Chapter Adm 92

RELOCATION ASSISTANCE

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Subchapter I − General

Adm 92.001 Purpose. The purpose of this chapter is to implement ss. 32.185 to 32.27, Stats., by establishing minimum standards for providing relocation payments and services to a person who moves from a dwelling, business or farm operation because of acquisition for a public project, and to assure that such persons do not suffer disproportionate costs as a result of projects designed to benefit the public as a whole. Payments required by this chapter do not affect any right to seek compensation specified in ss. 32.01 through 32.18 and 32.28, Stats. The department of administration shall assure that displaced persons are treated uniformly, fairly and equitably.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. Register, November, 1989, No. 407, eff. 12−1−89; correction made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672.**

Adm 92.002 Applicability. This chapter applies to the following:

(1) A public project conducted by any agency under s. Adm 92.01 (13) which may or shall displace any person from real property regardless of the source of funds, federal regulations, or the date the project was formally adopted, approved, funded or started;

(2) A displacement under sub. (1) resulting from initiation of negotiations which begins after April 2, 1989.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1) (b), Register, (November, 1989, No. 407, eff. 12−1−89; correction made under s. 13.93 (2m) (b) 1. and 7., Stats., Register, April, 1996, No. 484; **correction in (intro.), (1) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.01 Definitions. In this chapter:

(1) "Acquisition" means:

(a) A property purchased by an agency by any legal means including a negotiated sale and exercise of eminent domain; or

(b) A tenant−occupied unit where possession or use is denied to the occupant under a rehabilitation, code enforcement or other program or project being carried out with public financial assistance.

(2) "Agency" means a displacing agency, under sub. (13).

(3) "Average annual net earnings" means one half of the net earnings of a business or farm operation, before federal and state income taxes, during the 2 taxable years preceding the taxable year of the displacement, or another period an agency determines more equitable. It includes compensation paid by a business or farm operation to an owner, spouse or dependents. Owner, as used under this subsection includes a sole proprietorship, a principal partner of a partnership, and a principal stockholder of a corporation. Stock held by a spouse and dependent children shall be treated as one principal stockholder.

(4) "Average monthly income" means, for determining financial means, the annual gross income of an individual or the adults in a family, including salaries, wages, public assistance payments, tips, commissions, unemployment payments, rents, royalties, dividends, interest, profits, pensions, annuities, and other income, divided by 12.

(5) "Business" means a legal activity, other than a farm operation, regardless of the income produced, conducted:

(a) For the purchase, sale, lease or rent of personal and real property, and to manufacture, process or market a product, commodity, or other personal property;

(b) For the sale of a service to the public;

(c) By a nonprofit organization; or

(d) Solely for the purpose of moving and related expense, to assist in the purchase, sale, resale, manufacture, processing or marketing of a product, commodity, personal property or service by the erection and maintenance of an outdoor advertising display,

whether or not it is located on the premises on which any of the activities listed in this paragraph are conducted.

(6) "Carve−out" means a method for computing a replacement housing, business or farm operation payment that is applied to separate the value of a portion of a property acquired, or a comparable selected.

(7) "Comparable replacement business" means a replacement business currently available to a displaced person and, when compared with the acquired business:

(a) Meets applicable federal, state or local codes;

(b) Is adequate for the needs of a business and suited for the same type of business;

(c) Is similar in major characteristics and functionally equivalent with respect to:

1. Condition, state of repair, land area and building square footage required;

2. Access to transportation necessary for the business operation, customers, utilities and public services.

(d) Is in an area free of adverse environmental conditions which may cause significant impairment of the business.

(e) Is within reasonable proximity of the acquired business if necessary to retain existing or new clientele.

(8) "Comparable replacement dwelling" means a dwelling which is currently available to the displaced person and, when compared with the dwelling being acquired:

(a) Is adequate for the person and is decent, safe and sanitary under s. Adm 92.04.

(b) Is functionally equivalent and substantially the same as the acquired dwelling, with respect to:

1. Area of habitable living space, number and size of rooms and closets, and the size and utility of any garage or outbuilding within the immediate surrounding yard;

2. Type of construction, age and state of repair;

3. In an area not less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and neighborhood conditions, including schools and municipal services, and is accessible to the person's place of employment;

(c) Is available to the person regardless of sex, race, color, handicap, religion, national origin, sex or marital status of the person maintaining a household, legal sources of income, age, ancestry, sexual orientation or other applicable federal, state or local fair housing laws.

Note: The comparable must be available to the person being displaced. For example, a dwelling may not be selected as a comparable for a family with children, when the owner does not rent to families with children.

(d) Is available within the financial means of the displaced person.

(9) "Comparable replacement farm operation" means a replacement farm operation currently available to a displaced person and, when compared to the acquired farm operation:

(a) Meets applicable federal, state or local codes;

(b) Is adequate for the needs of the farmer and suited for the same type of farm operation;

(c) Is similar in major characteristics and functionally equivalent with respect to:

1. Type of farm operation, condition, and state of repair of farm buildings;

2. Soil quality, yield per acre, land area, transportation access necessary for the farm operation, utilities and public services;

(d) Is in an area free of adverse environmental conditions which may cause significant impairment of the farm operation;

(e) Is within reasonable proximity of the acquired farm operation to the extent necessary for the farm operation.

(10) "Conventional financing" means, for determining a down payment assistance payment, a loan or promissory note secured by a mortgage made by a financial institution and not insured or guaranteed by an agency of the state or federal government, or any other private insurer.

(11) "Department" means the Wisconsin department of administration.

(12) "Direct loss of property" means a compensable moving expense, in addition to an expense incurred in a move of other property, payable to a displaced business or farm operation, for direct loss of tangible personal property used in a moved or discontinued operation and which is sold or abandoned rather than moved, after attempting to sell.

(13) "Displacing agency" means a condemnor, state agency, political subdivision of the state, developer or any other person carrying out a public project that causes a person to be a displaced person. An agency vested with eminent domain power under ch. 32, Stats., acquiring real property in whole or in part for a public project, is a displacing agency, regardless of whether or not any or all of the statutory or procedural steps necessary to exercise such power have been taken, or whether the property is acquired by negotiated purchase or by eminent domain. In a project being carried out by a person or entity without eminent domain power, the condemnor, state agency or political subdivision of the state that is the principal public funding source for the project, shall ensure compliance with the provisions of this chapter.

(14) (a) "Displaced person" means any person who moves from real property or moves personal property from real property:

1. As a direct result of a written notice of intent to deny possession or use of rented property or to purchase real property, the initiation of negotiations for, or the purchase of, such real property by a displacing agency, in whole or in part, for a public project. A person is also considered to have moved because of the purchase when the person occupies a property at the time of initiation of negotiations, but moves before acquisition, if the property is subsequently acquired;

2. As a result of denial of possession or use by the owner in anticipation of acquisition by an agency, if the removal is unrelated to a material breach of a rental agreement by the tenant. A substantial and unwarranted rent increase before acquisition by an agency shall be considered denial or use by the owner; or

3. As a result of property rehabilitation, conversion, demolition, or other related displacing activity, provided the person is:

a. A tenant occupant who will be permanently displaced and has not been offered a reasonable opportunity to occupy a suitable, decent, safe and sanitary dwelling in the same or a nearby building with actual reasonable moving cost of the move being paid by the displacing agency; or

b. A tenant occupant in a federally assisted project who is unable to continue occupancy in the displacement dwelling under terms and conditions that are reasonable as specified by the federal funding agency.

(b) "Displaced person" does not include, among others:

1. A person who moves before initiation of negotiations, unless the agency determines the person was displaced by the project;

2. A person who initially occupies the affected property after the date of its acquisition by the agency;

3. A person who has occupied the property for the express purpose of obtaining relocation benefits under this chapter;

4. A tenant−occupant of a dwelling who has been promptly notified that he or she will not be displaced by the project, provided that, if a temporary move is necessary, the temporary replacement dwelling is decent, safe and sanitary and the tenant is compensated for actual out−of−pocket expenses incurred in connection with a temporary move, including moving costs to and from the temporary dwelling, any increased rent or utility costs, and other reasonable expenses incurred;

5. A person who, after receiving a notice of relocation eligibility, is subsequently notified in writing that the person will not

be displaced for the project. Such notice shall not be issued unless the person has not moved, the agency provides compensation for any expenses incurred up to the time the no displacement notice is issued and the agency withdraws any attempt to acquire the property or carry out the project affecting the property;

6. An owner−occupant who voluntarily sells a property after being informed in writing that the agency will not acquire the property by condemnation if a mutually satisfactory agreement of sale is not obtainable. In such cases, however, any tenants who occupy the property are displaced persons under this chapter;

Note: The agency may be required to obtain a waiver of relocation assistance under s. Adm 92.12.

7. An owner−occupant who voluntarily sells a property to a displacing agency not vested with eminent domain power;

8. A person who voluntarily retains the right of use and occupancy of the real property for life following its acquisition by the agency;

9. A person who is determined to be in unlawful occupancy of the property or has been evicted for cause under applicable law before initiation of negotiations for the property. Unlawful occupancy is defined under s. Adm 92.01 (42).

10. A person who is a non−occupant owner of commercial or residential property that is rented to others, except that such owner may qualify for actual and reasonable moving expenses under s. Adm 92.52.

11. For projects that do not receive federal funds and properties that do not involve an outdoor advertising sign or an outdoor advertising company tenant, a tenant who is allowed to occupy leased premises to the end of the term of the lease, or for 180 days, or for a period of time equal to one−half of the term of the lease, or for a period of time determined by the condemnor, whichever of these four alternatives is longer.

(15) "Dwelling" means a single family house, a single family unit in a duplex, multi−family or multi−purpose property, a condominium or cooperative housing unit, a sleeping room, a mobile home, or other residential unit.

(16) "Economic rent" means the rent for a property similar to and in the same area as an acquired property.

(17) "Eminent domain" means a right of government and others under s. 32.02, Stats., permitting a taking of private property for a public purpose with payment of just compensation.

(18) "Existing patronage" means the business from specific clientele or as evidenced by an annual net income during the 2 taxable years preceding the taxable year of an acquisition or during a more equitable period determined by an agency. The patronage for a nonprofit organization includes persons, clientele and community served or affected by the organization.

(19) "Farm operation" means an activity conducted mainly for the production of one or more agricultural products or commodities, or timber, for sale or home use, and customarily producing these in sufficient quantity to contribute materially to a person's support.

(20) "Financial means" means the standard for determining if a dwelling is affordable. A replacement or comparable dwelling is within a person's financial means when, as an owner, the monthly housing costs, including payments for mortgage, insurance, utilities and property taxes, or, as a tenant, monthly rent including comparable utility costs, minus any replacement housing payment available to a person under this chapter, does not exceed 30% of average monthly income. In lieu of the 30% of income standard in this subsection, a comparable dwelling may also be considered to be within a person's financial means if:

(a) *Owner−occupant.* The acquisition price of the comparable replacement dwelling does not exceed the sum of the payment for the acquired dwelling and the comparable replacement housing payment available under this chapter.

(b) *Tenant−occupant.* The monthly rent of the comparable replacement does not exceed the monthly rent at the displacement dwelling, after taking into account any rental assistance payment available under this chapter.

(21) "Initiation of negotiations" means:

(a) In acquisition projects, the date a displacing agency, or its representative, initially contacts an owner of real property, or the owner's representative and makes a written monetary offer to purchase the property; or

(b) In rehabilitation, code enforcement or related non−acquisition projects, the date a displacing agency makes its initial funding or other commitment to the project which may cause the displacement of an occupant, or the date a person receives actual or constructive notice that the person will be displaced, whichever is earlier, unless a different action or date is specified in applicable federal program regulations.

Note: Initiation of negotiations does not generally include a situation where the agency obtains only a first right of refusal to acquire that does not also include a monetary offer or establishment of a purchase price and where the agency is not otherwise committed to the acquisition of the property.

(c) "Initiation of negotiations" does not include:

1. Entering into a lease, including a lease with an option to purchase.

2. Responding to an offer to sell property and negotiating for the purchase of the property, when the offer does not involve the involuntary displacement of any occupant of the property and the agency is not implementing a project to acquire the property.

3. Obtaining a right of first refusal to acquire that does not also include a monetary offer or establishment of a purchase price and does not otherwise commit the agency to the acquisition of the property.

(22) "Mortgage" means a lien given to secure an advance for the unpaid purchase price of real property, together with a credit instrument secured thereby.

(23) "Moving expense−actual" means an actual and reasonable expense necessary to move a person and personal property including charges by public utilities for starting service, storage of property up to 12 months, and necessary temporary lodging and transportation.

(24) "Moving expense−fixed payment" means an alternate payment for moving. A payment for an occupant of a dwelling is based on a room schedule plus a dislocation allowance. A fixed payment for a business or farm operation is based on average annual net earnings and may not be less than $1,000 nor more than $20,000.

(25) "Nonprofit organization" means a corporation, partnership, individual or other public or private entity, engaged in a legal business, professional or instructional activity on a nonprofit basis and having fixtures, equipment, stock in trade or other tangible property on the premises and established as a nonprofit organization under federal or state law.

(26) "Owner" means a person who has an interest in a dwelling or real property to be acquired by a displacing agency in the form of the following:

(a) A fee title or life estate;

(b) An interest in cooperative housing including a right to occupy a dwelling;

(c) A contract purchaser of any of the estates or interests under this subsection;

(d) A mobile home on a permanent foundation, or a mobile home which is not decent, safe and sanitary, and cannot be moved without substantial damage or unreasonable cost or there are no replacement sites to where it can be moved;

(e) An interest other than under this subsection which is considered ownership by an agency or the department;

(f) Has succeeded to any of the interests under this subsection by devise, bequest, inheritance or operation of law, except the tenure of ownership, not occupancy, of a succeeding owner shall include the tenure of a preceding owner.

(27) "Owner−occupant, residential", means a person, who is the owner of a property being acquired and occupies a dwelling on the property as a primary residence.

(28) "Owner−occupant, business", means a person who is an owner of a property being acquired, and is also the owner and operator of a business or farm operation which was conducted on the property for at least one year before initiation of negotiations to purchase the property or the date of vacation when given a notice of intent to acquire, whichever is earlier.

(29) "Person" means an individual, family, partnership, corporation, association, business or farm operation, or non profit organization under this chapter. Two or more persons who are tenants of the same dwelling shall be treated as one person.

(30) "Personal property" means tangible property located on real property but not acquired by an agency.

(31) "Prepaid expense" means an item paid in advance by a seller of real property and prorated between a seller and buyer at the time of closing on a property including property tax, insurance, assessment, fuel and utilities, and others.

(32) "Primary residence" means a dwelling occupied as a customary and usual place of residence but not a vacation dwelling. It is occupied by a person for a substantial period of time before initiation of negotiations. It is evidenced by place of voter registration, address on a tax return, mailing address, rent receipt, proximity to work, school, utility and phone bill or other evidence acceptable to an agency.

(32m) "Public financial assistance" means direct funding received from a public entity. An authority which uses its own funds for a project is not receiving "public financial assistance."

(33) (a) "Public project" means, in addition to a project being carried out directly by a public entity, an activity or program directly receiving public financial assistance including a grant, loan or contribution. Unless otherwise covered under federal relocation regulations, such assistance must be at least $25,000 in a project having total costs of less than $50,000 or at least 50% in a project having total costs of $50,000 or more, and involve one or more of the following activities:

1. Real property acquisition;

2. Housing or commercial rehabilitation or conversion;

3. Demolition within a designated redevelopment or blight removal area established by formal local government action on or after April 2, 1989; or

4. Another related public construction or improvement project receiving federal financial assistance covered under federal relocation regulation.

(b) "Public project" does not include, among others:

1. Any public guarantee or insurance;

2. Any interest reduction payment or loan to an individual in connection with the purchase and occupancy of a property by the individual.

3. Acquisition of property under tax foreclosure proceedings, provided a tenant−occupant is not displaced for a public project related to the acquisition;

4. Direct acquisition by a federal agency carrying out a federal program or project;

5. Demolition activity accomplished on a random basis if there is no planned public project for the property affected; or

6. A private project which is able to proceed as a result of governmental zoning changes, variances or related actions.

(34) "Real property" means land and improvements on and to the land, estates in land, and fixtures or other personal property directly connected with the land.

(35) "Relocation payment" means a payment under this chapter, including actual moving expense, a fixed payment in lieu of actual moving expense, purchase, rental and interest differential payment, down payment assistance, and cost incidental to a purchase of replacement property. An agency may pay more than the minimum amounts under this chapter, provided the payments are uniform.

(36) "Relocation plan" means a document prepared by an agency and submitted to and approved by the department before any property acquisition activity begins. A plan describes the relocation assistance and payments to be provided, and indicates whether displaced persons can be satisfactorily relocated.

(37) "Searching expense payment" means a payment to a displaced business or farm operation, to compensate for actual and reasonable expense in locating a replacement business or farm operation.

(38) "Selected comparable" means a comparable dwelling, business or farm operation selected by an agency from one or more comparable properties as the most comparable for computing a replacement differential payment.

(39) "Tenant" means a person who occupies real property and has not been, or could not otherwise be dispossessed, except pursuant to the procedures under chs. 704 and 799, Stats.

(40) "Tenant−occupant, residential", means a person who is the tenant of a displacement dwelling and occupies the dwelling as a primary residence.

(41) "Tenant−occupant, business", means, for the purposes of subch. VI, a person who is a tenant−owner and operator of a business or farm operation which was conducted on the property for at least one year before initiation of negotiations or the date of vacation when given a notice of displacement from the agency, whichever is earlier.

(42) "Unlawful occupancy" means occupancy by a person who has been ordered to move by a court of competent jurisdiction prior to initiation of negotiations for the acquisition of the property. At the discretion of the agency, persons who occupy property without permission of the owner may be considered to be in unlawful occupancy. Technical violations of law and unlitigated violations of the terms of a lease, such as having an unauthorized pet or withholding rent because of improper building maintenance, do not constitute unlawful occupancy.

(43) "Utility charge" means an average monthly cost for space and water heating, lighting, water and sewer, and trash removal, but not telephone service.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1), (13), (20), (intro.), (21) and (24), r. and recr. (4), renum. (33) to (41) to be (34) to (41) and (43) and am. (40) and (41), cr. (33) and (42), Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; cr. (14) (b) 11., (21) (c), (32m), am. (33) (a) (intro.), Register, March, 1997, No. 495, eff. 4−1−97; **correction in (8) (a), (11), (13), (14) (b) 9., 10. made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672.**

Adm 92.04 Decent, safe, and sanitary housing. (1) PURPOSE. The following minimum housing standards are to assure that housing quality is adequate for the protection of public health, safety and welfare. They shall be applicable for all dwellings selected for comparable replacement housing payment determinations, referrals to displaced persons and to which persons move.

(2) MINIMUM REQUIREMENT. A decent, safe and sanitary dwelling conforms with applicable provisions for existing structures established under state or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations, and meets the following minimum requirements:

(a) *Water.* A dwelling shall have a continuing and adequate supply of water suitable for drinking.

(b) *Kitchen.* A dwelling shall have a room or portion of a room where food is normally prepared and cooked and is equipped with:

1. A kitchen sink in good working condition, properly connected to an approved water system with sufficient hot and cold water, and to an approved sewer system.

2. Cabinets or shelves for the storage of eating, drinking and cooking equipment and utensils, and food that does not ordinarily require refrigeration for safekeeping. The cabinets or shelves shall be of sound construction with surfaces that are easily cleaned and have no toxic or noxious effect on food.

3. Sufficient space and utility service connections for installation of a stove and refrigerator.

(c) *Heating system.* A dwelling shall have a safe, good working and properly installed heating system capable of heating all habitable rooms to approximately 70° F. Unvented fuel−fired flame space heaters and furnaces shall be prohibited. Portable electric heaters approved under appropriate local and state codes are acceptable.

(d) *Bathroom facility.* A dwelling shall contain the following:

1. A private, nonhabitable room with a properly working flush toilet connected to a water system with sufficient water, and to an approved sewer system.

2. A room with a lavatory sink. A sink may be in the same room as a toilet. If a sink is located in a room other than the one with a toilet, the toilet shall be near a door leading directly into the room with a sink. A sink shall be in good working condition, properly connected to an approved water system with sufficient hot and cold water, and to an approved sewer system.

3. A private room with a bathtub or shower. A bathtub or shower may be in the same room as a flush toilet, a room with a lavatory sink, or in another room and shall be connected to an approved water system with sufficient hot and cold water, and to an approved sewer system.

(e) *Electric service.* A dwelling unit and public and common areas shall be supplied with electric service, wiring, outlets and fixtures which are properly installed, and maintained in good and safe working condition. The service capacity and the number of outlets and fixtures shall be as follows:

1. A habitable room shall have a minimum of 2 floor or wall outlets.

2. A water closet room, bathroom, laundry room, furnace room, dining room, kitchen, and public hall shall have at least one ceiling or wall electric light fixture.

3. Light switches in a room or passage shall be conveniently located to light the area ahead.

4. Public halls and stairways in a multiple dwelling shall be adequately lighted at all times.

(f) *Structurally sound.* 1. A foundation, roof, exterior wall door, skylight and windows shall be weathertight, waterproof, dampproof, and together with floors, interior walls and ceilings, be structurally sound and in good repair without visible evidence of structural failure or deterioration.

2. A dwelling, multiple dwelling, rooming house, other building or accessory structure and premises shall be maintained to prevent and eliminate rodents.

3. A foundation, roof, floors, exterior and interior walls, ceilings, inside and outside stairs, porches and all appurtenances shall be safe and capable of supporting a normal load. Inside and outside stairs shall have uniform risers and treads. Stairways shall have structurally sound handrails.

4. Plumbing fixtures and water pipes shall be properly installed and maintained in a good, sanitary working condition.

5. Toilet room, bathroom and kitchen floor surfaces shall be impervious to water to permit maintenance of a clean and sanitary condition.

6. Gas burning equipment and pipes, water and waste pipes, toilets, sinks, lavatories, bathtubs, shower and catch basins, vents, chimneys, flues, smoke pipes and other facilities, equipment or utilities in a dwelling, shall be maintained in a safe, satisfactory working condition.

(g) *Light and ventilation.* 1. Habitable room. A habitable room shall have at least one openable window or skylight facing outside. The minimum window or skylight area shall be at least 8% of the floor area of a room.

2. Bathroom. A bathroom or toilet room shall comply with the requirement for a habitable room. A window or skylight may be omitted when the room is equipped with artificial lighting and adequate ventilation.

(h) *Number of exits − means of escape.* In a dwelling of more than 2 rooms, bedroom and living room areas shall have at least 2 means of escape with at least one door or stairway providing a means of unobstructed travel to the outside at street or ground level. Bedroom and living room areas may not be accessible by only a ladder or folding stairs, or through a trap door.

(hm) *Alternate means of escape.* A second means of escape shall be either:

1. A door or stairway providing a means of unobstructed travel to the outside at street or ground level, or

2. An outside window operable from the inside without the use of tools and providing a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The window bottom may not be more than 44 inches above the floor.

a. Exception no. 1. A second means of escape shall not be required when the room has a door leading directly outside to grade.

b. Exception no. 2. A second means of escape shall not be required when a building is protected throughout by an approved automatic sprinkler system.

c. Exception no. 3. A second means of escape from a second or higher story dwelling may be directly through a common corridor provided the corridor has at least 2 means of escape.

(ht) *Prohibited path.* A required path of travel to the outside from a room may not be through another room or apartment not under the immediate control of the occupant of the first room, nor through a bathroom or other space subject to locking.

(i) *Habitable floor space.* A dwelling unit shall have at least 150 square feet of habitable floor space for the first occupant and at least 100 square feet, 70 square feet for a mobile home, for each additional occupant. In addition:

1. The floor space shall be divided into rooms and bedrooms to be adequate for a displaced person. No more than 2 persons may occupy a bedroom of less than 100 square feet. Children of opposite sex over age 7 may not be required to share a bedroom;

2. The ceiling height of any habitable room shall be at least 7 feet, except that in a habitable room with a sloping ceiling at least one half of the floor area shall have a ceiling height of at least 7 feet. The floor area of the room may not include that part of a room where the ceiling height is less than 5 feet;

3. Space located below grade may not be used as a habitable room unless:

a. The floor and the walls below grade are waterproof and dampproof;

b. The minimum window area shall be equal to that under par. (g) 1. and shall be within properly drained window wells when located below grade;

c. The total openable window area shall be at least equal to that as specified under par. (hm) 2., except when there is adequate ventilation and humidity control.

(j) *Barrier−free.* A dwelling and access to the dwelling shall be free of barriers for a physically handicapped person or family member.

(k) *Premises.* A dwelling site shall be graded, well drained and maintained in a clean, sanitary and safe condition, and located in an area not subject to adverse environmental conditions as determined by the agency.

(3) SLEEPING ROOM. The requirements for a sleeping room shall be as specified under sub. (2) (a), (c), (e), (f), (g), (h), (hm), (ht), (j), (k), and have the following:

(a) At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant;

(b) Access to a private lavatory, bath and toilet facility.

(4) INSPECTION. An agency shall promptly inspect a replacement dwelling to ascertain whether it meets the requirements of this section.

(5) HABITABLE ROOM. A habitable room is a room used for sleeping, living, or dining, but excludes closets, kitchens, pantries, bath or toilet rooms, service rooms, hallways, stairways, laundries, storage spaces, cellars, utility rooms, and similar spaces.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; corrections made under s. 13.93 (2m) (b) 1. and 7., Stats., Register, April, 1996, No. 484.

Adm 92.06 Written notice and information. An agency shall as a minimum, provide displaced persons and property owners with notices and relocation information as specified in this section.

(1) INFORMATION AT PUBLIC HEARING. An agency shall 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) A general description of the relocation services and payments;

(b) A statement that an agency shall prepare a relocation plan for approval by the department before acquisition and that persons to be affected shall be contacted to obtain information to prepare the plan;

(c) Identification of project boundaries and an estimate of the number of residential and nonresidential properties to be acquired;

(d) A statement that a person who moves prematurely may jeopardize relocation entitlements and that sufficient time to relocate will be provided;

(e) The name, address and telephone number of an agency representative available for further information on acquisition and relocation assistance matters.

(2) WRITTEN INFORMATION AT INITIAL CONTACT. An agency, except an agency without eminent domain power undertaking a project where such power does not exist, shall provide written notice at the time of initial contact to obtain information necessary for preparation of a relocation plan:

(a) An owner of rental property shall 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, and that in the event tenants move before acquisition, an owner may qualify for a rent loss payment.

(b) A tenant or an owner−occupant of a property shall 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 phone number of an agency representative to contact.

(3) INFORMATION BEFORE INITIATION OF NEGOTIATIONS. An agency, except an agency without eminent domain power undertaking a project where such power does not exist, shall, before initiation of negotiations, furnish the following pamphlets unless already furnished with the written notice at the time of initial contact as specified under sub. (2).

(a) An owner of property shall receive a pamphlet, s. 32.05 or 32.06, Stats., depending on the type of project, entitled "Your Rights as a Landowner under Wisconsin Eminent Domain Law."

(b) A tenant or an owner−occupant of a residential property shall receive a pamphlet entitled "Wisconsin Relocation Rights", for residential occupants.

(c) A tenant or an owner−occupant of a business or farm property shall receive a pamphlet entitled "Wisconsin Relocation Rights", for business or farm occupants.

Note: The pamphlets referred to in this section may be obtained from the department.

(4) INFORMATION FROM AGENCIES WITHOUT EMINENT DOMAIN POWER. An agency without the power of eminent domain undertaking a project where such power does not exist, shall provide the following notices and information:

(a) A written notice cautioning the owner against removal of tenants shall be provided to the owner before initiation of negotiations.

(b) A relocation informational pamphlet under sub. (3) (b) or (c) shall be provided to a tenant occupant who will be displaced as soon as feasible and no later than 7 days after an offer to purchase has been accepted and all contingencies removed, except for a relocation plan approval contingency.

(5) WRITTEN OFFER TO PURCHASE. An offer to purchase a property shall be in writing and shall establish the date of initiation of negotiations. However, the date of a verbal monetary offer to purchase authorized by the acquiring agency shall be considered as initiation of negotiations to establish eligibility for a relocation benefit.

(6) WRITTEN NOTICE OF REPLACEMENT PAYMENT ENTITLEMENT AND OCCUPANCY TERM. (a) An agency shall provide a written notice to occupants indicating the differential replacement payment computation as specified under ss. Adm 92.68 to 92.88 for residential occupants and under ss. Adm 92.90 to 92.98 for business and farm occupants. The notice shall be provided within 90 days of an expected date of vacation or at the request of a displaced person, whichever is sooner.

(b) An agency may not require an occupant of property acquired by an agency to move without at least a 90 day written notice of an intended vacation date.

(7) INFORMATION ON RELOCATION CLAIM FILING. An agency shall furnish a displaced person with a claim form and explain the filing procedure before displacement. An agency shall assist in claim preparation and describe any supporting documentation a person must provide.

(8) WRITTEN NOTICE OF CLAIM DENIAL. An agency shall promptly notify a claimant in writing of a determination, the basis for a determination and how a person may modify the claim or file an appeal, when an agency denies a claim or does not approve the full amount.

(9) MANNER OF NOTICE. An agency shall give a person written notice as specified in this section by personal service, receipt documented, or by certified or registered first−class mail, return receipt requested. A notice shall be written in plain language and have a name and a telephone number of a person to contact. An agency shall provide appropriate translation and counseling for a person to be displaced who is unable to read or understand a

notice. An agency shall make a diligent effort to contact a person to provide notices specified in this section.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (2) (intro.) and (3) (intro.), renum. (4) to (8) to be (5) to (9), cr. (4), Register, November, 1989, No. 407, eff. 12−1−89; corrections in (6) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (6) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.08 Payment of relocation claim. An agency shall pay a displaced person a relocation payment as specified under this chapter.

(1) TIME OF FILING. A displaced person may file a claim for payment following a move, but not later than 2 years after the following dates, unless extended by the agency for good cause:

(a) For tenants, the date of displacement;

(b) For owners, the date of final payment for the purchase of the real property or the date of displacement, whichever is later.

(2) PROMPT PAYMENT OF A CLAIM. An agency shall pay a claim in a timely manner, and promptly notify a displaced person when additional information is needed to support a claim. A replacement housing, business or farm payment shall be paid in one lump sum.

(3) DIRECT PAYMENT. An agency may not withhold part of a payment to a displaced person to satisfy an obligation to an agency or creditor, except that an agency may deduct any rent the displaced person owes the agency if the deduction does not prevent the person from obtaining a comparable replacement dwelling. An agency may not require a person to relinquish a right to future claims as a condition of payment. A payment shall be made to a displaced person, unless a person designates otherwise in writing, or a court orders a set off under s. 32.20, Stats.

(4) PARTIAL PAYMENT. An agency shall pay a displaced person promptly for that part of the total claim not in dispute when only a part of a total claim is filed, or when a part of a claim is in dispute or is not sufficiently documented.

(5) ADVANCE PAYMENT. An agency may pay a displaced person in advance of a move, subject to safeguards to ensure the payment is no greater than the amount a person is eligible to receive.

(6) NO DUPLICATION OF PAYMENT. A person eligible for a relocation payment under this chapter and the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91−646, 84 Stat. 1894, may not receive a payment under both for items which have the same purpose and are equally compensable.

(7) DISCOUNTING PROHIBITED. An agency may not discount a relocation payment for present worth, except for an increased interest payment.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1) and (3), Register, November, 1989, No. 407, eff. 12−1−89.

Adm 92.10 Waiver or modification. The department may waive or modify any requirement that is not required under ss. 32.185 to 32.27, Stats., for good reason, and on an individual case basis, upon written request of an agency or a displaced person. A waiver shall be in writing to be valid.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.12 Waiver of relocation benefits. An owner−occupant of a property to be acquired, as an agreed upon condition of acquisition of the property, may waive relocation benefits as specified under s. 32.19, Stats., provided a waiver is executed knowledgeably, without duress, and under the following requirements:

(1) The property to be acquired by an agency is:

(a) An isolated parcel, not included as part of a public project or located within a proposed or previously designated area where it is reasonable to conclude that other acquisitions by the agency will occur in the foreseeable future;

(b) Being sold voluntarily to an agency:

1. In response to a public solicitation provided the agency states that it will not acquire property unless a mutually satisfactory agreement can be reached;

2. Through a voluntary listing of a property for sale by an owner;

3. Under another voluntary circumstance.

(2) The property owner shall be given pamphlets prepared by the department entitled "Wisconsin Relocation Rights," and "The Rights of Landowners under Wisconsin Eminent Domain Law" before execution of a waiver agreement.

(3) An agency shall inform the property owner in writing regarding the specific dollar benefits and services being waived before execution of a waiver agreement.

(4) The waiver is executed on a form provided by the department.

(5) The executed waiver is submitted to the department for approval before initiation of negotiations. The agency shall receive written approval of a waiver from the department before entering into an option to purchase or making an offer to purchase, unless an option or offer to purchase is conditioned on receipt of department approval. A waiver submitted to the department for approval shall be considered approved unless the department otherwise notifies the agency within 10 working days of receipt of the waiver.

(6) An agency may not solicit or execute a waiver from a person who is a tenant of a property to be acquired. An owner of a property to be acquired may not waive a relocation benefit for another person.

(7) A waiver of a relocation benefit as specified under this chapter does not affect the rights of an owner under other provisions of ch. 32, Stats.

Note: A displaced tenant may choose not to claim relocation payment during the two year time limit, provided the choice is not a condition of the acquisition or relocation from the property involved.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.14 Education, certification and monitoring. **(1)** EDUCATION. The department shall promote and place emphasis upon opportunities for interested persons to receive training in the relocation assistance requirements of ch. 32, Stats., and this chapter.

(2) CERTIFICATION. The department may certify the relocation assistance program of a unit of state or local government upon a determination that the certified program meets the standards followed by the department in administering the relocation assistance requirements of ch. 32, Stats., and this chapter. A unit of government with a certified relocation assistance program shall not be required to submit relocation plans to the department for prior approval under s. Adm 92.26. A unit of government with a certified relocation assistance program shall retain all of its program records for the periods of time specified by the department. The department may examine any records of a certified relocation assistance program. The department shall monitor and audit all certified programs and may revoke the certification of a program upon a determination that the program does not continue to meet the standards for certification.

(3) ENFORCEMENT. Complaints shall be received and investigated as provided in s. Adm 92.18

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; correction made under s. 13.93 (2m) (b) 1., Stats., Register, April, 1996, No. 484; r. and recr. Register, March, 1997, No. 495, eff. 4−1−97; **correction in (2), (3) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.16 Eviction policy. An agency may evict a person as a last resort but the eviction does not affect the eligibility of a person for relocation benefits. An agency shall assist to prevent eviction of a tenant by an owner before acquisition by an agency. An agency's relocation record shall document the circumstance surrounding eviction from an agency−acquired property. Eviction may be undertaken for the following:

(1) Failure to pay rent, except as specified under s. 704.07, Stats.;

(2) Use of a premises for an illegal purpose;

(3) A material breach of a rental agreement;

(4) Refusal to accept an offer of a comparable replacement property;

(5) An eviction is required by law.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.18 Relocation appeal. A displaced person, or one claiming to be displaced, may file a complaint for review by the department under this subsection.

(1) GENERAL. An agency shall inform a displaced person before displacement of the person's right of appeal under local and state procedures. A displaced person shall be assured of the following:

(a) A right to be represented in an appeal by a personal representative;

(b) A right to inspect and photocopy a file, record, regulation or operating procedure of an agency or the department pertinent to an appeal;

(c) A right to have a written complaint, in any form, reviewed and acted on;

(d) A right to prompt consideration of a complaint and a written reply from an agency or the department explaining a determination;

(e) A displaced person who appeals may not be removed from an acquired property until an agency issues a written determination on an appeal unless the agency provides written notice to the department that an occupant may be required to move before such determination may be issued.

(f) Filing a complaint under local or state appeal procedure is not a condition precedent to the filing of a claim and commencement of a legal action under s. 32.20, Stats.

(2) APPEAL TO DISPLACING AGENCY. An agency shall establish an internal appeal procedure to resolve a relocation complaint. The procedure shall assure the following minimum requirements:

(a) An agency shall promptly notify a displaced person not satisfied with a relocation payment or service on how to appeal;

(b) An appeal procedure shall provide for resolution of a complaint at an intermediate level within an agency, or an appeal to the agency head or designee, as a final step in resolving a complaint;

(c) An agency shall give a displaced person an opportunity to be heard and shall assist in filing a complaint;

(d) An agency's determination on a complaint shall be conveyed to a displaced person in writing within 30 days after receipt;

(e) An agency shall inform a person who has filed a complaint, regarding a right to appeal to the department under sub. (3), when a complaint cannot be resolved internally.

(3) APPEAL TO DEPARTMENT. A displaced person may file an appeal to the department. The department shall:

(a) Receive and consider all relocation complaints filed under this chapter;

(b) Provide a written notice to the displacing agency within five working days of receipt of a complaint, including a copy of the complaint;

(c) Request that an agency or a displaced person provide materials or documentation pertinent to a complaint and shall specify a time to provide the materials;

(d) Promptly notify the parties of a dispute when the department determines that a complaint is unreasonable, including the reasons;

(e) Schedule an informal meeting with the parties when necessary to resolve a dispute. The meeting shall be scheduled as soon as practicable and be held in the county where displacement occurred or another mutually agreed location;

(f) Provide a written determination when necessary to resolve a dispute;

(g) Notify the parties within 90 days after an informal meeting when an acceptable solution cannot be negotiated.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.20 Relocation file. An agency shall maintain a current individual property acquisition and individual relocation case file. The file shall be retained for inspection by the department for a minimum of 3 years following completion of a project or a final relocation payment, whichever is later.

(1) PROPERTY ACQUISITION FILE. An individual 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) Evidence that the property owner was given a pamphlet entitled,"Your Rights as a Landowner under Wisconsin Eminent Domain Law,"and the date given;

(c) A copy of written notices under this chapter or otherwise given to a displaced person;

(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;

(h) Evidence that a property owner was paid for the purchase price and expenses incurred incidental to transfer of the property as specified under s. 32.195, Stats.

(2) INDIVIDUAL RELOCATION CASE FILE. An agency shall develop and maintain an individual case file for a displaced person beginning with information obtained in the initial interview. An individual relocation case file shall include the following:

(a) Name, on−site address and phone number, date of displacement, replacement address and phone number, and if a tenant or an owner, before and after relocation;

(b) 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;

(c) 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;

(d) A description of a dwelling, habitable space, number of rooms and bedrooms, and the type of construction;

(e) A description of relocation needs and preferences;

(f) Evidence that a displaced person received a pamphlet entitled,"Wisconsin Relocation Rights," and the date received;

(g) A copy of a written notice as specified under this chapter or otherwise given to a displaced person;

(h) Relocation service and assistance provided and the date;

(i) Referral to a replacement dwelling, business or farm operation, including the date, address, and sale or rental price;

(j) A copy of an occupancy agreement for the period after acquisition;

(k) A copy of a replacement property inspection document with the inspection date, description of a property and its condition;

(L) Type and amount of each relocation payment made;

(m) A copy of a relocation claim and supporting documentation and related documents for determining eligibility for or an amount of a payment, evidence of payment, and correspondence relating to a claim;

(n) A copy of an appeal and an explanation of the action taken to resolve the appeal, and the final determination;

(o) A copy of individual relocation case reports or other correspondence with the department;

(p) The agency representative who provided relocation assistance.

(3) RECORDS AVAILABLE FOR INSPECTION. Property acquisition and relocation records shall be available for inspection by the department, and any person as specified under the Wisconsin Open Records Law, ss. 19.31 to 19.39, Stats.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Subchapter II — Relocation Plan

Adm 92.24 Purpose. The purpose of a relocation plan is to assure that an agency will provide adequate relocation payments and services and to determine whether displaced persons can be satisfactorily relocated. The department may not approve a relocation plan unless an agency submits evidence and assurances that relocation payments and services provide the following:

(1) Displaced persons shall have an opportunity to occupy comparable, decent, safe and sanitary replacement housing;

(2) Displaced business, farm operation or nonprofit organizations shall have an opportunity to occupy a comparable replacement and shall be assisted in reestablishing with a minimum of delay and loss of earnings;

(3) Prompt and complete relocation payments will be made;

(4) Project and program activities are designed to minimize displacement hardship;

(5) Persons covered under Wisconsin's Open Housing Law shall be assisted to ensure equal opportunity to obtain housing from within a community's total housing supply.

(6) Persons shall receive equal treatment in the relocation process;

(7) Persons shall be given a reasonable time to move, and may not be required to move unless a comparable replacement is provided for or available;

(8) Persons shall receive assistance consistent with needs, including referrals for social service, job and housing counseling, and transportation to available replacement dwellings.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.26 Time of plan submission. (1) AGENCY WITH EMINENT DOMAIN POWER. An agency vested with eminent domain power, or undertaking a project where such power exists, shall file a relocation plan and receive approval in writing from the department before proceeding with initiation of negotiations on any project which may involve displacement of a person.

(2) AGENCY WITHOUT EMINENT DOMAIN POWER. An agency undertaking a project where the power of eminent domain does not exist, shall submit and receive approval of a relocation plan from the department, before a property is acquired for the project, provided:

(a) Any option taken or offer to purchase made by the agency is conditioned upon receipt of relocation plan approval from the department before a property is acquired, and

(b) Tenants who occupy a property and who may be required to move, are contacted by the agency within 7 days after all contingencies have been removed from an option or an accepted offer to purchase. Such contact shall be for the purpose of informing a tenant of any relocation payments and services available and to obtain information for the purpose of preparing a relocation plan.

Note: The purpose of this alternative method of submitting a relocation plan is to ensure that agencies without the power of eminent domain, who are unable to adequately plan for relocation before the project has sufficiently developed to the implementation stage, comply with relocation planning requirements as soon as feasible and before an agency is legally or financially committed to the acquisition of a property where displacement may occur.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (intro.), cr. (2), Register, November, 1989, No. 407, eff. 12−1−89.

Adm 92.28 Contents of relocation plan. A relocation plan shall include the following elements in sufficient detail to assess whether relocation can be satisfactorily accomplished:

(1) PROJECT DESCRIPTION. The name, purpose, location, overall project activity, administrative organization and staffing for relocation assistance, type and occupancy status of displacement property and a timetable for project implementation;

(2) RELOCATION PROGRAM STANDARDS. A statement regarding whether or not local ordinances or regulations establish standards meeting those specified under this chapter for decent, safe and sanitary housing, or whether another regulation requires the agency to provide relocation benefits in excess of those specified under this chapter.

(3) COMPETING DISPLACEMENT. A description and analysis of any other private and public displacement activities in the area which may compete for replacement resources;

(4) RELOCATION FEASIBILITY ANALYSIS. An identification and description of displaced persons, a description of the property occupied, an identification and assessment of available replacement resources, a correlation of replacement resources with a person's needs, financial means, and an estimate of relocation payments;

(5) ALTERNATIVE RELOCATION PLAN. An alternative relocation plan when existing replacement resources are insufficient to meet a person's needs;

(6) RELOCATION ASSISTANCE SERVICE. The relocation services to be provided;

(7) RELOCATION PAYMENT. The procedure for processing a claim to assure prompt and complete payment;

(8) PROPERTY MANAGEMENT. The policy for continued occupancy and eviction;

(9) RELOCATION GRIEVANCE. The procedure for resolving a relocation appeal;

(10) ASSURANCE. A statement by the agency head or designee that persons to be displaced shall be relocated as specified in the approval plan and this chapter;

(11) PROJECT MAP. A map identifying each property to be acquired and the project boundary;

(12) PHOTOGRAPH. A photograph of each improved property to be acquired.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (intro.) and (1), Register, November, 1989, No. 407, eff. 12−1−89.

Adm 92.29 Small projects relocation plan. A small projects relocation plan for projects having less than 3 displacements may be submitted in lieu of a complete relocation plan, and shall consist of items specified in s. Adm 92.28 (1), (4) and (10). A small projects relocation plan shall be submitted in a format approved by the department.

History: Cr. Register, November, 1989, No. 407, eff. 12−1−89; correction made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.30 Data for plan development. An agency shall obtain the following data for plan development:

(1) Information from an interview regarding a person's needs, characteristics, present occupancy and relocation preferences shall form the basis for a plan. Other reliable information may be substituted when a person is unable to provide the information or cannot be contacted after repeated attempts;

(2) Replacement housing, business or farm operations listed in the plan shall be drawn from properties available at the time of plan development. An agency may use reliable data on past sales and rental activity in estimating resources to be available when there are not enough available properties at the time of plan development.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Subchapter III − Relocation Assistance Services

Adm 92.38 General. An agency shall provide relocation assistance to a person as specified under this chapter and commensurate with individual need, whenever the acquisition of property for a project will result in the displacement of a person.
History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.40 Services to be provided. An agency shall provide displaced persons with the following services:

(1) Advice on eligibility requirements and the availability of relocation payments and services;

(2) Advice on rehousing and relocation options based on a personal interview to obtain a person's housing needs and relocation preferences;

(3) Current and continuing information and referral to replacement sales and rental housing, including any government assisted homeownership, rehabilitation or rental housing programs for which a person may qualify;

(4) Current data on security deposit cost, closing cost, typical down payment required, interest rate and financing terms, maps indicating location of schools, churches, parks, playgrounds, shopping facilities and public transportation routes when applicable;

(5) Information on the agency's relocation program and grievance procedure, local ordinances on housing, building codes, fair housing, housing consumer literature, shelter costs, homeownership and family budgeting;

(6) Advice to homebuyers on obtaining mortgage financing or a land contract and submission of offers to purchase, credit report, appraisal and survey. Advice to renters on tenant or lease arrangements, tenant/landlord responsibilities, security deposit practices and rent costs;

(7) Assess replacement property to determine its condition and adequacy, before referral;

(8) Advise displaced persons that they will not have to move unless offered a comparable replacement within a reasonable period before displacement;

(9) Assistance in moving and transferring utility services;

(10) Referrals for employment, training, health, welfare, legal aid, and related programs, when necessary;

(11) Relocation services which result in equal treatment for persons regardless of sex, race, color, handicap, religion, national origin, sex or marital status of a person maintaining a household, lawful source of income, sexual orientation, age, ancestry or a person's status as an owner or tenant;

(12) Ensure that during the time between acquisition and displacement a property occupied by a displaced person is free of any immediate life threatening conditions, unless an existing code requires a higher maintenance standard. An agency may temporarily relocate an occupant as an alternative to correcting such life threatening conditions.

(13) Assistance in preparing and filing a relocation claim;

(14) Consult with a business or farm operator to determine relocation needs and preferences, land and building square footage required, traffic patterns, market demand and retention of existing clientele, replacement cost limitations, employee needs, operating modifications and other factors for successful reestablishment;

(15) Current and continuing information and referrals to suitable commercial replacement sales and rental sites and facilities;

(16) Current data on the cost of comparable property and leased space, growth potential in various areas, industrial sites, zoning ordinances, applicable code restrictions and permit requirements, and other data to assist a person in making an informed decision regarding relocation or discontinuance of a business or farm operation;

(17) Referrals to financial institutions, government agencies, and others offering assistance to business or farm operations;

(18) Referrals and advice to assure that low income and minority persons have equal opportunity in selecting a replacement dwelling from the total housing market, thereby facilitating desegregation and economic and racially inclusive patterns of occupancy. Low income and minority persons shall be informed of housing opportunities outside of low income and minority neighborhoods. An agency shall provide, or secure through contract with fair housing or civil rights groups, affirmative assistance that includes, as a minimum:

(a) Services necessary to familiarize low income and minority persons with nonimpacted neighborhoods including transportation, escort to brokers or rental offices, and counseling and assistance in obtaining available services which may be required;

(b) Services necessary to guard against housing discrimination by a seller, broker, landlord, rental agent, or financial institution on the basis of sex, race, color, handicap, religion, national origin, sex or marital status of a person maintaining a household, lawful source of income, sexual orientation, age or ancestry;

(c) A copy of Wisconsin's Open Housing Law and any applicable local ordinances on fair housing;

(d) Assistance in filing an application or complaint for administrative or judicial relief when housing discrimination is alleged.
History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.42 Fair rental charge. Rent charged to an occupant for use of a property between the date of acquisition and the date of displacement may not exceed the economic rent, the rent paid by a tenant to the former owner or the occupant's financial means if a dwelling, whichever is less. A displaced person shall have rent free use of the property for 30 days beginning with the next first or fifteenth day of the month after title vests in an agency, whichever is sooner.
History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.44 Local relocation office. There shall be a relocation office convenient to public transportation or within walking distance of a project when the needs of displaced persons justify it. The office shall be open during hours convenient to displaced persons, including evening hours when necessary.
History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.46 Termination of relocation assistance. Relocation assistance and services to a displaced person shall continue for 2 years after displacement or until relocation has been completed. An agency shall provide relocation assistance until:

(1) A displaced person moves to a suitable replacement property, or discontinues a business or farm operation, and receives relocation payments;

(2) A diligent effort was made to locate a displaced person whose whereabouts are unknown;

(3) A displaced person moves to not decent, safe and sanitary housing or to a business or farm operation not in compliance with applicable codes, and refuses efforts by an agency to correct deficiencies or accept other referrals;

(4) A displaced person refuses to accept suitable replacement referrals. In the event of continuous refusal to admit an agency representative for relocation assistance, who visits the occupant at convenient times, and has whenever possible, given notice of intention to visit the occupant, an agency shall make a diligent effort to communicate with a person before terminating assistance.
History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Subchapter IV — Relocation Moving Payments

Adm 92.50 General. An agency shall pay a person for the following moving and related expense:

(1) Moving a person and personal property from a displacement property;

(2) Moving a fixture when a person retains ownership provided the fixture is necessary for reestablishment of a business or farm operation and cannot otherwise be replaced within the maximum replacement payment under s. Adm 92.90.

(3) Moving costs, when an acquisition of real property used for a business or farm operation causes a person to vacate a dwelling or other real property not acquired, or in moving personal property from other real property not acquired;

(4) Moving costs for a residence and a business or farm when a person operates a business or farm and also resides on the property.

(5) One move, except the cost of a temporary move and a final move shall be paid when a hardship exists or when approved by an agency.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1), Register, November, 1989, No. 407, eff. 12−1−89; correction in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.52 Standard for actual and reasonable moving expense. (1) ELIGIBLE MOVING EXPENSE. A person who claims a moving payment based on actual and reasonable cost shall be eligible for the following expenses:

(a) Transporting a person and personal property from an acquired site to a replacement site. Transportation expense beyond 50 miles is ineligible, unless an agency determines that a hardship exists or relocation could not be satisfactorily accomplished within this distance. Exception shall be allowed by an agency to the nearest adequate and available site;

(b) Packing, crating, unpacking and uncrating personal property;

(c) Disconnecting, dismantling, removing, reassembling and reinstalling relocated and substitute machinery, equipment, appliances and other items not acquired, including reconnection of utilities to the items, and modification necessary to adapt the property to a replacement structure which is not a substantial real property improvement;

(d) Storage of personal property, except on property owned by a displaced person, for a period not to exceed 12 months unless a longer period is determined necessary by the agency;

(e) Advertisement and obtaining bids for moving;

(f) An insurance premium for the replacement value of property lost or damaged while in storage or transit;

(g) The replacement value of property lost, stolen or damaged in moving, not caused by the fault or negligence of a displaced person, agent, or employee, if insurance coverage was not reasonably available;

(h) A nontransferable license, permit or certification obtained by a displaced person when necessary to reestablish. The cost may not exceed either the cost for one year, or the cost of the remaining useful life of the document, as determined by the issuing authority, whichever is less;

(i) A professional service or consultant fee for planning, moving or installing relocated and substituted property at a replacement location;

(j) Time to prepare an inventory of items to be moved when the agency is unable to perform an inventory;

(k) Relettering a sign and replacement of obsolete stationery;

(L) Direct loss of tangible personal property for a nonresidential displaced person under s. Adm 92.56 (2);

(m) Searching for a replacement location for a business or farm operation under s. Adm 92.56 (3);

(n) The amount actually paid for services in preparing and documenting a claim for a relocation payment or a business loan application not to exceed $100 for a residential occupant or $500 for a business or farm operation;

(o) Related move expenses determined necessary by the agency.

(2) INELIGIBLE MOVING EXPENSE. A person who claims a moving payment based on actual and reasonable cost may not receive payment for the following expenses:

(a) Moving a structure or property improvement acquired as part of the real property;

(b) Additional expense of residing or operating a business or farm operation in a new location except as provided under s. Adm 92.67;

(c) Interest on a loan for moving expense;

(d) Loss of goodwill, clientele, profit, or a trained employee;

(e) Personal injury;

(f) The cost of searching for a replacement dwelling.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1) (g) and (2) (b), Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1) (L), (m), (2) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.54 Moving payment — residential. An agency shall pay a person displaced from a dwelling for the cost of moving the person and personal property as specified under s. Adm 92.52. A person who moves from a primary or seasonal dwelling may claim a payment based on the fixed payment schedule under sub. (2).

(1) ACTUAL AND REASONABLE MOVING EXPENSE. (a) *Commercial move.* An agency shall pay a person the actual and reasonable cost for a commercial move when properly supported by receipts. An agency may pay the mover directly when all parties agree.

(b) *Contract with mover.* An agency shall provide a list of commercial movers to a displaced person and may contract with and pay a mover selected by the displaced person.

(c) *Self−move.* An agency shall pay a person displaced from a dwelling for a self−move when costs are properly supported by receipted bills. The payment may not exceed the estimated cost of a commercial move.

(d) *Cost of moving a person.* The cost of moving a person to a new location may not exceed 20 cents per mile, or a normal rate when commercial transportation is used. Food and lodging are eligible expenses when necessary for the move.

(e) *Cost of moving a mobile home.* An agency shall pay an owner of a mobile home for the actual and reasonable cost to move the mobile home and other personal property, including detaching and reattaching fixtures, utilities and appliances. An occupant of a mobile home may elect to claim under the fixed payment schedule in sub. (2).

(2) FIXED PAYMENT SCHEDULE. An agency shall, in lieu of payment under sub. (1), pay a person a moving expense and dislocation allowance payment based on the following schedule of furnished or unfurnished rooms in a dwelling or seasonal residence, except that one or more additional rooms shall be added for property stored in a basement, attic, garage or outbuilding. The actual moving cost may not be considered in computing a fixed payment, nor is it required that a person document actual cost when claiming a fixed payment.

TABLE 92.54

SCHEDULE OF MOVING EXPENSE AND DISLOCATION ALLOWANCE

(Residential, including mobile home occupants)

Number of Rooms of Furniture	If Occupant Has Furniture	If Occupant Does Not Have Furniture
1	250	225
2	400	260
3	550	295
4	650	330
5	750	365
6	850	400
7	950	435
8	1,050	470
Each Additional Room	100	35

(3) (a) Two or more families, or a family and an unrelated individual, who move to separate dwellings, shall each be reimbursed either on an actual cost basis or on the fixed payment schedule. A fixed payment for each shall be based on the number of rooms occupied by each, plus rooms shared.

(b) Two or more individuals shall be treated as one person for moving cost purposes. There shall be one prorated actual move cost payment based on the actual cost of each person. Two or more individuals who claim under the fixed payment schedule, shall receive one payment based on the total number of rooms occupied. Payment shall be prorated equally among the individuals unless they specify differently.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (intro.), (1) (e), (3) (a) and (b), renum. (2) (intro.) to be (2) and am., r. (2) (a) to (d) and (3) (c), cr. Table 222.54, Register, November, 1989, No. 407, eff. 12−1−89; correction in (intro.) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.56 Moving payment−business. An agency shall pay a displaced business person for actual moving and related expense under sub. (1), actual direct loss of tangible personal property under sub. (2), and actual expense in searching for a replacement business as specified under sub. (3). A displaced business may be eligible for a fixed payment in lieu of actual moving expenses under sub. (4).

(1) ACTUAL AND REASONABLE MOVING EXPENSE. (a) *Commercial move.* An agency shall pay a person for the expense of a commercial move as specified under s. Adm 92.52. The expense shall be supported by receipts and an inventory of the items moved.

(b) *Self−move.* 1. A person shall have the option of taking responsibility for all or a part of the move and being paid an amount equal to the lower of 2 acceptable bids or estimates obtained by the agency or prepared by qualified staff. An agency shall also pay a person for expenses specified under s. Adm 92.52 when not included in a bid or estimate.

2. An agency shall pay a person for actual and reasonable expenses, supported by evidence of expense, when a bid or estimate cannot be obtained or when a large fluctuation in inventory prevents bidding. The following expenses may be included in a self−move in addition to items specified under s. Adm 92.52:

a. A hired truck and equipment;

b. Gas and oil when a vehicle or equipment owned is used in the move and the cost of insurance and depreciation directly allocable to the move;

c. Wages for persons who assist in the move based on hours worked, not to exceed the hourly rate paid by commercial movers in the area;

d. Wages for supervisory personnel who are regular employees for time spent in overseeing the move.

3. An agency may pay a person without obtaining bids or estimates and without supporting evidence of expenses when it is estimated that the cost of the move will not exceed $1,000.

4. A person who self−moves shall certify that the items listed were moved. The inventory of items listed as moved may not deviate to any appreciable extent from the original inventory without a corresponding increase or decrease in the agreed payment. An increase in the payment shall be based on a moved inventory normal to business operations.

(c) *Low value−high bulk property.* The agency shall pay the difference between the estimated sales value and the replacement cost of junk, sand, gravel, metal, or other low value and high bulk property used in the operation, when the estimated cost of moving is disproportionately higher than the value.

(2) DIRECT LOSS OF TANGIBLE PERSONAL PROPERTY. An agency shall 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 expense and sale proceeds shall be supported by receipts or records. Payment shall be determined as follows:

(a) The payment, when an operation is to be reestablished and an item of personal property used in the operation is not moved but replaced with a comparable item at the new location, shall be the lesser of:

1. The replacement cost, minus the net proceeds of the sale. Trade−in value may be substituted for net proceeds when applicable;

2. The estimated cost of moving the item to a replacement site;

(b) The payment, when an operation is to be discontinued or an item is not replaced in a reestablished operation, shall be the lesser of:

1. The difference between the market value of the tangible property for continued use at its location before displacement, less the net proceeds of the sale;

2. The estimated cost of moving the item to a replacement site;

(c) A payment for loss of an item abandoned because it wasn't sold may not be more than its market value for continued use before displacement, or the estimated cost of moving the item, whichever is less, plus the cost of the attempted sale, irrespective of the cost to an agency for removing the item.

(d) An agency shall pay a person for direct loss of tangible property when it is abandoned and no effort was made to sell the property, provided the agency determines a sale was not practicable.

(e) The cost to an agency for removal of tangible property may not be considered an offsetting charge against other relocation payments.

(3) ACTUAL AND REASONABLE EXPENSE IN SEARCHING FOR A REPLACEMENT BUSINESS. An agency shall pay a person for actual and reasonable expense in searching for a replacement business. The expense shall include transportation, food and lodging away from home and the value of time spent in searching, including any fee paid to a real estate agent or broker, providing a commission was not paid to the agent or broker by the seller.

(a) *Receipted bills.* All expense claimed except the value of time spent in searching shall be supported by receipts.

(b) *Time spent in searching.* Payment for time spent in searching may not exceed $30 per hour, unless approved by the agency. A certified statement of time spent, the hourly rate, and the replacement locations considered, shall support a claim.

(c) *Payment amount.* A search payment may not exceed $1,000, unless it is determined by an agency that a greater amount is necessary.

(4) PAYMENT IN LIEU OF ACTUAL AND REASONABLE MOVING EXPENSE. An agency shall pay a person who discontinues or relocates a business, at a person's option, a fixed payment in lieu of actual moving and related expense, and reestablishment expenses under s. Adm 92.67. The fixed payment shall be equal to the average annual net earnings of the business, but not less than $1,000, nor more than $20,000, if the following requirements are met:

(a) *Loss of patronage.* A person is unable to relocate without a substantial loss of existing patronage as specified under s. Adm 92.01 (18). A business shall be assumed to meet the loss of patronage test, unless the agency demonstrates that the business will not suffer a substantial loss of existing patronage, and shall consider the following:

1. The type of business and nature of the clientele may require a location near the displacement property and a suitable replacement site may not be available;

2. The replacement sites may create a significant financial burden on the business not otherwise compensable;

3. A person may incur substantial uncompensated expense, in down−time, the need to borrow additional capital, the allocation of other resources for a new operation, substantial change in method of operation or related expense;

4. A person is unable to relocate to the rental properties available and remain competitive;

5. The age or physical condition of a person or the need to be near a residence may make reestablishment of the business impractical.

(b) *Number of businesses.* The business is not part of a commercial enterprise having more than 3 other establishments not being displaced and engaged in the same or similar business under the same ownership.

(c) *Rental business.* The business is not operated at the displacement dwelling or site solely for the purpose of renting to others.

(d) *Payment determination.* The payment shall be based on the average annual net earnings of the business as specified under s. Adm 92.01 (3).

(e) *In business less than 2 years.* A business in operation for less than 2 years, shall qualify for a payment. The payment shall be based on a 12 consecutive month period, or by dividing the net earnings by the number of months in operation when operated less than 12 consecutive months.

(f) *Owner verification of income.* A business owner shall verify net earnings if claiming a payment in excess of $1,000. Income tax records shall be acceptable evidence of earnings.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1) b. 1., (4) (intro.) and (a) 1. and (b), renum. (4) (c) to (e) to be (4) (d) to (f) and am. (4) (f), cr. (4) (c), Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1) (a), (b) 1., 2. (intro.), (4) (intro.), (a) (intro.), (d) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.58 Optional move payment — business. (1) GENERAL. An agency shall pay a person who moved and was paid a moving expense as specified under s. Adm 92.56 (1), (2) or (3), a payment−in−lieu under s. Adm 92.56 (4) provided the business suffers a substantial loss of patronage and discontinues the business within 2 years of the date of payment for moving expense.

(2) COMPUTATION OF PAYMENT. The optional move payment shall be the difference, if any, between the payment−in−lieu as specified under s. Adm 92.56 (4) and the moving payment received.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.60 Moving payment — farm operation. (1) GENERAL. An agency shall pay a person displaced from a farm operation for actual moving and related expense, direct loss of tangible personal property, and actual expense in searching for a replacement farm operation, as specified under s. Adm 92.56 (1), (2) and (3).

(2) PAYMENT IN LIEU OF ACTUAL AND REASONABLE MOVING EXPENSE. An agency shall pay a person who discontinues or relocates a farm operation, at the person's option, a fixed payment in lieu of actual moving and related expense and reestablishment expenses under s. Adm 92.67. The fixed payment shall be equal to the average annual net earnings of the farm operation, but not less than $1,000, nor more than $20,000, if the following requirements are met:

(a) *Entire farm affected.* The entire farm operation is discontinued or relocated; or

(b) *Partial acquisition.* A farm operation shall be eligible in a partial taking, when:

1. The property remaining after the acquisition is no longer an economic unit for the same type of farm operation;

2. The acquisition caused displacement of a person from a farm operation on the remaining land; or

3. The acquisition caused substantial change in the nature of the farm operation.

(c) *Payment determination.* The payment shall be based on the average annual earnings of a farm operation as specified under s. Adm 92.01 (3).

(d) *In operation less than 2 years.* A farm in operation for less than 2 years shall qualify for a payment. The payment shall be based on a 12 consecutive month period, or by dividing the net earnings by the number of months in operation when operated less than 12 consecutive months.

(e) *Owner verification of income.* The farm operator shall verify net earnings if claiming a payment in excess of $1,000. Income tax records shall be acceptable evidence of earnings.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (2) (intro.), (b) 2. and (e), Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1), (2) (intro.), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.62 Moving payment — nonprofit organization. (1) GENERAL. An agency shall pay a displaced nonprofit organization for actual moving and related expense, direct loss of tangible personal property, and actual expense in searching for a replacement facility, as specified under s. Adm 92.56 (1), (2) and (3).

(2) PAYMENT IN LIEU OF ACTUAL MOVING EXPENSE. An agency shall pay a discontinued or relocated nonprofit organization at the organization's option, a fixed payment in lieu of actual moving and related expense and reestablishment expenses under s. Adm 92.67. The fixed payment shall be equal to the average annual difference between gross revenues and administrative expenses for the 2 year period before displacement, but not less than $1,000, nor more than $20,000, if the organization is unable to relocate without a substantial loss of existing membership or clientele. A nonprofit organization is assumed to meet this test unless the agency demonstrates otherwise.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (2), Register, November, 1989, No. 407, eff.12−1−89; corrections made under s. 13.93 (2m) (b) 7.,

Stats., Register, April, 1996, No. 484; **correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.64 Moving payment — outdoor advertising sign. (1) GENERAL. An agency shall pay a person displaced from an outdoor advertising sign for actual moving and related expense, direct loss of tangible personal property, and the actual expense in searching for a replacement site as specified under s. Adm 92.56 (1), (2) and (3).

(2) SIGN MUST BE CONFORMING. An agency may not pay a claim for moving expense when a sign is relocated to a site in violation of law.

(3) SIGN A PART OF OTHER DISPLACED BUSINESS. The requirements in this section do not apply to an advertising sign owned by and located on a business or farm operation being displaced. The sign, including a sign eligible under s. Adm 92.50 (3), are considered items of the business or farm operation and shall be included as part of the moving expense payment.

(4) DIRECT LOSS OF PERSONAL PROPERTY. An agency shall pay a person for direct loss of tangible property when a person does not relocate a sign. The payment shall be the depreciated reproduction cost of the sign as determined by the agency or the estimated cost of moving the sign, whichever is less.

(5) PAYMENT IN LIEU OF ACTUAL AND REASONABLE MOVING COSTS. At the person's option, an agency shall pay a person who discontinues or relocates an outdoor advertising sign, a fixed payment in lieu of actual moving and related expenses and reestablishment expenses under s. Adm 92.67. The fixed payment shall be equal to the average annual net earnings of the sign, but not less than $1,000 nor more than $20,000, if the person meets the loss of patronage requirement under s. Adm 92.56 (4) (a).

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; cr. (5), Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1), (3), (5) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.66 Multiple occupants of a property. An agency shall, in determining whether more than one business or farm is eligible for relocation payments, consider all pertinent factors including the extent to which:

(1) The same facilities and equipment are shared;

(2) Substantially identical or interrelated business or farm functions are carried out and financial affairs are commingled;

(3) The entities are held out to the public, and to those customarily dealing with them, as one operation;

(4) The same person, or closely related persons own, control or manage the affairs of the entities.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86.

Adm 92.67 Reestablishment expenses—non residential moves. (1) GENERAL. In addition to the payments available under s. Adm 92.56 (1), (2), and (3), a business, farm or nonprofit organization may be eligible to receive a payment, not to exceed $10,000, for expenses actually incurred in relocating and reestablishing at a replacement site.

(2) ELIGIBLE EXPENSES. Reestablishment expenses may include, but are not limited to the following reasonable and necessary costs, as determined by the displacing agency:

(a) Repairs or improvements to the replacement real property as required by applicable federal, state or local codes or ordinances.

(b) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.

(c) Construction and installation costs for exterior signing to advertise the business.

(d) Provision of utilities from the right−of−way to improvements on the replacement site.

(e) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, panelling, or carpeting.

(f) Licenses, fees and permits when not paid as part of moving expenses.

(g) Feasibility surveys, soil testing and marketing studies.

(h) Advertisement of the replacement location.

(i) Professional services in connection with the purchase or lease of a replacement site.

(j) Increased costs of operation during the first 2 years at the replacement site for lease or rental charges, personal or real property taxes, insurance premiums, or utility charges.

(k) Impact fees or one−time assessments for anticipated heavy utility usage.

(L) Other items that the agency considers essential for reestablishment of the business.

(3) INELIGIBLE EXPENSES. Reestablishment expenditures that are not considered to be reasonable and necessary relocation costs include the following nonexclusive list:

(a) Purchase of capital assets, such as office furniture, filing cabinets, machinery or trade fixtures.

(b) Purchase of manufacturing materials, production supplies, product inventory or other items used in the normal course of business operations.

(c) Interior or exterior renovations at the replacement site which are for aesthetic purposes, except as provided in sub. (2) (e).

(d) Interest on money borrowed to make the move or purchase the replacement property.

(e) Payment to a part−time business in the home which does not contribute materially to the household income.

(4) LIMITATIONS. A person shall be eligible for reasonable and necessary reestablishment expenses, as determined by the agency, if such expenses are not otherwise paid as part of a replacement business or farm payment under s. Adm 92.90. A person who is eligible to receive a replacement business or farm payment of at least $10,000 under s. Adm 92.90 is not eligible for reestablishment expenses under this section, except for items in sub. (2) (c), (d), (f), (h), (k) and (L).

History: Cr. Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; am. (2) (c), (h) and (j), r. (3) (f), Register, March, 1997, No. 495, eff. 4−1−97; **correction in (1), (4) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Subchapter V — Replacement Housing Payment

Adm 92.68 General. This section describes the general requirements for a replacement housing payment to a person displaced from a dwelling. A person is not required to relocate to the same owner or tenant occupancy status, but has other options as specified under this subchapter. An agency shall make one replacement payment for each dwelling unit, except in the case of joint occupancy of a single family dwelling as specified under sub. (7) (d).

(1) ELIGIBILITY REQUIREMENTS. (a) *Persons who meet length of occupancy requirements.* An owner or tenant occupant displaced from a dwelling shall be eligible for a replacement housing payment under this subchapter, if the person occupied the dwelling 180 days before initiation of negotiations if an owner, or 90 days if a tenant, except that a 90−day owner may qualify for a tenant replacement payment.

(b) *Persons who do not meet length of occupancy requirements.* A person who occupies real property before its acquisition, but does not meet the length of occupancy requirements in par. (a), may receive a payment equal to the difference between 30% of the person's average monthly income and the monthly housing costs of a replacement dwelling, for a period of 48 months, if a replacement rental is not otherwise available within 30% of the person's average monthly income.

(2) DELAYED OCCUPANCY FOR CONSTRUCTION AND REHABILITATION. A person who contracts for the construction or rehabilitation of a replacement dwelling, but cannot occupy it within the time period as specified under s. Adm 92.70 (1) (b), shall be considered to have purchased and occupied the dwelling as of the date of the contract. A replacement payment may be deferred until occupancy, provided the agency makes payment into an interest−bearing escrow account for release to a person upon occupancy. An agency may pay the person before occupancy provided the agency is assured that occupancy will occur.

(3) PRIOR OWNERSHIP OF REPLACEMENT DWELLING OR LAND. An agency shall make a replacement payment to a person based on a dwelling or site owned by the person before acquisition, if the person occupies the replacement within the time limit as specified under s. Adm 92.70 (1) (b), and the dwelling is decent, safe and sanitary. The fair market value of the land and the dwelling at the time of displacement shall be used as the actual cost in determining the payment.

(4) HOUSING INSPECTION. (a) *Person moves to decent, safe and sanitary.* An agency shall make a replacement payment to a person after finding a replacement to be decent, safe and sanitary as specified under s. Adm 92.04.

(b) *Person moves to non−decent, unsafe or unsanitary.* 1. An agency shall assist in correcting deficiencies and, when necessary, refer a displaced person to other decent, safe and sanitary housing, before terminating assistance or denying a replacement housing payment.

2. An agency shall notify a displaced person in writing within 10 days of an inspection regarding deficiencies to be corrected to receive payment, and shall make the payment when deficiencies are corrected, or a person moves to another decent, safe and sanitary dwelling.

(5) STATEMENT OF ELIGIBILITY TO A LENDER. An agency, upon request of a person to be relocated, shall inform an interested person or mortgage lender that the person shall be eligible for a replacement payment upon the purchase or rent and occupancy of a decent, safe and sanitary dwelling within the applicable time limit.

(6) ADVANCE PAYMENT IN A CONDEMNATION CASE. An agency shall promptly pay a replacement housing payment. An advance payment shall be made when an agency determines the acquisition payment will be delayed because of condemnation proceedings. An agency's maximum offer shall be used as the acquisition price for calculating the payment. The payment shall be contingent on a person signing an affidavit of intent that:

(a) The agency shall re−compute a replacement payment using the acquisition amount set by the court;

(b) The person shall refund to an agency the excess amount from the judgment when the amount awarded as the acquisition amount plus the advance payment exceeds the amount actually paid for a replacement or an agency's determined cost of a comparable replacement. A person is not required to refund more than the advance payment. A payment shall be made after condemnation proceedings are completed when a person does not sign an affidavit.

(7) CARVE−OUT AND MODIFICATION OF REPLACEMENT PAYMENT COMPUTATION. (a) *Complete acquisition.* 1. Typical size lot. The maximum replacement payment shall be the selling price of a comparable dwelling on a lot typical for the area, less the price of the acquired dwelling and the site, when a dwelling is located on a lot typical for the area.

2. Larger than typical size lot. The maximum replacement payment shall be the price of a comparable dwelling on a lot typical for the area, less the price of the acquired dwelling plus the price of that portion of the acquired land which represents a lot typical for the area, when the acquired dwelling is located on a lot size larger than typical for the area.

(b) *Partial acquisition.* 1. Typical size lot. The maximum replacement payment shall be the selling price of a comparable dwelling on a lot typical for the area, less the value of the entire property, when an acquired dwelling is located on a lot typical for the area. An agency may purchase the remainder of the lot when requested by an owner.

2. Larger than typical size lot. The maximum replacement payment shall be the selling price of a comparable dwelling on a lot typical for the area, less the value of that portion which represents the homesite lot typical for the area, when the dwelling is located on a lot larger than typical for the area. An agency may purchase the remainder of the lot when requested by an owner.

3. Remainder property. If a buildable residential lot or an uneconomic remnant remains after a partial taking and the owner of the remaining property refuses to sell the remainder to the agency, the market value of the remainder may be added to the acquisition cost for the purposes of computing the payment.

Note: Under ss. 32.05 (3m) and 32.06 (3m), Stats., an agency is required to offer to purchase a remainder if it is an uneconomic remnant.

(c) *Dwelling on land with higher and better use.* The maximum replacement payment shall be the selling price of a comparable dwelling on a lot typical in the area, less the price of the acquired dwelling, and the price of that portion which represents a lot typical for residential use in the area, when the market value is based on a higher and better use then residential.

(d) *Multiple occupancy of a dwelling.* 1. An agency shall make one replacement payment when there are 2 or more families occupying a dwelling, except when there is no comparable dwelling available. A replacement payment shall be paid to each family when a comparable is not available. The payments shall be based on housing comparable to that occupied by each family plus space shared by other persons. The acquisition price or rent used for payment computations shall be the amount each person receives from the total property acquisition payment, or when tenants, the amount each pays toward the total rent.

2. Two or more individuals who occupy a dwelling unit, shall be considered as one person for a replacement payment. An agency shall pay individuals a pro rata share of one payment, based on a comparable dwelling, regardless of whether the individuals relocate together or separately, except that payment shall be made to persons moving to decent, safe and sanitary housing.

(e) *Joint residential and business use.* 1. An agency shall make a replacement housing payment to a person displaced from a dwelling separately from a payment required for a business or farm on the same property.

2. An agency shall compute a replacement housing payment for a person who occupied one unit of a multi−family or a mixed−use property provided:

a. The comparable property shall be the same as a property acquired. For example, a comparable shall be a triplex when the acquired property is a triplex. Dwellings of the next lower density shall be used when there is no comparable. A single−family dwelling shall be used as the comparable for a person's dwelling when there are no comparable multi−family or mixed−use dwellings;

b. The carve−out value of the dwelling shall be used for a replacement housing determination, not the market value of an entire property. A replacement housing payment is the difference, if any, between the value of the acquired dwelling unit and the value of a comparable dwelling unit in the most comparable property.

(8) NONPROFIT ORGANIZATION. A nonprofit organization or a religious society which meets the eligibility requirements applicable for a residential tenant or owner shall be eligible for a replacement housing payment under this subchapter. A nonprofit organization or religious society eligible for and claiming a replacement business payment under this subchapter may not receive a payment under subch. VI.

(9) PAYMENT AMOUNT. A differential payment, an increased interest payment and an incidental expense payment may not exceed $25,000 for a 180−day owner−occupant, and a rent differential or downpayment may not exceed $8,000 for a 90−day occupant, except for the following:

(a) An agency may exceed the amounts in sub. (9) if necessary to obtain a comparable replacement dwelling;

(b) An agency may provide assistance in addition to that required in sub. (9) if a comparable dwelling is unavailable within a person's financial means. The additional assistance may include one or more of the following methods:

1. A replacement payment in excess of the amounts in sub. (9);

2. An offer of government assisted housing which is available and adequate for the needs of the displaced person;

3. Rehabilitation of or addition to an existing dwelling;

4. Provision of a direct loan requiring regular amortization or a deferred repayment;

5. Relocation and rehabilitation of a dwelling;

6. Purchase of land or a replacement dwelling by the displacing agency with subsequent sale or lease back to, or exchange with, a displaced person;

7. Construction of a new dwelling.

8. Change in occupancy status of the displaced person from tenant to homeowner when it is more cost effective to do so.

(c) An agency may limit payment to the amount necessary to relocate to a comparable replacement within one year from the date the person is paid for the displacement dwelling, or one year from the date the person is initially offered a comparable replacement dwelling and advised of replacement payment entitlements, whichever is later.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; renum. (1) to be (1) (a) and am., cr. (1) (b), (9) (b) 8. and (c), am. (3), Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; am. (9) (b) (intro.), Register, March, 1997, No. 495, eff. 4−1−97; **correction in (2), (3), (4) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.70 180−day owner who purchases. An agency shall pay an owner−occupant of a dwelling who purchases a replacement, a payment for the differential cost to purchase a comparable dwelling, for the loss of favorable financing on an existing mortgage or land contract in financing a replacement dwelling, and for expense incidental to the purchase. A payment shall be determined as follows:

(1) ELIGIBILITY REQUIREMENTS. A displaced person shall be eligible for a payment when the person:

(a) Owns and occupies the property for not less than 180 days immediately before the date of initiation of negotiations for the acquisition of the property, or the date of vacation when given a notice of intent to acquire, whichever is earlier;

(b) Purchases and occupies a decent, safe and sanitary replacement dwelling within one year from the date the owner received final payment for the acquired property or the date the owner vacates the acquired property, or an extended date established by the agency for good cause, whichever is later. For the purpose of this section a replacement dwelling is purchased when a person:

1. Acquires an existing dwelling;

2. Relocates or rehabilitates a dwelling owned or acquired;

3. Purchases a life estate in a retirement facility;

Note: The cost shall be the entrance fee plus the present worth of a monetary commitment in a retirement facility to the facility, but may not include a periodic service charge;

4. Contracts to build or builds a new decent, safe and sanitary dwelling on a site owned or acquired.

Note: Construction cost, including the value of labor furnished by a displaced person, shall be limited to that cost necessary to purchase a comparable dwelling.

(2) DIFFERENTIAL AMOUNT PAYABLE. A differential amount payable is an amount, if any, when added to the acquisition payment for an acquired dwelling, equals an amount a person pays for a replacement, or an amount determined by an agency as necessary to purchase a comparable replacement, whichever is less. A replacement payment shall include the cost to modify a property to meet comparable standards or code requirements.

(3) SELECTION AND COST OF COMPARABLE AND ACTUAL REPLACEMENTS. An agency shall determine the cost of a comparable replacement by analyzing 3 or more comparable replacement dwellings, and selecting the one that is the most comparable. Fewer may be analyzed if 3 are not available.

(a) An agency may adjust the asking price of the selected comparable if considered justified on the basis of local market conditions. The agency's relocation plan shall specify if adjustments will be made for the project, the basis for this determination and the method of adjustment to be used.

(b) The cost of physical changes or improvements necessary to meet comparable standards in the selected comparable or the actual replacement shall be included in the maximum replacement payment.

(c) An agency shall select comparable dwellings from the neighborhood of a displaced person provided the area is not designated for governmental acquisition and displacement, or subject to adverse environmental conditions.

(d) An agency shall select comparable dwellings from adjacent or nearby neighborhoods in ascending order of cost when there are no comparable dwellings in the neighborhood of a displaced person.

(e) An agency, to promote racially integrated housing, may select comparable dwellings from an adjacent or nearby neighborhood having less concentrated racial composition, when desired by a displaced minority person.

(f) The selected comparable shall be equal to or better than the acquired property and a payment shall be based on new construction when there is no comparable dwelling available.

(4) REVISION TO SELECTED COMPARABLE AMOUNT. An agency, upon request of a displaced person, shall offer a comparable dwelling within the maximum differential amount determined. Another comparable study shall be made to determine a new replacement payment when there is no comparable dwelling available except the new replacement payment may not be less than the original payment.

(5) INCREASED INTEREST PAYMENT. (a) *General.* An agency shall pay a displaced person for the increased interest expense and other debt service costs incurred in financing the purchase of a comparable replacement dwelling, if:

1. The acquired dwelling was encumbered by a bona fide mortgage or land contract;

2. The mortgage or land contract was executed in good faith not less than 180 days before initiation of negotiations to purchase the property;

3. All bona fide mortgages or land contracts that were valid liens on the displacement dwelling for at least 180 days before initiation of negotiations on the acquired dwelling shall be used to compute the increased interest payment.

(b) *Payment computation.* The increased interest payment shall be computed as follows:

1. The interest payment shall be an amount which will reduce the mortgage balance on the replacement dwelling to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage or mortgages on the displacement dwelling, except that the payment for a person obtaining a mortgage that is less than the mortgage balance computed in the buydown determination, shall be prorated and reduced accordingly. In the case of a home equity loan, the unpaid balance shall be that balance which existed 180 days before the initiation of negotiations or the balance on the date of acquisition, whichever is less.

2. The amount paid by a person as points, loan origination or assumption fees, but not seller's points, shall be based on the amount refinanced, not exceeding the amount which would have been paid had the original mortgage been refinanced, and shall be added to the amount as specified under subd. 1. The origination or assumption fee shall be limited to the fee normal for real estate transactions in the area.

(c) *Interest rate on replacement dwelling mortgage.* The interest rate on the mortgage for a replacement dwelling used in the computation may not exceed the rate typically charged by mortgage lenders in the area.

(d) *Mortgage term.* The payment shall be based on the remaining term of the mortgage or mortgages on the displacement dwelling regardless of the term on the new mortgage.

(e) *Adjustment to interest payment amount.* 1. Larger than typical size lot. The interest payment shall be reduced to the percentage ratio that the value of the typical residential portion is to the value of the entire property before acquisition, when a dwelling is located on a lot larger than typical for the area.

2. Multi−use property. The interest payment on multi−use property shall be reduced to the percentage ratio that the residential value of the multi−use property is to the value of the entire property before acquisition.

3. Dwelling on land with higher and better use. An agency shall compute an interest payment as specified under par. (b) when a dwelling is located on land where the fair market value is established on a higher and better than residential use, and when the mortgage is based on residential value. The interest payment shall be reduced to the percentage ratio that the estimated residential value of the land is to the value of the entire property before acquisition, when the mortgage is based on the higher use.

(f) *Prompt payment.* An agency shall advise a displaced person of the approximate amount of a refinancing payment as soon as the facts relative to a person's current mortgages are known. If requested by the displaced person, the refinancing payment shall be made available at or near the time of closing on the replacement to permit reduction of the new mortgage amount.

(6) INCIDENTAL EXPENSE PAYMENT. An agency shall pay a person for actual and reasonable expense incurred incidental to the purchase of a replacement dwelling. The payment shall include the following:

(a) Legal, closing and related cost including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats and recording fees;

(b) Lender, appraisal or application fees, and loan origination or assumption fees that do not represent prepaid interest;

(c) Certification of structural soundness;

(d) Credit reports;

(e) Owner or mortgagee title insurance policy or abstract of title;

(f) Escrow agent fee;

(g) Other expense approved by an agency.

Note: The payment may not include a prepaid expense (e.g. taxes, water, fuel) or fee, cost, charge or expense which is part of a debt service or finance charge under 15 USC 1631−1641 and Regulation Z issued pursuant thereto by the board of governors of the federal reserve system.

(7) OWNER−OCCUPANT RETAINS DWELLING. An owner−occupant may purchase the property back from an agency and move it to another location following receipt of payment for the acquired property, and when not inconsistent with project development. The replacement payment shall be determined as follows:

(a) *Amount payable.* The payment shall be the amount, if any, between the acquisition price and the cost to relocate the dwelling. The cost to relocate shall include the purchase−back price, the cost to acquire and develop a new site, or when moved to retained land, the market value of the residential lot, installing utility service, constructing a foundation, moving the dwelling, restoring it to comparable standards and other moving costs.

(b) *Limitation.* The differential payment under this subsection may not exceed the amount necessary to purchase a comparable replacement dwelling as specified under sub. (3), plus any increased interest or incidental expense payment due under subs. (5) and (6).

(8) REPLACEMENT PAYMENT CONVERSION. An agency shall pay a person as specified under this section. A replacement payment for a prior move to a rental unit shall be deducted from the amount payable under this section. The combined payment may not exceed $25,000, unless a person is eligible for a payment in excess of $25,000 under s. Adm 92.68 (9).

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1) (b) (intro.), (5) (a) and (b) and (6) (b), r. and recr. (5) (d), cr. (5) (f), Register, November, 1989, No. 407, eff. 12−1−89; correction in (8) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (8) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.72 180−day owner who rents. (1) GENERAL. An agency shall pay a person who rents a replacement dwelling, and is eligible for a replacement payment as specified under s. Adm 92.68 (1), a rental assistance payment not to exceed $8,000 for 4 years.

(2) COMPUTATION OF PAYMENT. The payment shall be computed as specified under s. Adm 92.78, except the economic rent of the acquired dwelling shall be used to compute the payment.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (2), Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.74 90−day owner or tenant who purchases. (1) GENERAL. An agency shall pay a person who has occupied a dwelling for not less than 90 days before initiation of negotiations, an amount up to $8,000 for a downpayment on the purchase of a replacement dwelling and reimbursement for expenses incidental to purchase.

(2) COMPUTATION OF DOWN PAYMENT AND INCIDENTAL COST. (a) An agency shall pay a person a downpayment assistance payment equal to a rental assistance payment computed as specified under s. Adm 92.78.

(b) An amount required to be paid by a person for incidental cost as specified under s. Adm 92.70 (6), shall be added to the amount as specified under par. (a).

(c) An agency shall pay a person who purchases and occupies a decent, safe and sanitary dwelling within one year after the date the person moves from the dwelling or the date the person receives payment for the acquired property, whichever is later. The agency may extend this period for good cause.

(3) LIMITATION. (a) An agency may require that the full amount of the downpayment assistance payment be applied to the purchase price of the replacement dwelling or related incidental expenses, except that an agency may pay the downpayment assistance directly to a displaced person upon reasonable assurance that the displaced person will apply the payment toward replacement housing costs.

(b) A downpayment assistance payment to a 90−day owner may not exceed the amount the owner would have received if eligible under the 180−day occupancy provisions.

(c) An owner eligible for a payment as a 180−day owner under s. Adm 92.70 is ineligible for a downpayment assistance payment under this section.

(4) OWNER RETAINS DWELLING. An agency shall pay a person who retains and moves an acquired dwelling, a replacement payment as specified under s. Adm 92.70 (7), except the amount may not exceed $8,000.

(5) REPLACEMENT PAYMENT CONVERSION. An agency shall pay a person as specified under this section. A replacement payment for a prior move to a rental unit shall be deducted from the amount

payable under this section. The combined payment may not exceed $8,000, unless a person is eligible for a payment in excess of $8,000 under s. Adm 92.68 (9).

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1), (2) (a) and (3), r. (2) (b), renum. (2) (c) and (d) to be (2) (b) and (c) and am., Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (2) (a), (b), (3) (c), (4), (5) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.76 90−day owner who rents. (1) GENERAL. An agency shall pay a person who has occupied a dwelling for not less than 90 days before initiation of negotiations, a rental assistance payment not to exceed $8,000 for 4 years.

(2) COMPUTATION OF PAYMENT. The payment shall be computed as specified under s. Adm 92.78, except the economic rent of the acquired dwelling shall be used to compute the payment.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; corrections in (2) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.78 90−day tenant who rents. An agency shall pay a person who has occupied a displacement dwelling for not less than 90 days before initiation of negotiations, for the increased cost to rent a comparable dwelling as specified under this section. A rental assistance payment shall not exceed $8,000 unless a person is eligible for a greater payment under s. Adm 92.68 (9).

(1) ELIGIBILITY REQUIREMENT. A person shall be eligible for a payment when the person:

(a) Occupies a dwelling for not less than 90 days immediately before the date of initiation of negotiations for a property which is subsequently acquired or affected by displacement and;

(b) Rents and occupies a decent, safe and sanitary replacement dwelling within one year of the date of vacation. The agency may extend this period for good cause.

(2) RENT DIFFERENTIAL PAYMENT. An agency shall pay a person who rents a replacement dwelling, 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 dwelling or the actual replacement rent.

(3) PREFERRED REPLACEMENT HOUSING TENURE. The agency shall assist a person relocate to original tenancy status or, at a person's option, purchase a replacement using the downpayment assistance provisions under s. Adm 92.80.

(4) PAYMENT COMPUTATION. To compute a payment, an agency shall determine the base monthly rent, the rent of a comparable dwelling and the rent paid for the replacement as follows:

(a) *Base monthly rent.* The base monthly rent shall be:

1. The average monthly rent and utilities paid by the tenant−occupant, including a rent supplement provided by another person except when the supplement will be discontinued after relocation, for a 3 month period before initiation of negotiations, or a more representative period; or

2. The economic rent when the actual rent is insignificant in relation to market rents for similar dwellings in the area.

3. The agency may establish the base monthly rent by using a person's financial means as specified under s. Adm 92.01 (20) in lieu of the rent specified in subd. 1. or 2. If the person refuses to provide appropriate evidence of income or is a dependent, the base monthly rent shall be established as specified in subd. 1. or 2. A full time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise.

(b) *Determine rent of a comparable dwelling.* The agency shall determine the rent of a comparable dwelling using the selection procedures specified under s. Adm 92.70 (3) and (4).

(5) COMPARABILITY OF RENT FACTORS. Rental cost factors such as utilities, furnishings, parking and others, shall be the same for the acquired dwelling and the comparable or replacement dwelling. However, rental factors in the comparable property which must be paid by the displaced person shall be included in the payment regardless of whether or not they existed in the acquired dwelling.

(6) CHANGE OF OCCUPANCY. A person who, after moving to a decent, safe and sanitary dwelling, moves to a higher rent dwelling within one year, may be eligible for an amount in excess of the original claim but not to exceed the amount necessary to rent a comparable replacement dwelling.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (intro.) (1) (a) and (b), (2) and (4) (intro.), cr. (4) (a) 3., Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (intro.), (3), (4) (a) 3., (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.80 90−day tenant who purchases. (1) GENERAL. An agency shall pay a tenant occupant of a dwelling who purchases a replacement and who is eligible under s. Adm 92.78 (1) (a), a payment not to exceed $8,000 for a downpayment on the purchase of a comparable replacement dwelling plus incidental expenses under s. Adm 92.70 (6).

(2) COMPUTATION OF PAYMENT. The payment shall be computed as specified under s. Adm 92.74.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1), Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.82 Mobile home — general. A person who is a tenant or an owner of a mobile home shall meet the same eligibility requirements and is entitled to the same replacement payment provisions applicable for a person displaced from a conventional dwelling, except as specified under this section. The ownership or tenancy of the mobile home, not the land on which it is located shall determine a person's status as an owner or tenant occupant. The length of ownership and occupancy of the mobile home in a mobile home park, or on the site, determines a person's status as an 180−day owner or a 90−day owner or tenant.

(1) PERMANENT FOUNDATION. An agency shall treat a person who owns and occupies a mobile home on a permanent foundation the same as a person displaced from a conventional dwelling, except the selected comparable shall be a mobile home and site.

(2) NON−PERMANENT FOUNDATION. (a) An agency shall treat a person who owns and occupies a mobile home not on a permanent foundation on land a person owns or rents, the same as a person displaced from a conventional dwelling, provided one of the following conditions exist:

1. The mobile home is not decent, safe and sanitary as specified under s. Adm 92.04;

2. The mobile home, because of its condition, cannot be moved without substantial damage or cost;

3. There is no adequate or available site to move the mobile home.

(b) The acquisition price for the purpose of computing a replacement housing payment shall be the trade−in or salvage value of the mobile home, when the mobile home is not acquired by the agency.

(3) COMBINED PURCHASE AND SITE RENTAL PAYMENT. An agency shall pay a person who owns and occupies a mobile home and rents the site, a payment for the increased cost to rent a comparable mobile home site or the necessary downpayment on the purchase of a comparable mobile home site, in addition to the amount necessary to purchase a comparable mobile home as specified under this chapter.

(4) MOBILE HOME PARK FEE. An agency shall include a fee in the replacement or rental assistance payment, when a person is required to pay a fee to enter a mobile home park provided the fee is legally permitted and is not returnable to a person.

(5) PARTIAL ACQUISITION OF MOBILE HOME PARK. A person occupying a mobile home who is required to move from the mobile home park as a result of partial acquisition and displace-

ment of the park operator, shall be a displaced person under this section.

(6) COMPARABLE BASED ON CONVENTIONAL HOUSING. A replacement payment shall be based on a conventionally built comparable dwelling when there is no comparable mobile home available.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; correction in (2) (a) 1., made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (2) (a) 1. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.84 180−day mobile home owner. (1) GENERAL. An agency shall pay a person who has owned and occupied a mobile home for not less than 180 days for the following:

(a) A differential amount to purchase a replacement as specified under this section and s. Adm 92.70 (1), (2), (3), and (4);

(b) An increased interest payment on an existing mortgage or land contract as specified under s. Adm 92.70 (5);

(c) An incidental expense payment as specified under s. Adm 92.70 (6);

(d) A rental assistance payment as specified under this section and s. Adm 92.72;

(2) ACQUISITION OF MOBILE HOME AND SITE. (a) An agency shall pay a person an amount, if any, when added to the payment for the acquired mobile home and site, equals an amount a person pays for a replacement, or an amount determined by an agency as necessary to purchase a comparable mobile home and site, whichever is less.

(b) An agency shall pay a person who rents a replacement mobile home and site, a rental assistance payment as specified under s. Adm 92.72. The monthly rent for a replacement computation shall be the economic rent for the acquired mobile home and site.

(3) ACQUISITION OF SITE ONLY. (a) An agency shall pay a person, when only the site is acquired and the mobile home is moved, an amount, if any, when added to the payment for the site, equals the amount a person pays for a replacement site or an amount determined by an agency as necessary to purchase a comparable site, whichever is less.

(b) An agency shall pay a person who rents a replacement site, a rental assistance payment as specified under s. Adm 92.72. The economic rent for the site being acquired shall be used to compute the payment.

(4) ACQUISITION OF MOBILE HOME ONLY — OWNER RENTS SITE. (a) An agency shall pay a person who owns and occupies a mobile home but rents the site, a replacement housing payment when only the mobile home is acquired. Payment shall be the amount, if any, when added to the payment for the mobile home, equals the lesser of the following:

1. The amount a person pays for a replacement dwelling and site;

2. The amount determined by an agency as necessary to purchase a comparable dwelling plus the difference, if any, between the rent for the acquired site and the replacement rent, or an amount necessary to rent a comparable mobile home site, whichever is less, for 48 months.

(b) An agency shall pay a displaced person who purchases a replacement site, a downpayment assistance payment as specified under s. Adm 92.74.

(c) An agency shall pay a person who rents a replacement mobile home and site, a payment as specified under s. Adm 92.78, except the base rent shall be the economic rent of the mobile home and the actual rent of the site.

(5) ACQUISITION OF RENTED SITE ONLY — MOBILE HOME NOT ACQUIRED. (a) An agency shall pay a person who owns and occupies a mobile home to be moved from a rented site, a payment not to exceed $8,000, for the difference, for 48 months, if any, between rent for the acquired site and the monthly rent for a comparable site, or the rent for a replacement site, whichever is less; or

(b) An agency shall make a downpayment assistance payment as specified under s. Adm 92.74, to a person who purchases a replacement site.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86**;** corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1) (a), (b), (c), (d), (2) (b), (3) (b), (4) (b), (c), (5) (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.86 90−day mobile home owner. (1) GENERAL. An agency shall pay a person who has owned and occupied a mobile home for at least 90 days but less than 180 days, for the following:

(a) A rental assistance payment as specified under this section and s. Adm 92.78;

(b) A downpayment assistance payment as specified under s. Adm 92.74;

(2) ACQUISITION OF MOBILE HOME AND SITE. (a) An agency shall pay a person who purchases a replacement dwelling, a payment as specified under s. Adm 92.74. The amount shall be limited to that necessary to purchase a comparable mobile home and site.

(b) An agency shall pay a person who rents a replacement mobile home and site, a payment as specified under s. Adm 92.78. The economic rent for the mobile home and site shall be used for the computation.

(3) ACQUISITION OF SITE ONLY. (a) An agency shall pay a person who purchases a replacement site a downpayment assistance payment as specified under s. Adm 92.74 except the payment shall be limited to an amount necessary to purchase a comparable replacement site.

(b) An agency shall pay a person who rents a replacement site, a payment as specified under s. Adm 92.78 except the payment shall be limited to an amount necessary to rent a comparable replacement site.

(4) ACQUISITION OF MOBILE HOME ONLY — OWNER RENTS SITE. (a) An agency shall pay a person who owns and occupies the mobile home but rents the site, a downpayment assistance payment under s. Adm 92.74 except the payment shall be limited to the amount necessary to purchase a comparable mobile home, plus the difference, if any, between the monthly rent for the acquired site and the actual replacement rent, or the amount needed to rent a comparable site, whichever is less, for 48 months.

(b) An agency shall pay a person who rents a replacement mobile home, a payment as specified under s. Adm 92.78, except the base rent shall be the economic rent of the acquired mobile home.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86**;** corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1) (a), (b), (2) (a), (b), (3) (a), (b), (4) (a), (b) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.88 90−day mobile home tenant. An agency shall pay a person who is a tenant of a mobile home for not less than 90 days, a replacement payment as follows:

(1) A rental assistance under s. Adm 92.78; or

(2) A downpayment assistance under s. Adm 92.80.

History: Cr. Register, March, 1968, No. 363, eff. 4−1−86; corrections made under s. 13.93 (2m) (b) 1. and 7., Stats., Register, April, 1996, No. 484; **correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Subchapter VI — Replacement Business and Farm Payment

Adm 92.90 General. This section describes the general requirements for a replacement payment to a displaced person who is a tenant−occupant or an owner−occupant of a business, farm operation, or nonprofit organization. A person is not required to relocate to the same owner or tenant occupancy status, but has other options as specified under this subchapter. An

agency shall make one payment for each displacement, not to exceed $30,000 for a tenant−occupant or $50,000 for an owner−occupant.

(1) ELIGIBILITY REQUIREMENTS. An agency shall make a replacement payment to a displaced business or farm operation provided:

(a) The property is subsequently acquired, a tenant is affected by displacement, or a notice to vacate is issued;

(b) The person owns and occupies a business or farm conducted on the real property acquired or affected by displacement, for not less than one year before initiation of negotiations.

(c) The person purchases or rents a replacement business or farm operation within 2 years of the date the person vacates or receives final payment for the acquired property, whichever is later.

(d) For the purpose of this section, a replacement business or farm property is purchased when a person:

1. Acquires an existing property as a replacement for the business or farm operation;

2. Relocates or rehabilitates a property owned or acquired.

Note: The cost to achieve comparable standards and to correct code deficiencies shall be included in the actual cost of purchasing a replacement property when it is not comparable or in code compliance.

3. Contracts to, or constructs a building or structure for a new business or farm operation on a site owned or acquired.

Note: The cost of construction shall be limited to that necessary to construct a comparable replacement. The cost shall include the value of the land at the time it was acquired. The cost of constructing a replacement structure shall include the value of labor furnished by a self−help builder.

(e) The entire business or farm operation shall be displaced to qualify for a replacement payment. However, a business or farm operation shall be considered eligible for a replacement payment when:

1. The property remaining after the acquisition is not an economic unit or would result in a significant reduction in net earnings for the same type of business or farm operation, as determined by an agency;

2. The acquisition substantially changed or interfered with the principal operation or the nature of the business or farm operation so as to constitute a displacement.

(2) DELAYED OCCUPANCY FOR CONSTRUCTION AND REHABILITATION. A person who contracts for the construction or rehabilitation of a replacement building, is considered to have purchased the replacement as of the date of the contract. The replacement payment may be deferred until a final acquisition price is known and relocation is completed provided the agency makes payment into an interest−bearing escrow account for release upon reestablishment of the business or farm operation. An agency may pay a person before reestablishment when there is assurance of reestablishment.

(3) PRIOR OWNERSHIP OF A REPLACEMENT BUILDING OR LAND. An agency shall pay a person who is an owner of a replacement building or land upon which a replacement building is constructed and within the time limit under sub. (1), a replacement payment as specified under this subchapter. The fair market value of the land and the building at the time of displacement shall be used as the actual cost in determining the payment.

(4) INSPECTION FOR COMPLIANCE WITH FEDERAL, STATE OR LOCAL CODE. An agency shall inspect a replacement business or farm operation to determine if it meets federal, state or local codes before making a replacement payment. An agency shall take the following steps before terminating assistance or denying eligibility for a replacement payment because a person moved to a facility which is not in compliance;

(a) Assist a person to correct a deficiency and when necessary, refer a person to another facility in compliance with applicable codes;

(b) Notify a person in writing within 10 days of the inspection regarding a deficiency to be corrected to receive payment, and that when the deficiency is corrected by the date as specified under sub. (1), or when a person moves to another facility which is in compliance, the person shall receive payment.

(5) STATEMENT OF ELIGIBILITY TO LENDER. An agency, upon request of a person to be relocated, shall inform an interested person or mortgage lender that the person shall be eligible for a replacement payment upon the purchase or rent and reestablishment of a replacement property within the applicable time limit.

(6) ADVANCE PAYMENT IN CONDEMNATION CASE. An agency shall promptly pay a replacement business or farm payment. An advance payment shall be made when an agency determines the acquisition payment will be delayed because of condemnation proceedings. An agency's offer shall be used as the acquisition price for calculating the payment. The payment shall be contingent on a person signing an affidavit of intent that:

(a) The agency shall re−compute the replacement payment using the acquisition amount, set by the court;

(b) The person shall refund the excess amount from the judgment when the amount awarded as acquisition amount plus the advance payment exceeds the amount paid for a replacement or the agency's determined cost of a comparable replacement. A person is not required to refund more than the advance payment. The payment shall be made after the condemnation proceedings are completed when a person does not sign an affidavit.

(7) CARVE−OUT AND MODIFICATION OF REPLACEMENT PAYMENT COMPUTATION. (a) *Complete acquisition.* 1. 'Typical size lot.' The maximum replacement payment shall be the selling price of a comparable replacement on land typical in size for the business less the price of the acquired building and the site when the acquired business is located on land typical in size for the type of business conducted.

2. 'Larger than typical size lot.' The maximum replacement payment shall be the selling price of a comparable replacement on land typical in size for the business, less the price of the acquired building, plus the price of that portion of the acquired land typical in size for the business being conducted, when the acquired business is located on land larger in size than typical for the type of business conducted.

(b) *Partial acquisition.* 1. 'Typical size lot.' The maximum replacement payment shall be the selling price of a comparable replacement on land typical in size for the business, less the value of that portion of the acquired property which represents the typical size for the business, when the acquired business is located on land larger than typical for the business conducted.

2. 'Larger than typical size lot.' The maximum replacement payment shall be the selling price of a comparable replacement on land typical in size for the business, less the value of that portion of the acquired property which represents the typical size for the business, when the acquired business is located on land larger in size than typical for the business conducted.

3. 'Remainder property.' If a buildable residential lot or an uneconomic remnant remains after a partial taking and the owner of the remaining property refuses to sell the remainder to the agency, the market value of the remainder may be added to the acquisition cost for the purposes of computing the payment.

Note: Under ss. 32.05 (3m) and 32.06 (3m), Stats., an agency is required to offer to purchase a remainder if it is an uneconomic remnant.

(c) *A business or farm operation on land with higher and better use.* The maximum payment shall be the selling price of a comparable replacement business or farm operation on land typical in size for the existing business or farm use in the area, less the price for the acquired property and the price of that portion of the acquired land which represents land typical for the existing use, when the market value is based on a higher and better use than the existing use.

(d) *Mixed residential and nonresidential use property.* An agency shall determine a replacement payment by using only that portion of the acquired or displacement property occupied by the displaced business or farm.

(e) *Multiple occupancy of the same parcel.* 1. Each separately organized business or farm operation which occupies a parcel shall be eligible for a replacement payment. The acquisition price or rent used for a replacement payment computation shall be the amount each business or farm occupant receives from the total payment for the property acquired, or the rent each tenant−occupant pays toward the total rent.

2. There shall be only one business or farm operation replacement payment for a business or farm operation under one ownership but engaged in more than one operation.

Note: An agency shall consider the factors under s. Adm 92.66 in determining whether more than one business or farm is eligible for payment under this subchapter.

(f) *Decentralization of business or farm.* The purchase price or the cost of a replacement, when a business or farm operation displaced from one site relocates to more than one site. The replacement payment shall be limited to a selected comparable at one site unless an agency determines the needs of a business or farm operation require location at more than one site.

(g) *Joint business and investment use.* A person who owns and occupies a business and also rents out a residence or business facility on the same property, shall receive a replacement payment based only on that portion of the space and that portion of the acquisition price utilized by the business.

(8) NONPROFIT ORGANIZATION. A nonprofit organization is eligible for a replacement business payment as specified under this chapter, provided the organization has not claimed a replacement housing payment under subch. V.

(9) OUTSIDE PROFESSIONAL ASSISTANCE. The agency may use professional assistance to reestablish a displaced business or farm operation. Professional assistance for searching and other incidental expense incurred by a displaced person shall be compensable if the costs are necessary for reestablishment of the business or farm operation.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1) (a) and (b), (3) and (7) (d), Register, November, 1989, No. 407, eff. 12−1−89.

Adm 92.92 Owner−occupant who purchases. An agency shall pay an owner−occupant of a business or farm operation a payment, not to exceed $50,000, for the difference necessary to purchase a replacement business or farm operation; for 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. The payment shall be computed as specified under this section.

(1) DIFFERENTIAL AMOUNT PAYABLE. A differential amount payable is an amount, if any, when added to the acquisition payment for the acquired business or farm operation, equals an amount a person pays for a replacement property, or an amount determined by an agency as necessary to purchase a comparable replacement, whichever is less. A replacement payment shall include the difference between the price paid for a fixture or other real property improvement acquired and the cost to purchase and install the improvement in a replacement facility. A replacement payment shall also include the cost to modify a property to meet comparable standards and code requirements.

(2) SELECTION AND COST OF COMPARABLE AND ACTUAL REPLACEMENTS. The agency shall determine the cost of a comparable replacement business or farm operation by analyzing 3 or more comparable replacement business or farm operations and selecting the one that is the most comparable. Fewer may be analyzed if 3 are not available.

(a) An agency may adjust the asking price of the selected comparable if considered justified on the basis of local market conditions. The agency's relocation plan shall specify if adjustments will be made for the project, the basis for this determination and the method of adjustment to be used.

(b) The cost of physical changes or improvements necessary to meet comparable standards in the selected comparable or the actual replacement shall be included in the maximum replacement payment.

(c) An agency shall select a comparable business or farm operation from the area of a displaced person provided the area is not designated for governmental acquisition and displacement, or subject to adverse environmental conditions.

(d) The selected comparable shall be equal to or better than the acquired property and a payment shall be based on new construction when there is no comparable business or farm operation available.

(3) REVISION TO SELECTED COMPARABLE AMOUNT. An agency, upon request of a displaced person, shall offer a comparable replacement business or farm operation within the maximum differential payment determined. Another comparable study shall be made to determine a new replacement payment when there is no comparable available, except the new replacement payment may not be less than the original payment.

(4) INCREASED INTEREST PAYMENT. (a) *General.* An agency shall pay a displaced person for the increased interest expense and other debt service costs incurred in financing the purchase of a replacement business or farm operation, provided:

1. The acquired business or farm operation property was encumbered by a bona fide mortgage or land contract;

2. The mortgage or land contract was executed in good faith not less than one year before initiation of negotiations to purchase the property;

3. All bona fide mortgages or land contracts that were valid liens on the displacement property for at least one year before initiation of negotiations on the acquired property shall be used to compute the increased interest payment.

(b) *Payment computation.* The increased interest payment shall be computed as follows:

1. The interest payment difference shall be an amount which will reduce the mortgage balance on the replacement property to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage or mortgages on the displacement property, except that the payment for a person obtaining a mortgage that is less than the mortgage balance computed in the buydown determination, shall be prorated and reduced accordingly.

2. The amount paid by a person as points, loan origination or assumption fees, but not seller's points, shall be based on the amount refinanced, not exceeding the amount which would have been paid had the original mortgage balance been refinanced, and shall be added to an amount as specified under subd. 1. The origination or assumption fee shall be limited to the fee normal for real estate transactions in the area.

(c) *Interest rate on replacement mortgage.* The interest rate on the mortgage for a replacement business or farm operation used in the computation may not exceed the rate typically charged by mortgage lenders in the area.

(d) *Mortgage term.* The payment shall be based on the remaining term of the mortgage(s) on the displacement dwelling regardless of the term on the new mortgage.

(e) *Adjustment to interest payment amount.* 1. Larger than typical size lot. The interest payment shall be reduced to the percentage ratio that the value of the typical and necessary part is to the value of the entire property before acquisition, when a property is located on a lot larger than typical and necessary for the type of business or farm operation being operated.

2. Multi−use property. The interest payment on multi−use property shall be reduced to the percentage ratio that the business

or farm operation value of the multi−use property is to the value of the entire property before acquisition.

3. Business or farm on land with higher and better use. An agency shall compute an interest payment under par. (b), when a business or farm operation is located on land where the fair market value is established on a higher and better use, and when the mortgage is based on business or farm operation value. The interest payment shall be reduced to the percentage ratio that the estimated business or farm operation value of the parcel is to the value of the entire property before acquisition, when the mortgage is based on the higher use.

(f) *Prompt payment.* An agency shall advise a displaced person of the approximate amount of a refinancing payment as soon as the facts relative to a person's mortgages are known. If requested by the displaced person, the refinancing payment shall be made available at or near the time of closing on the replacement to permit reduction of the new mortgage amount.

(5) INCIDENTAL EXPENSE PAYMENT. An agency shall pay a person for actual and reasonable expense incurred incidental to the purchase of a replacement business or farm operation. The payment shall include the following:

(a) Legal, closing and related cost including title research, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats and recording fees;

(b) Lender, appraisal or application fees, and loan origination or assumption fees that do not represent prepaid interest;

(c) Certification of structural soundness;

(d) Credit reports;

(e) Owner or mortgagee title insurance policy or abstract of title;

(f) Escrow agent fee;

(g) Other expense approved by an agency.

Note: The payment may not include a prepaid expense such as taxes, water, or fuel costs, or a fee, cost, charge or expense which is part of a debt service or finance charge.

(6) OWNER RETENTION. An owner−occupant may purchase the property back from an agency and move it to another location following receipt of the payment for the acquired property, and when not inconsistent with project development. The replacement payment shall be determined as follows:

(a) *Amount payable.* The payment shall be the amount, if any, between the acquisition price and the cost to relocate. The cost to relocate shall include the purchase−back price, the cost to acquire and develop a new site, or when moved to retained land, the market value of the site, installing utility service, constructing a foundation, moving the property, restoring it to comparable standards and other moving costs.

(b) *Limitation.* The differential payment computed under this section may not exceed the amount necessary to purchase a comparable replacement under sub. (2) plus any increased interest or incidental expense payment due under subs. (4) and (5).

(7) REPLACEMENT PAYMENT CONVERSION. An agency shall pay a person as specified under this section. A replacement payment for a prior move to a rental property shall be deducted from the amount payable under this section. The combined payment may not exceed $50,000.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (4) (a) (intro.) and 3., (b) and (5) (b), r. and recr. (4) (d), cr. (4) (f), Register, November, 1989, No. 407, eff. 12−1−89.

Adm 92.94 Owner−occupant who rents. (1) GENERAL. An agency shall pay an owner−occupant who rents a replacement business or farm operation, a rental assistance payment not to exceed $30,000 for 4 years, or the amount the person is eligible for as an owner under s. Adm 92.92, whichever is less.

(2) COMPUTATION OF PAYMENT. The payment shall be computed as specified under s. Adm 92.96, except that the economic rent of the acquired property shall be used to compute the payment.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1), (2) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.96 Tenant−occupant who rents. An agency shall pay a tenant−occupant of a business or farm operation, a rental assistance payment, not to exceed $30,000, for the increased cost to rent or lease a replacement business or farm operation. The payment shall be computed as specified under this section.

(1) RENT DIFFERENTIAL PAYMENT. An agency shall pay a person who rents a replacement business or farm operation, 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.

(2) PREFERRED REPLACEMENT TENURE. An agency shall assist a person to relocate to original tenancy status or, at a person's option, purchase a replacement using the downpayment assistance provisions under s. Adm 92.98.

(3) PAYMENT COMPUTATION. To compute a payment, an agency shall determine the base monthly rent, the rent of a comparable replacement, and the rent paid for the replacement property as follows:

(a) *Base monthly rent.* The base monthly rent shall be either:

1. The average monthly rent and utilities paid by the tenant−occupant for the 12−month period before initiation of negotiations, or a more representative period; or

2. The economic rent when the actual rent is insignificant in relation to market rents for similar property in the area.

(b) *Determine rent of a comparable replacement.* The agency shall determine the rent of a comparable replacement business or farm operation using the selection procedures under s. Adm 92.92 (2) and (3) except:

1. An agency shall increase the rent by the additional amount the owner would charge if required to make modifications necessary to bring a property up to comparable standards, or

2. An agency shall pay a person who rents a replacement business or farm operation requiring modifications to meet comparable standards, the actual cost of these modifications if incurred by the person. The amount shall be included in the rent differential payment.

(4) COMPARABILITY OF RENT FACTORS. Rent factors such as utilities, furnishings, parking and others, shall be the same for the displacement property and the comparable or replacement property. However, rent factors in the comparable property which must be paid by the displaced person shall be included in the payment regardless of whether they existed in the displacement property.

(5) CHANGE OF OCCUPANCY. A person, after moving to a replacement business or farm operation, moves to a higher rent property within a 2 year period, may be eligible for an amount in excess of the original claim but not to exceed the amount necessary to rent a comparable replacement.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am. (1), (3) and (4), Register, November, 1989, No. 407, eff. 12−1−89; correction in (2) and (3) (b) made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (2), (3) (b) (intro.) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.98 Tenant−occupant who purchases. (1) GENERAL. An agency shall pay a person otherwise eligible under s. Adm 92.96, an amount up to $30,000 for a downpayment on the purchase of a replacement, and reimbursement for actual expenses incidental to the purchase. The payment may not exceed the amount necessary to rent a comparable replacement as specified under s. Adm 92.96.

(2) COMPUTATION OF DOWNPAYMENT AND INCIDENTAL COST. (a) The agency shall pay a person the amount the person is entitled to

receive for a rental replacement payment as specified under s. Adm 92.96.

(b) An agency shall pay the amount calculated under s. Adm 92.96 to a tenant−occupant who purchases a replacement business or farm operation within 2 years after the person moves from the displacement property.

(c) The incidental cost as specified under s. Adm 92.92 (5) shall be added to the amount as specified under par. (a).

(d) An agency may require that the full amount of the downpayment assistance payment be applied to the purchase price of the replacement property and related incidental expenses. An agency may pay the amount directly to a displaced person upon reasonable assurance that the displaced person will apply the payment toward business or farm reestablishment costs.

(e) An owner eligible for a payment under s. Adm 92.92 is ineligible for a downpayment assistance payment under this section.

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; am., cr. (2) (e), Register, November, 1989, No. 407, eff. 12−1−89; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (1), (2) (a), (b), (c), (e) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.**

Adm 92.99 Forms. Material and forms noted under this chapter are available from the Department of Administration, Division of Energy Services, P.O. Box 7868, Madison, WI 53707−7868 or at the Department's Web site http://energyindependence.wi.gov/section.asp?linkid=1783&locid=160. They are:

(1)	Dwelling Inspection Form	Adm 92.04
(2)	Relocation Law Informational Pamphlets	Adm 92.06 (3)
(3)	Eminent Domain Law Informational Pamphlet, s. 32.05 Project	Adm 92.06 (3)
(4)	Eminent Domain Law Informational Pamphlet, s. 32.06 Project	Adm 92.06 (3)
(5)	Relocation Waiver Form	Adm 92.12
(6)	Individual Relocation Case Report	Adm 92.14
(7)	Relocation Plan Format	Adm 92.28
(8)	Residential Fixed Payment Schedule	Adm 92.54 (2)
(9)	Increased Interest Payment Computation Form	Adm 92.70 (7), 92.92 (4)

History: Cr. Register, March, 1986, No. 363, eff. 4−1−86; corrections made under s. 13.93 (2m) (b) 7., Stats., Register, April, 1996, No. 484; **correction in (intro.), (1) to (9) made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672.**