executed upon presentation to the [UGLG] [UGLG Governing Body Name].

SELLER(S):  
[Enter Business/Organization Name Here, if Applicable]

X	X
Owner Signature	Owner Signature
Date	Date
[Full Name (and Position Title, if Business)]	[Full Name (and Position Title, if Business)]

---

BUYER(S):  
[Enter CDBG Grantee/UGLG/Buyer Name Here]

X	X
Authorized Signature	Authorized Signature
Date	Date
[UGLG Rep. Full Name and Title]	[UGLG Rep. Full Name and Title]

TEMPLATE

Waiver Valuation
Page 1 of 1
Attach05-N Form v.2022-09-01




## ATTACHMENT 5-O: INDIVIDUAL RELOCATION CASE REPORT (TEMPLATE)

### INDIVIDUAL RELOCATION CASE REPORT

*Must be submitted to DOA Division of Legal Services and DEHCR  
within 30 days after the displacement and payment.*

A 'fillable' version of this form is available on the [DOA Relocation Assistance](https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx) website at:  
<https://doa.wi.gov/Pages/AboutDOA/RelocationAssistance.aspx>

INDIVIDUAL RELOCATION CASE REPORT				ID NO This Case _____ Parcel No _____ (from relocation plan approval ltr.) Unit No _____			
Please submit this report within 30 days after displacement and payment of relocation claims for each displaced person.  Is this the final case report for this project? <input type="checkbox"/> YES <input type="checkbox"/> NO		 <b>WISCONSIN DEPARTMENT OF ADMINISTRATION</b> Relocation Assistance Department of Administration Division of Legal Services PO Box 7864 Madison, WI 53707-7864		Federal Relocation Law Applies <input type="checkbox"/> Yes <input type="checkbox"/> No			
Date Prepared _____		Prepared By _____		Date Person Moved In (on site) _____			
Date Person Moved Out _____		Phone _____		Date Property Acquired _____			
Acquiring Agency _____		Project Name _____		<input type="checkbox"/> This unit was shown as occupied in the relocation plan but was vacant prior to initiation of negotiation to acquire. <input type="checkbox"/> A relocation plan was submitted for this unit but no actual displacement occurred. <input type="checkbox"/> This unit was vacant at the time of plan approval but was occupied prior to acquisition.			
Name of Displaced Person _____		Phone _____		Person Moved to _____			
Address (acquired) _____ City _____ State _____ Zip _____		Address (replacement) _____ City _____ State _____ Zip _____		Residential <input type="checkbox"/> D.S.S. Housing <input type="checkbox"/> Comparable Housing <input type="checkbox"/> Non-D.S.S. Housing <input type="checkbox"/> Publicly Assisted Housing			
Displaced Person Is <input type="checkbox"/> Residential Owner <input type="checkbox"/> Residential Tenant <input type="checkbox"/> Mobile Home Occupant		<input type="checkbox"/> Business Owner <input type="checkbox"/> Business Tenant <input type="checkbox"/> Non-Profit Owner		Non-Residential <input type="checkbox"/> Adequate Replacement <input type="checkbox"/> Comparable Replacement <input type="checkbox"/> Non-Code Compliant Repl. <input type="checkbox"/> Discontinued Operation			
<b>RESIDENTIAL</b>			<b>BUSINESS, FARM or NON-PROFIT</b>				
<input type="checkbox"/> Family <input type="checkbox"/> Individual Family Size _____ (adults/children)		Name of Business/Farm/Non-Profit _____		No. of Employees _____			
Head of Household is: <input type="checkbox"/> Female <input type="checkbox"/> White <input type="checkbox"/> Male <input type="checkbox"/> Non-White <input type="checkbox"/> Elderly (over 65)		Gross Income/Yr. \$ _____		Type of Operation _____			
Source(s) of Income <input type="checkbox"/> Wages/Salary <input type="checkbox"/> Pension <input type="checkbox"/> Social Security <input type="checkbox"/> Interest <input type="checkbox"/> Public Assistance <input type="checkbox"/> Other		Type of Interest Acquired <input type="checkbox"/> LAND and BUSINESS <input type="checkbox"/> BUSINESS ONLY <input type="checkbox"/> LEASEHOLD IMPROV.		<input type="checkbox"/> OTHER (specify) _____			
	ACQUIRED UNIT	SELECTED COMPARABLE	ACTUAL REPLACEMENT		ACQUIRED UNIT	SELECTED COMPARABLE	ACTUAL REPLACEMENT
TYPE UNIT (single family, duplex, multi-family, etc.)				TYPE OF BUILDING (office, free standing, mixed use, etc.)			
NUMBER OF ROOMS/ BEDROOMS	/	/	/	LAND AREA			
OVERALL SIZE (square footage)				BUILDING (square footage)			
ACQUISITION PRICE	\$ _____	\$ _____	\$ _____	ACQUISITION PRICE	\$ _____	\$ _____	\$ _____
MONTHLY RENT (with utilities)	\$ _____	\$ _____	\$ _____	MONTHLY RENT (with utilities)	\$ _____	\$ _____	\$ _____
CHECK IF CARVE OUT WAS DONE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	CHECK IF CARVE OUT WAS DONE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RELOCATION PAYMENTS		DATE		AMOUNT			
		CLAIMED		PAID			
MOVE				\$		\$	
SEARCH EXPENSES				\$		\$	
RE-ESTABLISHMENT				\$		\$	
REPLACEMENT				\$		\$	
OTHER				\$		\$	
<b>Total*</b>				\$		\$	





## ATTACHMENT 5-P: GENERAL URA ACQUISITION PROCESS

*HUD Tenant Assistance, Relocation and Real Property Acquisition Handbook (1378.0)*  
*Appendix 23*

*HUD Publication  
Handbook 1378 CHG-8  
Appendix 23*

**GENERAL URA ACQUISITION PROCESS**  
*(Refer to 49 CFR 24 Subpart B for detailed acquisition requirements)*

VOLUNTARY ACQUISITIONS 49 CFR 24.101(b)(1)-(5)	INVOLUNTARY ACQUISITIONS 49 CFR 24.101(a) & (b)
<i>Determine if proposed acquisition satisfies criteria and requirements of 24.101(b)(1)-(5). If acquisition doesn't meet criteria (e.g., is subject to threat or use of eminent domain), refer to involuntary acquisition process and comply with 49 CFR 24 Subpart B requirements.</i>	<i>Determine if proposed acquisition is subject to threat or use of eminent domain. If not subject to eminent domain, refer to voluntary acquisition process and comply with applicable requirements of 49 CFR 24.101(b)(1)-(5).</i>
<b>24.101(b)(1) - Agencies with eminent domain authority but will not use: must meet all conditions of 24.101(b)(1)(i) – (iv). (see esp. 24.101(b)(1)(i) &amp; (ii))</b>	* Notify owner of agency's interest in acquiring property and protections under the Uniform Act (see 24.102(b)) <i>(Optional: issue Notice of Intent to Acquire (see 24.203(d))</i>
* Agency will not acquire property if negotiations fail, and owner is so informed in writing (see 24.101(b)(1)(iii))	* Appraise property and invite owner to accompany appraiser (see 24.102(c))
* Agency informs owner in writing of property's estimated market value (see 24.101(b)(iv))	* Review the appraisal (see 24.104)
* Owner/s & owner occupants not eligible for relocation assistance / displaced tenants may be eligible (see 24.2(a)(9)(ii))	* Establish estimate of just compensation for property (see 24.102(d))
<b>24.101(b)(2) – Agencies or persons without eminent domain authority:</b>	* Provide owner with written offer and summary statement for property (see 24.102(e))
* Prior to offer, inform owner unable to acquire if negotiations fail (see 24.101(b)(2)(i))	* Negotiate with owner for purchase of property (see 24.102(f))
* Inform owner of property's estimated market value (see 24.101(b)(2)(ii))	* If negotiations successful, complete sale and reimburse property owner for related incidental expenses (see 24.106)
* Owner/s & owner occupants not eligible for relocation assistance / displaced tenants may be eligible (see 24.2(a)(9)(ii))	* If negotiations unsuccessful, consider an administrative settlement (see 24.102(j))
<b>24.101(b)(3) – Acquisition from a Federal agency, State, or State agency, if acquiring agency without eminent domain authority:</b>	* If negotiations still unsuccessful, consider acquiring property through eminent domain.
* Owner/s & owner occupants not eligible for relocation assistance / displaced tenants may be eligible (see 24.2(a)(9)(ii))	* Displaced persons eligible for relocation assistance (see 24.2(a)(9)(i))