

#36(L)

7/27/65

Memorandum 65-46

Subject: Study No. 36(L) - Condemnation Law and Procedure (Moving Expenses)

Attached to this memorandum is a recommendation made to the 1961 Legislature: Recommendation and Study Relating to Reimbursement for Moving Expenses When Property is Acquired for Public Use. We were unable to obtain any support for the legislation recommended in this pamphlet at the 1961 legislative session, primarily because federal funds could not be used to pay for moving expenses.

Attached as Exhibit III (white pages) is a compilation of the federal and state statutes providing for moving expense payments. This Exhibit is taken from a federal report dated December 22, 1964. If necessary, we will bring the information up to date as soon as time permits.

The Federal-Aid Highway Act of 1962, approved on October 23, 1962, authorizes specific relocation (moving expense) payments not to exceed \$200 to an individual or family or \$3,000 to a business concern, including a farm or nonprofit organization. The 1962 law provides that relocation payments, made by the states, are to be considered a part of the total cost of constructing the federal-aid highway system. A further limitation provides that, in the case of a business, nonprofit organization, or farm, the allowable expense for transportation shall not exceed the cost of moving 50 miles from the original location of the organization. See the federal statute: 23 U.S.C. § 133 (pages 17 and 18 of Exhibit III--white pages).

The state statutes (including California) tend to impose the same limitations as the federal statute on reimbursement of moving expenses.

Attached as Exhibit I (yellow pages) is the 1965 California moving expense statute. Note that the statute applies only to projects on the state highway system. The pertinent regulations of the Department of Public Works are attached as Exhibit II (pink pages).

The staff recommends that we accept the policy reflected in the 1965 California legislation insofar as limitations on reimbursement of moving expenses are imposed. However, we also recommend that the statute be made applicable to all acquisitions for public improvements and also to any taking involving condemnation by a private person or corporation. It does not seem fair and equitable to provide moving expenses to one person whose property is taken for state highway purposes and not to provide them to another whose property is taken for a public building or city street.

It should be noted that there is concern at the federal level with the inequity of the present policies on relocation (moving) expenses. The Select Subcommittee that recommended the original provisions on reimbursement for relocation expenses has recommended that the dollar limits on such expenses be removed and has made other recommendations that would liberalize the payment of such expenses. See Exhibit IV (green pages) attached for the the Subcommittee's recommendation and the pertinent recommended statutory provisions. Accordingly, it should be noted that if the federal law is changed a corresponding change should be made in the legislation on moving expenses to be recommended by the Commission.

Another policy question involved in the matter of moving expenses is the extent to which the condemner should be permitted to determine by

regulation the details of the procedure. Note the regulations of the Department of Public Works (pink pages). While the staff has no great concern about regulations adopted by the Department of Public Works, we would be concerned if each local public entity were permitted to adopt its own regulations. The Commission should consider including a provision in the recommended statute that would permit local public entities to adopt regulations to implement the moving expense statute but that such regulations should not be less favorable to the person claiming such expenses than the regulations adopted by the Department of Public Works. Also, we suggest that the State Board of Control be given authority to adopt regulations for reimbursement of moving expenses by state agencies other than the Department of Public Works.

An alternative to such regulations would be to specify the detail in the statute. This might create problems in conforming the California law to the federal regulations which will govern use of federal moneys.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

AB 294

CHAPTER _____

An act to add Sections 103.8 and 103.9 to the Streets and Highways Code, relating to relocation assistance, and declaring the urgency thereof, to take effect immediately.

The people of the State of California do enact as follows:

SECTION 1. Section 103.8 is added to the Streets and Highways Code, to read:

103.8. The department is authorized to give relocation advisory assistance to any family displaced because of acquisition or clearance of rights-of-way for any project on the state highway system.

SEC. 2. Section 103.9 is added to said code, to read:

103.9. (a) As a part of the cost of construction of a project on the state highway system, the department may compensate eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project. The relocation payments shall be made to eligible persons in accordance with the provisions of this section and pursuant to such rules and regulations as shall be prescribed by the department.

(b) As used in this section the term "eligible person" means any individual, family, business concern, farm or nonprofit organization to be displaced by the construction of a project.

(c) Relocation payments shall not exceed two hundred dollars (\$200) in the case of an individual or family, nor three thousand dollars (\$3,000) in the case of a business concern, farm or nonprofit organization.

(d) In the case of a business concern, farm or nonprofit organization the allowable expenses for transportation shall not exceed the cost of moving fifty (50) miles from the point from which such business concern, farm or nonprofit organization is being displaced.

(e) The department is authorized to prescribe such rules and regulations to implement this section. The rules and regulations may include provisions authorizing payments made to individuals and families of fixed amounts not to exceed two hundred dollars (\$200) in lieu of their respective reasonable and necessary moving expenses.

SEC. 3. This act is an urgency measure necessary for the immediate preservation of the public peace, health or safety

within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting such necessity are:

The acquisition of private property for state highway purposes is being felt by an increasing number of citizens who are required to relocate their residences, farms and businesses. These persons incur moving expenses which are not presently compensated for under California law. The Federal-aid Highway Act of 1962 provides for federal participation in the payment of moving expenses only where such payment is authorized by state law. The expeditious payment of moving expenses and the efficient operation of the right-of-way acquisition program of the Department of Public Works requires the immediate authorization to pay moving expenses to those eligible persons displaced by highway projects. It is therefore necessary that this act go into immediate effect.

Speaker of the Assembly

President of the Senate

Approved _____, 1965

Governor

ORDER ADOPTING REGULATIONS OF
THE DEPARTMENT OF PUBLIC WORKS

[Emergency Regulations Effective July ___, 1965]

After proceedings had in accordance with the provisions of the Administrative Procedure Act (Gov. Code, Title 2, Div. 3, Part 1, Chapter 4.5) and pursuant to the authority vested by Sections 15952 and 15956 of the Government Code and Section 135.2 of the Streets and Highways Code, and to implement, interpret and make specific Sections 15950 to 15956 of the Government Code and Section 135.2 of the Streets and Highways Code, the Department of Public Works hereby adopts regulations in Title 21, Chapter 2, Subchapter 2, of Article 6 of the California Administrative Code, as follows:

(1) Adopts new Subchapter 2, consisting of Sections 1430 to 1433, inclusive, as follows:

Subchapter 2. Relocation Assistance

1430. DEFINITIONS. The following terms when used in this article have the following meanings:

- (a) "Department" means the California Department of Public Works.
- (b) "Eligible person" means any individual, family, business concern, farm, or nonprofit corporation to be displaced from property acquired by the Department.
- (c) "Construction project" means acquisition of real property or any interest therein for a public use by the Department.
- (d) "Moving expenses" means the packing, loading, transportation, unloading and unpacking of personal property. Moving expenses shall not include:
 - (1) The cost of construction or improvement at the new location to replace property for which compensation was made in the acquisition.
 - (2) Any loss of, or damage to, personal property.
 - (3) The cost of insuring or storage of personal property.
 - (4) The cost of dismantling, disconnecting, reinstallation, or any addition, improvement, alteration or other physical change in or to any structure in connection with effecting such reinstallation.
 - (5) The expenses incurred in moving trade fixtures.
 - (6) Any payment for moving personal property when such property is purchased as part of the acquisition.

(e) "Relocation payment" means any payment made to eligible persons for their moving expenses, caused by their displacement from real property acquired by the State and for which reimbursement or compensation is not made as part of the compensation for the real property pursuant to a right of way contract or a condemnation award.

(f) "Individual" means a person residing in a dwelling unit who is not a member of a family.

(g) "Family" means two or more persons related by blood or by marriage who are living together in the same dwelling unit.

(h) "Dwelling unit" means the place of residence occupied by a family or an individual and containing at least the space necessary to provide permanent sleeping, living and sanitary facilities, and containing adequate space for cooking, dining and storage purposes.

(i) "Business concern" means a corporation, unincorporated association, partnership, individual or other private entity, engaged in a business or professional activity requiring the use of fixtures, equipment, stock in trade, or other tangible personal property for the carrying on of a business or profession on the premises.

(j) "Non profit corporation" means a corporation organized in accordance with the rules of, and under permit from, the State Franchise Board, engaged in a business, professional or institutional activity on a nonprofit basis requiring the use of fixtures, equipment, stock in trade, or other tangible personal property for conducting the business, profession or institution on the premises.

(k) "Farm" means the operation of a parcel of land, or parcels operated as a single unit, which is used for the production of one or more agricultural commodities for sale and home use and which customarily produces or is capable of producing such commodities in sufficient quantity to contribute materially to the operator's support, including the operation of stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, and greenhouses or other similar structures used primarily for raising agricultural or horticultural commodities.

(l) "Counted room" means that space in a dwelling unit containing the usual quantity of household furniture, equipment and personal property. It shall include such space as a recreation room, living room, library, study, dining room, kitchen, laundry room (when containing mechanical equipment such as a washer and dryer), finished basement, enclosed sun porch (when it contains household furniture and equipment and personal property), bedroom and garage. The counted rooms shall exclude bathrooms, closets, pantries, halls, screened porches, sheds, carports, and unfinished rooms and attics.

1431. GENERAL PROVISIONS:

(a) Application for payment of moving expenses shall be made to the Department upon forms prescribed by the Department and shall be accompanied by such information and documentation as may be required.

(b) The date of eligibility for moving expenses to eligible persons is as follows:

1. Negotiated Settlement - Date that Right of Way Contract is signed.
2. Condemnation action under Order for Possession, or Right of Entry - Date of service or effective date, of Order for Possession, whichever is earlier.
3. Condemnation action with no Order for Possession - Date of recordation of the Final Order of Condemnation.

(c) For those eligible persons who are in possession and the escrow has not closed, on the effective date of these rules, the date of eligibility shall be the date of close of escrow. For those persons who have moved from the premises pursuant to an Order of Possession or Right of Entry, the date of eligibility shall be the date of the close of escrow or the date of recordation of the final Order of Condemnation if it occurs after the effective date of these rules.

(d) Except as herein provided, no relocation payment will be made after ninety (90) days after vacation of the property.

(e) After an eligible person has vacated the property, no relocation payments will be made to any party with respect to the subsequent occupancy of the same property.

(f) A partial taking (where only a portion of a larger parcel is acquired) shall be considered a relocation eligible for relocation payment if the removal of personal property of an eligible person from an improvement on the property acquired is necessary and is not otherwise compensated.

(g) An individual or family occupying a dwelling unit on the same premises as a business concern, nonprofit corporation or a farm may be considered as a separate eligible person in determining the amount of the relocation payment.

1432. PROVISIONS APPLICABLE TO AN INDIVIDUAL OR FAMILY.

(a) Relocation payments shall not exceed \$200 in the case of an individual or family occupying residential property and shall be made in accordance with the schedule of payments in fixed amounts as set forth herein.

(b) Where more than one eligible individual or family occupy the same premises, each eligible individual or family may qualify for relocation payment; however, their total claim for moving expenses shall not exceed the fixed moving expenses for the total number of rooms occupied jointly by such persons.

(c) In lieu of payment of actual moving expenses, a fixed sum will be allowed for moving expenses (provided application therefor is made within 90 days of completion of move), based upon the terms and conditions of this chapter to eligible persons, which shall cover all items and incidentals necessary to the vacating of the premises acquired or being acquired by the State, according to the following number of counted rooms from which the individual or family moves:

1 or 2	3	4	5	6	7	8 (or more rooms)
\$50	\$75	\$100	\$125	\$150	\$175	\$200

(d) Tenants or transients in furnished rooms, furnished apartments, resident hotels or motels and where the principal household furniture and equipment is owned by the operator of such a facility and when such tenant furnishes only a nominal amount of his own household equipment, shall not be eligible for relocation assistance payments.

(e) The owner of a trailer coach, owned and occupied as a family residence in a typical trailer park, where the trailer coach is connected to the local water, sewer, and electric supply, and occupying space on a weekly, monthly or term lease rental basis, when ordered to remove to clear the site of the project, will be eligible to collect a flat sum of \$50 to move his entire trailer, equipment and appurtenances from the premises.

1433. PROVISIONS APPLICABLE TO A BUSINESS CONCERN, NONPROFIT CORPORATION OR A FARM.

(a) The relocation payment for a business concern, nonprofit corporation or a farm shall be the actual and necessary moving expenses not to exceed \$3,000.

(b) The allowable expense for transportation shall not exceed the cost of moving 50 miles. The distance shall be measured by a straight line, from the point from which such business or organization was displaced to the point of relocation.

(c) Actual payment will be made on the basis of the paid, receipted and itemized bill from the lower of the two responsible moving companies.

(d) Where manufacturing equipment is considered realty pursuant to Section 1248b of the Code of Civil Procedure, and such equipment is relocated in lieu of purchase, only those items considered as personal property will be subject to the \$3,000 limitation.

(e) A business concern, nonprofit corporation, or a farm who performs the moving itself will be paid on the basis of the lower of two bids obtained with the approval and under the direction of the State.

(f) All books and records kept by the business concern, nonprofit corporation, or farm shall be subject to review and audit by a State representative during reasonable business hours as to actual moving costs incurred.

(g) The relocation payment shall not be in excess of the tariffs filed by the licensed mover with the Public Utilities Commission.

FINDING OF EMERGENCY

[Government Code Section 11421(b)]

The Department of Public Works finds that an emergency exists and that the attached regulations are necessary for the immediate preservation of the public peace, health and safety or general welfare. A statement of the facts constituting such emergency is:

The attached regulations govern relocation assistance to persons displaced by the acquisition of private property by the Department of Public Works. These regulations are necessary to implement, interpret and make specific the provisions of the Collier-Foran Act, Chapter _____, Stats. 1965, which Act is an urgency measure and became effective on July _____, 1965. It is considered to be essential to the proper administration of said Act that these regulations become effective simultaneously with the Act itself.

The said regulations are therefore adopted as emergency regulations to take effect upon filing with the Secretary of State as provided in Section 11422(c) of the Government Code.

DATED: July ___, 1965.

STATE OF CALIFORNIA
Department of Public Works

(Seal)

John Erreca
Director of Public Works

EXHIBIT III

FEDERAL AND STATE STATUTES ON MOVING EXPENSES

Summary of State Legislation*Action By the States*

Since passage of the Highway Act, all State highway departments have set up machinery for giving relocation advisory assistance.

Since the Federal law merely authorizes Federal sharing in payments of relocation expenses by the States, actual payment depends on State legal authorization. Eight States already had authorization for some kind of payment when the Federal relocation provision was passed: Connecticut, Maryland, Minnesota, Nebraska, New York, Rhode Island, Tennessee, and Wisconsin. Several of these laws were not as broad as the Federal highway provision. In Connecticut and Rhode Island, for instance, payments were required to residential tenants but not owners; and payments for business moving expenses varied from nothing in Connecticut and Rhode Island to actual cost in Nebraska.²

As of December 1964, 22 States were paying moving costs. The laws of 12 of the 22 States are substantially in accordance with the reimbursement provisions of the Federal-Aid Highway Act of 1962: Kentucky, Massachusetts, Nevada, New Jersey, New York, Ohio, Oregon, Rhode Island, Utah, Vermont, Virginia, and West Virginia. Payments are authorized for "reasonable and necessary moving expenses" (except for Nevada where actual costs are specified); maximum payments are not to exceed \$200 for residential occupants (except for New York where \$300 is allowed) and \$3,000 for business concerns; and, with the exception of Oregon, payment of a fixed amount in lieu of payment for actual expenses is authorized for individuals and families, although several of these (Vermont, Virginia, and New Jersey) have not implemented such authorization. In all these States, payments are authorized for displaced occupants without reference to their interest in the real estate (i.e., both owners and tenants, with and without leases (are eligible for payments)).

The 10 States with legislative authorization to pay moving costs that depart from the Federal formula to a substantial degree are Connecticut, Hawaii, North Dakota, Wisconsin, Minnesota, Maryland, Nebraska, Oklahoma, Tennessee, and Pennsylvania. South Dakota enacted a statute authorizing payment of moving costs in 1963, but the State highway department, in exercising its discretion also conferred by statutes, has chosen not to implement it.

The new Pennsylvania law, approved in June 1964, authorizes payments of highway relocation moving costs as part of the State's first comprehensive eminent domain act applicable to all property takings by State and local agencies. It provides that "just compensation" shall consist of the fair market value of the real property taken, plus such other damages as provided in the law. The latter include the following, and are payable to both owners and tenants of real property:

(1) Reasonable expenses of removal, transportation, and reinstallation of machinery, equipment or fixtures, not to exceed the lesser of its market value or \$25,000.

(2) Business dislocation damages, where it is shown that the business cannot be relocated without substantial loss of patronage. Compensation for these damages is the monthly rental for the business premises, multiplied by the number of months remaining in the lease, not to exceed 24 months. Where the business owns the real property occupied, the owner apparently is entitled to an amount equal to the fair rental value of the premises for 24 months. Payments may be no more than \$5,000 and no less than \$250.

(3) Moving expenses for personal property other than machinery, equipment or fixtures, not to exceed \$500 for residential and \$25,000 for business moves, and the market value of the personal property.

Table 4 presents pertinent data on the laws of the 10 States authorizing highway relocation payments substantially different from the Federal formula.

Of the 22 States providing for payment of moving expenses for Federal-aid highway displacees, in 15 the law applies exclusively to highway displacements. Only seven provide for any kind of relocation payments or services for displacements caused by other types of State activities, including non-Federal-aid highways: Maryland, Massachusetts, Minnesota, New York, Pennsylvania, Tennessee, and Wisconsin. In these States, the provisions extend to all types of State activities. Of these seven, the requirement, except in New York, extends to the local governments as well.

TABLES SUMMARIZING FEDERAL AND STATE LAW

B. COMPARATIVE TABLES

TABLE 1.—Statutory maximum relocation payments authorized for Federal and federally assisted programs

Department or program	When individual or family is displaced from dwelling	When displaced business or non-profit organization terminates (does not move)	When displaced business or non-profit organization reestablishes
Urban renewal	Moving expenses and losses on disposition of personal property to \$200 plus relocation adjustment payment up to \$200 for persons with dependent children; \$400 for persons with dependent children who are public housing tenants; \$600 for persons who are public housing tenants and who are unable to obtain new rental public housing; the cost of amount depending on family's income and the regional level of available housing. Same as urban renewal. \$200 (moving expenses and losses on disposition of personal property).	\$2,000 (almost exclusively for losses on disposition of personal property) plus an additional \$1,500 for firms with average annual net earnings of less than \$10,000 per year which are not part of an enterprise having establishments outside the urban renewal area. Same as urban renewal.	Loss of property only to \$3,000; or moving expenses and loss of property combined to \$4,000; or total certified moving expenses only (administrative ceiling established at \$3,000); plus additional \$1,500 allowance for firms terminating.
Public housing	Same as urban renewal. \$200 (moving expenses and losses on disposition of personal property).	Same as urban renewal. \$2,000 (almost exclusively for losses on disposition of personal property).	Same as urban renewal. Loss of property only to \$3,000; or moving expenses and loss of property combined to \$4,000; or total certified moving expenses only (administrative ceiling established at \$3,000). Same as urban renewal except that statute does not set the \$20,000 ceiling.
Government of the District of Columbia Federal Aid Highways	Same as mass transportation. \$200 (moving expenses only).	Same as mass transportation. No payment.	\$2,000 (moving expenses only).
Defense Department: Interior (except NFH); NAAEA.	Reasonable costs (moving expenses, costs in search for replacement property, costs to obtain financing and closing costs for replacement property, etc.).	do	Reasonable costs (moving expenses, cost in search for replacement property costs to obtain financing and closing costs for replacement property, etc.).

¹ This is the only program among those listed in which relocation expenses are not paid entirely with Federal funds. Payments are authorized on a cost sharing basis, where States make payments pursuant to State law.

² Applies also to farm operations.

³ Statute limits total payment for all relocation claims pertaining to a parcel of real property to 25 percent of its fair market value. No cases have been found in which it has been necessary to reduce a payment because of the statutory limitation. However, current programs of these agencies generally cause displacements only in rural areas, or occasionally in very small urban areas.

TABLE 2.—Some variations in items of relocation expense payable in Federal and federally assisted programs

Item	Urban renewal—public housing	Federal-aid highways	U.S. Army ¹ Engineers	Navy	Department of the Interior (except National Park Service)
Costs during search for replacement property:					
Transportation			X	X	X
Costs during search for replacement property:					
Lodging			X	X	X
Expenses in obtaining replacement property:					
Appraisal			X	X	X
Expenses in obtaining replacement property:					
Title examination			X	X	X
Expenses in obtaining replacement property:					
Credit reports, origination fees, points and discounts for financing			X	X	X
Expenses in obtaining replacement property:					
Closing costs			X	X	X
Moving costs: Disconnecting, dismantling and reconnecting trade fixtures, machinery, equipment, etc., if not paid for as realty	X	X ²	X	X	X
Moving costs: Loading and unloading personal property	X	X ²	X	X	X
Moving costs: Cost of transporting displaced party and family to new dwelling			X	X	X
Moving costs: Reassembling and reinstalling fixtures, machinery, equipment, etc. (if not paid for as part of realty)	X	X ²	X	X	X
Moving costs: Inspection fees for reinstalled property		X ²	X	X	
Labor performed by displaced person in accomplishing move			X	X	X
Loss on disposition of personal property, except inventory, because of displacement: trade fixtures, machinery, equipment, etc. (not paid for as part of realty)	X				
Closing and related costs to convey property to Government		X ²			
Increased cost for purchase or rental of replacement property	X ²				

¹ Includes Army (military and civil works), Department of the Air Force and NASA programs.

² The Bureau of Public Roads will participate but it is entirely up to the State whether to pay at all or whether to pay for a specific item.

³ Relocation adjustment payment (rental supplement) to \$300, for low or moderate income families or elderly individuals.

NOTE.—Authorization of relocation payments by the Government of the District of Columbia, and in the Mass Transportation program are new and not reflected herein.

TABLE 3.—Statutory requirements for relocation assistance and assurance of standard housing in Federal and federally assisted programs

Department or program	Relocation assistance		Assurance of standard housing
	Families or individuals	Businesses	
Urban renewal	HHFA Administrator issues regulations requiring a relocation assistance program including measures to (1) determine needs of families and individuals for relocation assistance, (2) provide information and assistance to aid in relocation and otherwise minimize hardship of displacement, and (3) assure necessary coordination of relocation activities with other governmental actions in the community which may affect carrying out of relocation program.	Same as for families and individuals.	Loan or capital grant contracts require local public agency to show a feasible method for temporary relocation of displaced families and individuals in decent, safe, and sanitary dwellings, not generally less desirable in regard to public utilities and public and commercial facilities; at rents within their financial means, and reasonably accessible to their places of employment.
Public housing	None.	None.	Same as urban renewal.
Mass transportation	None.	None.	Same as urban renewal except provision does not apply to individuals.
Federally aided highways	Secretary of Commerce requires State highway departments to give satisfactory assurance that relocation advisory assistance shall be provided for relocation of families. No requirement that advisory services be directed towards finding decent, safe, and sanitary housing at prices or rents within their means. Individuals not covered.	None.	None.
Defense Department; Interior; NASA.	None.	None.	None.
TVA	Authorized to advise and cooperate in readjustment of population displaced by its projects and to cooperate with Federal, State, and local agencies to that end.	None.	None.
District of Columbia	Commissioners authorized to provide relocation services deemed necessary for individuals and families displaced by actions of United States or government of the District of Columbia. Central Relocation Assistance Office established within the District of Columbia. R.L.A.	Same as for families and individuals.	Same requirements as for urban renewal projects in the District of Columbia.

TABLE 4.—10 States with laws authorizing relocation payments for Federal-aid highway displaces that differ substantially from provisions of the Federal-Aid Highway Act of 1969

State	Maximum payment		Persons eligible
	Residential	Business	
Connecticut	\$200		Residential nonowner occupant only. Paid only in projects displacing 20 or more units.
Hawaii	\$100	\$200	Occupant.
Maryland	No dollar limit, but cost of move may not exceed \$200	fair market value of personal property moved.	Do.
Minnesota	\$200	\$3,000	Owner, contract vendee, and lessee.
Nebraska	\$20 per room	No limit	Owner and tenant with an unexpired lease.
North Dakota	No dollar limit, but payments may not exceed value of personal property moved		Owner.
Oklahoma	No dollar limit	\$25,000 plus business relocation damages from \$200 to \$5,000, the amount depending on rental value.	Occupant.
Pennsylvania	\$400		Do.
Tennessee	No dollar limit		Owner and tenant with an unexpired lease.
Wisconsin	\$150	\$3,000	Owner and tenant under an existing unexpired written lease, the full term of which is at least 3 years.

FEDERAL AND STATE STATUTES RELATING TO RELOCATION PAYMENTS

URBAN RENEWAL

Housing Act of 1949, as amended through September 2, 1964

Sec. 105:

(c) There be a feasible method for the temporary relocation of individuals and families displaced from the urban renewal area, and that there are or are being provided, in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the individuals and families displaced from the urban renewal area, decent, safe, and sanitary dwellings equal in number to the number of and available to such displaced individuals and families and reasonably accessible to their places of employment: *Provided*, That the Administrator shall issue rules and regulations to aid in implementing the requirements of this subsection and in otherwise achieving the objectives of this title which shall require that there be established, at the earliest practicable time, for each urban renewal project involving the displacement of families, individuals, or business concerns occupying property in an urban renewal area, a relocation assistance program which shall include such measures, facilities, and services as may be necessary or appropriate in order (1) to determine the needs of such families, individuals, and business concerns for relocation assistance, (2) to provide information and assistance to aid in relocation and otherwise minimize the hardships of displacement, and (3) to assure the necessary coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community which may affect the carrying out of the relocation program.

Housing Act of 1964, Public Law 88-560, Approved September 2, 1964

RELOCATION PAYMENTS TO DISPLACED PERSONS AND BUSINESSES

Sec. 310. (a) Title I of the Housing Act of 1949 is amended by adding at the end thereof the following new section:

"RELOCATION

"Sec. 114. (a) Notwithstanding any other provision of this title, an urban renewal project may include the making of payments as prescribed in this section to displaced individuals, families, business concerns, and nonprofit organizations; and any contract for financial assistance under this title shall provide that the capital grant otherwise payable for the project shall be increased by an amount equal to such payments and that no part of the amount of such payments shall be required to be contributed as part of the local grant-in-aid. As used in this section, 'displaced' refers to displacement from an urban renewal area made necessary by (1) the acquisition of real property by a local public agency or by any other public body, (2) code enforcement activities undertaken in connection with an urban renewal project, or (3) a program of voluntary rehabilitation of buildings or other improvements in accordance with an urban renewal plan.

"(b) A local public agency may pay to any displaced business concern or nonprofit organization—

"(1) its reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed \$3,000 (or, if greater, the total certified actual moving expenses); and

"(2) an additional \$1,500 in the case of a private business concern with average annual net earnings of less than \$10,000 per year which (A) was doing business in a location in the urban renewal area on the date of local approval of the urban renewal plan (or of acquisition of real property under the third sentence of section 102(a)), (B) is displaced on or after January 27, 1964, and (C) is not part of an enterprise having establishments outside the urban renewal area.

Notwithstanding the provisions of clause (1) of the preceding sentence, a business concern which is not being displaced from an urban renewal area shall be eligible for payments under such clause (1) of its certified actual moving expenses with respect to its outdoor advertising displays being removed from the urban renewal area in the same manner as though such business concern were being displaced.

"(c) (1) A local public agency may pay to any displaced individual or family his or its reasonable and necessary moving expenses and any actual direct losses of property (which are incurred on and after August 7, 1956, and for which reimbursement or compensation is not otherwise made): *Provided*, That such payment shall not exceed \$200: *And provided further*, That the Administrator may authorize payment to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

"(2) A local public agency may pay (in addition to any amount under paragraph (1)), on behalf of any displaced family or any displaced individual sixty-two years of age or over, during the first five months after displacement, a relocation adjustment payment, not to exceed \$500, to assist such displaced individual or family to acquire a decent, safe, and sanitary dwelling. The relocation adjustment pay-

ment shall be an amount which, when added to 20 per centum of the annual income of the displaced individual or family at the time of displacement, equals the average rental required, for a 12-month period, for such a decent, safe, and sanitary dwelling of modest standards adequate in size to accommodate the displaced individual or family (in the urban renewal area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities): *Provided*, That such payment shall be made only to an individual or family who is unable to secure a dwelling unit in a low-rent housing project assisted under the United States Housing Act of 1937, or under a State or local program found by the Administrator to have the same general purposes as the Federal program under such Act: *Provided further*, That payments under this paragraph shall be available only in the case of families, and individuals sixty-two years of age or over, displaced on or after January 27, 1964.

"(d) The Administrator is authorized to establish such rules and regulations as he may deem appropriate in carrying out the provisions of this section and may provide in any contract with a local public agency, or in regulations promulgated by the Administrator, that determinations of any duly designated officer or agency as to eligibility for and the amount of relocation assistance authorized by this section shall be final and conclusive for any purposes and not subject to redetermination by any court or any other officer. Such regulations shall include provisions to assure that relocation payments, as authorized by this section, shall be made as promptly as possible to all families, individuals, business concerns, and nonprofit organizations found to be eligible for such payments by reason of their having been displaced from property in the urban renewal area, without regard to any subsequent proceedings, determinations, or events relating to such property which do not bear upon whether such displacement in fact occurred."

(b) Any contract with a local public agency which was executed under title I of the Housing Act of 1949 before the date of the enactment of this Act may be amended to provide for payments authorized by section 114 of the Housing Act of 1949.

(c) Section 106 of the Housing Act of 1949 is amended by striking out subsection (f).

PUBLIC HOUSING

Public Law 88-660, September 2, 1964

RELOCATION PAYMENTS

SEC. 406. Section 15 of the United States Housing Act of 1937 is amended by adding at the end thereof the following new paragraph:

"(8) The Authority may authorize the cost of relocation payments made by public housing agencies to be included with the development or acquisition cost of any project for purposes of determining the amount of loans and annual contributions authorized to be made with respect to such project under sections 9 and 10, but such costs shall be separately stated as relocation costs. For purposes of this paragraph, a 'relocation payment' is a payment (i) which is made to an individual, family, business concern, or nonprofit organization displaced on or after January 27, 1964, from a low-rent housing project site as a result of the acquisition of real property by a public housing agency, (ii) which is not otherwise authorized under any Federal law, and (iii) which is made only on such terms and conditions, and subject to such limitations, as are authorized (as of the time such payment is approved) under section 114 (b) or (c) of the Housing Act of 1949 for relocation payments made to individuals, families, business concerns, or nonprofit organizations, as the case may be."

URBAN MASS TRANSPORTATION ACT

Public Law 88-365, 88th Congress, July 9, 1964

RELOCATION REQUIREMENTS AND PAYMENTS

SEC. 7. (a) No financial assistance shall be extended to any project under section 3 unless the Administrator determines that an adequate relocation program is being carried on for families displaced by the project and that there are being or will be provided (in the same area or in other areas generally not less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the displaced families) an equal number of decent, safe, and sanitary dwellings available to those displaced families and reasonably accessible to their places of employment.

(b) Notwithstanding any other provision of this Act, financial assistance extended to any project under section 3 may include grants for relocation payments, as herein defined. Such grants may be in addition to other financial assistance for the project under section 3, and no part of the amount of such relocation payments shall be required to be contributed as a local grant. The term "relocation payments" means payments by the applicant to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property, except goodwill or profit, for which reimbursement or compensation is not otherwise made, resulting from their displacement by the

project. Such payments shall be made subject to such rules and regulations as may be prescribed by the Administrator, and shall not exceed \$200 in the case of an individual or family, or \$3,000 (or if greater, the total certified actual moving expenses) in the case of a business concern or nonprofit organization. Such rules and regulations may include provisions authorizing payment to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses and actual direct losses of property.

DISTRICT OF COLUMBIA

Public Law 88-629, 88th Congress, S. 1024, October 6, 1964

AN ACT To authorize the Commissioners of the District of Columbia to pay relocation costs made necessary by actions of the District of Columbia government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia are hereby authorized to provide such relocation services as they shall determine to be reasonable and necessary to individuals, families, business concerns, and nonprofit organizations which may be or have been displaced from real property by actions of the United States or of the government of the District of Columbia, except the District of Columbia Redevelopment Land Agency, such actions to include, but not be limited to, acquisition of property for public works projects, condemnation of unsafe and insanitary buildings, and enforcement of the laws and regulations relating to housing. The Commissioners shall provide that such individuals and families so displaced shall be given the same preference with respect to vacancies occurring in housing owned or operated within the District of Columbia by Federal or District of Columbia governmental agencies as is provided in section 8(b) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-707(b)). The Commissioners are authorized to make housing surveys in order to carry out this Act.

SEC. 2. The Commissioners are hereby authorized to make relocation payments to individuals, families, business concerns, and nonprofit organizations for their reasonable and necessary moving expenses and any actual direct losses of property except goodwill or profit caused by their displacement from real property acquired by the Commissioners after the effective date of this Act for public works projects of the government of the District of Columbia, except the District of Columbia Redevelopment Land Agency. No such payment shall be made in any case where a payment for a similar purpose is authorized by any other Act. Such relocation payments shall be made in accordance with regulations prescribed by the Commissioners and shall not for any one relocation exceed \$200 in the case of an individual or family or \$3,000 (or, if greater, the total certified actual moving expense not to exceed \$25,000) in the case of a business concern or nonprofit organization.

SEC. 3. Prior to the acquisition of real property for any public works project of the government of the District of Columbia the Commissioners shall make the same determinations with respect to the availability of housing for displaced individuals and families as is required by section 8(a) of the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-707(a)).

SEC. 4. There is hereby established within the District of Columbia Redevelopment Land Agency an office to be known as the District of Columbia Relocation Assistance Office (hereinafter referred to as the "Office"). The Office shall provide the relocation services authorized by the first section of this Act, administer the payments authorized by section 2 of this Act, and provide the relocation assistance which the District of Columbia Redevelopment Land Agency is authorized to provide by the District of Columbia Redevelopment Act of 1945 (D.C. Code, sec. 5-701 et seq.) and any other Act.

SEC. 5. The Commissioners are hereby authorized to make regulations to carry out the purposes of this Act.

SEC. 6. This Act shall take effect sixty days after the date of its approval.

Approved October 6, 1964.

DEPARTMENT OF DEFENSE

Act of September 2, 1962, 76 Stat. 511, 10 U.S.C. 2680

§ 2680. Reimbursement of owners of property acquired for public works projects for moving expenses

(a) Under regulations approved by the Secretary of Defense and without regard to sections 1001 and 1003-1011 of title 5, the Secretary of a military department, or his designee, may, upon application by the owners and the tenants of land to be acquired for a public works project of his department, reimburse those owners and tenants for those expenses, losses, or damages that he determines to be fair and reasonable and that are incurred by them as a direct result of moving themselves and their families and possessions because of that acquisition. However, application for reimbursement must be made within one year after that acquisition or within one year after the property is vacated, whichever date is later, and be accompanied by an itemized statement of the expenses, losses, and damages incurred.

(b) The total payments under this section with respect to a parcel of land may not be more than 25 percent of the fair value of that land, as determined by the Secretary of the military department concerned. They are in addition to, but may not duplicate, any other payments that may be made under law as a result of acquisition of that land.

(c) Any funds appropriated for civil or military public works may be used to make payments under this section. Added Pub. L. 87-651, Title I, § 112(c), Sept. 7, 1962, 76 Stat. 511.

DEPARTMENT OF THE INTERIOR

Act of May 29, 1958, 72 Stat. 162, 43 U.S.C. 1231, et seq.

MOVING EXPENSES RESULTING FROM ACQUISITION OF LANDS BY SECRETARY
OF INTERIOR

§ 1231. Payment of moving expenses to owners and tenants of lands acquired for developments; limitation on amount; application for payment.

The Secretary of the Interior is authorized, to the extent administratively determined by him to be fair and reasonable, to reimburse the owners and tenants of lands acquired for the construction, operation, or maintenance of developments under his jurisdiction for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition, which reimbursement shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Secretary. No payment under sections 1231—1234 of this title shall be made unless application therefor supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Secretary within one year from the date upon which the premises involved are vacated or, in the case of lands acquired and vacated prior to May 29, 1958 but after July 14, 1952, within one year from May 29, 1958. (Pub. L. 85-433, § 1, May 29, 1958, 72 Stat. 152.)

§ 1232. Administration; rules and regulations; exemption from Administrative Procedure Act.

The Secretary may perform any and all acts and make such rules and regulations as he finds necessary and proper for the purpose of carrying out the provisions of sections 1231—1234 of this title. All functions performed under this Act shall be exempt from the operation of sections 1001—1011 of Title 5, except as to the requirements of section 1002 of Title 5. (Pub. L. 85-433, § 2, May 29, 1958, 72 Stat. 152.)

§ 1233. Definitions.

As used in sections 1231—1234 of this title, the term "lands" shall include interests in land; the term "acquisition" and its cognates shall include the exercise of a right-of-way upon lands subject thereto under section 945 of this title; and the term "fair value" shall, in the case of interests in land and of rights-of-way under section 945 of this title, mean a fair value of the interest acquired or of the right-of-way occupied. (Pub. L. 85-433, § 3, May 29, 1958, 72 Stat. 152.)

§ 1234. Availability of appropriations.

Funds appropriated for the construction, operation, or maintenance of developments under the jurisdiction of the Secretary shall also be available for carrying out the provisions of sections 1231—

NATIONAL AERONAUTICS AND SPACE AGENCY

Act of August 14, 1962, 76 Stat. 382, 384, 42 U.S.C. 2473

SEC. 6. Section 203(b) of the National Aeronautics and Space Act of 1958, as amended (72 Stat. 429, 431), is amended by (i) striking out the word "and" where it appears after the semicolon at the end of section 203(b) (12); (ii) striking out the period at the end of section 203(b) (13) and inserting in lieu thereof a semicolon and the word "and"; and (iii) adding at the end thereof the following new paragraph:

"(14) to reimburse, to the extent determined by the Administrator or his designee to be fair and reasonable, the owners and tenants of land and interests in land acquired on or after November 1, 1961, by the United States for use by the Administration by purchase, condemnation, or otherwise for expenses and losses and damages incurred by such owners and tenants as a direct result of moving themselves, their families, and their possessions because of said acquisition. Such reimbursement shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law to be made to such owners and tenants. The total of any such reimbursement to any owner or tenant shall in no event exceed 25 per centum of the fair value, as determined by the Administrator, of the parcel of land or interest in land to which the reimbursement is related. No payment under this paragraph shall be made unless application therefor, supported by an itemized statement of the expenses, losses, and damages incurred, is submitted to the Administrator within one year from (a) the date upon which the parcel of land or interest in land is to be vacated under agreement with the Government by the owner or tenant or pursuant to law, including but not limited to, an order of a court, or (b) the date upon which the parcel of land or interest in the land involved is vacated, whichever first occurs. The Administrator may perform any and all acts and make such rules and regulations as he deems necessary and proper for the purpose of carrying out this paragraph. All functions performed under this paragraph shall be exempt from the operation of the Act of June 11, 1946, as amended (5 U.S.C. 1001-1011), except as to the requirements of section 3 of said Act. Funds available to the Administration for the acquisition of real property or interests therein shall also be available for carrying out this paragraph".

AMERICAN-MEXICAN CHAMIZAL CONVENTION ACT OF 1964

Public Law 88-300, 38th Congress, April 29, 1964

AN ACT To facilitate compliance with the convention between the United States of America and the United Mexican States, signed August 29, 1963, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "American-Mexican Chamizal Convention Act of 1964."

In connection with the convention between the United States of America and the United Mexican States for the solution of the problem of the Chamizal, signed August 29, 1963, the Secretary of State.

acting through the United States Commissioner, International Boundary and Water Commission, United States and Mexico, is authorized—

a. to conduct technical and other investigations relating to: the demarcation or monumentation of the boundary between the United States and Mexico; flood control; water resources, sanitation and prevention of pollution; channel relocation, improvement, and stabilization; and other matters related to the new river channel.

b. to acquire by donation, purchase, or condemnation, all lands required—

(1) for transfer to Mexico as provided in said convention;

(2) for construction of that portion of the new river channel and the adjoining levees in the territory of the United States;

(3) for relocation of highways, roadways, railroads, telegraph, telephone, electric transmission lines, bridges, related facilities, and any publicly owned structure or facility, the relocation of which, in the judgment of the said Commissioner, is necessitated by the project.

c. For the purpose of effecting said relocations—

(1) to perform any or all work involved in said relocations;

(2) to enter into contracts with the owners of properties to be relocated whereby they undertake to acquire any or all properties needed for said relocations, or undertake to perform any or all work involved in said relocations;

(3) to convey or exchange properties acquired or improved by the United States under this Act or under said convention, with or without improvements, or to grant term or perpetual easements therein or thereover.

Sec. 2. The United States Commissioner is authorized to construct, operate, and maintain all works provided for in said convention and this Act, and to turn over the operation and maintenance of any such works to any Federal agency, or any State, county, municipality, district, or other political subdivision within which such project or works may be in whole or in part situated, upon such terms, conditions, and requirements as the Commissioner may deem appropriate.

Sec. 3. The United States Commissioner, under regulations approved by the Secretary of State, and upon application of the owners and tenants of lands to be acquired by the United States to fulfill and accomplish the purposes of said convention, and to the extent administratively determined by the Commissioner to be fair and reasonable, is authorized to—

a. Reimburse the owners and tenants for expenses and other losses and damages incurred by them in the process and as a direct result of such moving of themselves, their families, and their possessions as is occasioned by said acquisition: *Provided*, That the total of such reimbursement to the owners and tenants of any parcel of land shall in no event exceed 25 per centum of its fair value, as determined by the Commissioner. No payment under this subsection shall be made unless application therefor is supported by an itemized and certified statement of the expenses, losses, and damages incurred.

b. Compensate the said owners and tenants for identifiable, reasonable, and satisfactorily proved costs and losses to owners and tenants over and above those reimbursed under the foregoing subsection in the categories hereinafter provided, and for which purpose there shall be established by the Commissioner a board of examiners, consisting of such personnel employed and compensation fixed as he deems advisable, without regard to the provisions of the civil service laws and the Classification Act of 1949, as amended. Said board may hold hearings and shall examine submitted evidence and make determinations, subject to the Commissioner's approval, regarding all claims in said categories as follows:

(1) For properties—

(a) For nonconforming abodes and minimum forms of shelter for which there are no comparable properties on the market in the city of El Paso and concerning which fair market value would be inadequate to find minimum housing of equal utility, compensation to the owner up to an amount which when added to the market value allowed for his property, including land values, would enable purchase of minimum habitable housing of similar utility in another residential section of said city.

(b) For commercial properties for which there are no comparable properties on the market in or near El Paso, Texas, compensation to the owner up to an amount which, when added to the total fair market value, including the land value, would compensate the owner for the "value in use" of the real estate to him. Such "value in use" is to be determined on the basis of replacement cost less deterioration and obsolescence in existing real estate and taking into consideration factors bearing upon income attributable to the real estate.

(2) For loss in business:

(a) Loss of profits directly resulting from relocation, limited to the period between termination of business in the old location and commencement of business in the new, such period not to exceed thirty days.

(b) Loss to owner resulting from inability to rent to others housing or commercial space that can be reasonably related to uncertainties arising out of the pending acquisition of the owner's property by the United States, such losses limited to those incurred after July 18, 1963, and prior to the making by the United States of a firm offer to purchase.

(3) For penalty costs to property owners for prepayment of mortgages incident to acquisition of the properties by the United States.

Sec. 4. Application for reimbursement or compensation under section 3 of this Act shall be submitted to the Commissioner within either one year from the date of acquisition or the date of vacating the premises by the applicant, whichever date is later. Applications not submitted within said period shall be forever barred.

Sec. 5. The Commissioner, in rendering an award in favor of any claimant under section 3 of this Act, may, as part of such award, determine and allow reasonable attorneys' fees which shall not exceed 10 per centum of the amount awarded, to be paid out of but not in addition to the amount of award, to the attorneys representing the claimant. Any attorney who charges, demands, receives, or collects

for services rendered in connection with such claim any amount in excess of that allowed by the terms of this section, if award be made, shall be fined not more than \$2,000 or imprisoned not more than one year, or both.

Sec. 6. Payments to be made as herein provided shall be in addition to, but not in duplication of, any payments that may otherwise be authorized by law. The means employed to acquire the property, whether by condemnation or otherwise, shall not affect eligibility for reimbursement or compensation under this Act. Nothing contained in this Act shall be construed as creating any legal right or cause of action against the United States or as precluding the exercise by the Government of the right of eminent domain or any other right or power that it may have under this or any other law; nor shall this Act be construed as precluding an owner or tenant from asserting any rights he may have under other laws or the Constitution of the United States.

Sec. 7. No amount received as an award under subsection a. and subsections b. (1) and (8) of section 3 of this Act shall be included in gross income for purposes of chapter 1 of the Internal Revenue Code of 1954 (26 U.S.C. 1 et seq.). However, amounts received under subsection b. (1) shall be included in gross income to the extent that such amounts are not used within one year of the receipt thereof to purchase replacement housing or facilities.

Sec. 8. As used in this Act, the term "land" shall include interests in land, and the term "fair value" shall mean fair value of the interest acquired. The provisions of this Act shall be exempt from the operations of the Administrative Procedure Act of June 11, 1946 (60 Stat. 287), as amended (5 U.S.C. 1001-1011).

Sec. 9. There are authorized to be appropriated to the Department of State for the use of the United States section of said Commission not to exceed \$44,900,000 to carry out the provisions of said convention and this Act and for transfer to other Federal agencies to accomplish by them or other proper agency relocation of their facilities necessitated by the project. Of the appropriations authorized by this section, not to exceed \$4,200,000 may be used to carry out the provisions of section 3 of this Act. The provisions of section 103 of the American-Mexican Treaty Act of 1950 (22 U.S.C. 277d-3) are hereby expressly extended to apply to the carrying out of the provisions of said convention and this Act.

Approved April 29, 1964.

Federal-Aid Highway Act of 1962, Act of October 23, 1962, 76 Stat. 1145, 1146, 23 U.S.C. 133

ASSISTANCE FOR DISPLACED FAMILIES AND BUSINESSES

Sec. 5. (a) Chapter 1 of title 28 of the United States Code is amended by adding at the end thereof the following new section:

"§ 133. Relocation assistance

"(a) As used in this section the term 'eligible person' means any individual, family, business concern (including the operation of a farm) and nonprofit organization to be displaced by construction of a project.

"(b) The Secretary prior to his approval of any project under section 106 of this title for right-of-way acquisition or actual construction shall require the State highway department to give satisfactory assurance that relocation advisory assistance shall be provided for the relocation of families displaced by acquisition or clearance of rights-of-way for any Federal-aid highway.

"(c) The Secretary shall approve, as a part of the cost of construction of a project on any of the Federal-aid highway systems, such relocation payments as may be made by a State highway department, or a local public agency acting as an agent for the State highway department for this purpose, to eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project. However, the Secretary shall not require a State to pay relocation payments where not authorized by State law.

"(d) Payments under this section shall be subject to such rules and regulations as may be prescribed by the Secretary, and shall not exceed \$200 in the case of an individual or family, or \$3,000 in the case of a business concern (including the operation of a farm) or nonprofit organization. In the case of a business (including the operation of a farm) and in the case of a nonprofit organization, the allowable expenses for transportation under this subsection shall not exceed the cost of moving 50 miles from the point from which such business or organization is being displaced. Such rules and regulations may include provisions authorizing reimbursement for payments made to individuals and families of fixed amounts (not to exceed \$200 in any case) in lieu of their respective reasonable and necessary moving expenses.

"(e) This section shall apply only with respect to projects approved under section 106 of this title after the date of enactment of this section."

(b) The analysis of chapter 1 of title 23 of the United States Code is amended by adding at the end thereof the following:

"133. Relocation assistance."

CONNECTICUT

General Statutes of Connecticut (General Condemnation law)

Sec. 13a-81. Relocation of persons displaced by highway construction. Whenever used in this section, "dwelling unit" means a room, suite of rooms, apartment, trailer or house occupied as an established domicile by one person or by two or more persons living together as a family, no one of whom is the owner of the real property. After the commissioner has laid out or has proposed to relocate a state highway, which proposed highway improvement will require the displacement of more than twenty dwelling units in any municipality, he shall file, with the chief executive officer of such municipality, a special map of the layout or relocation which he deems sufficient for the purposes of this section and which map shall be designated as being filed to comply with this section. When such map is filed by the commissioner, within one year thereafter such municipality shall prepare or cause to be prepared a relocation plan showing the number of dwelling units to be

displaced by the proposed improvement, the method of temporary relocation of the occupants of such dwelling units, if temporary relocation is proposed, the availability of sufficient suitable living accommodations for such occupants and a plan for relocating such occupants and shall file such relocation plan with the commissioner, such relocation as outlined in such plan to be accomplished in time to meet the construction schedule established by the commissioner. After the filing of such relocation plan with the commissioner, said commissioner shall notify the chief executive officer of the municipality as each property affected is purchased or condemned. The filing of such plan by the municipality shall be authority for the chief executive officer of the municipality to take such steps as may be necessary and proper to carry out the relocation of the occupants of such property and to expend such funds as may be necessary to accomplish the purposes of this section including, but not limited to, payments to such occupants in such dwelling units to aid in meeting their actual moving expenses, none of such payments for a single unit to be more than two hundred fifty dollars. The commissioner shall reimburse such municipality, from the highway fund, for the purpose of defraying the cost of preparing and carrying out such plan, an amount equal to the cost incurred by such municipality but not more than two hundred fifty dollars multiplied by the number of dwelling units displaced in such municipality. The state shall not be liable for any loss of rental revenue arising from carrying out the provisions of this section. Nothing in this section shall be construed to limit, restrict or derogate from any power, right or authority of the commissioner contained in any other statute to proceed with the planning, design; acquisition of property and construction of any state highway to be constructed, reconstructed or relocated as originally planned. (1963, P.A. 226, S. 81.)

HAWAII

Regular Session, Act 187, Laws 1963, Senate Bill No. 64

AN ACT To provide for financial assistance to help defray the actual moving costs of eligible persons displaced by Federal-aid highway constructions

Be it enacted by the Legislature of the State of Hawaii:

Chapter 111 of the Revised Laws of Hawaii 1955, is hereby amended by adding after Section 111-120 the following new section:

Section 111-20.1. Assistance for Displaced Families and Businesses.

(a) As used in this section the term "eligible person" means any individual, family, business concern (including the operation of a farm) and nonprofit organization to be displaced by construction of a project.

(b) The director of transportation, in estimating the costs of any project under section 106, Title 23, United States Code, for right-of-way acquisition or actual construction, shall include as a part of the cost of construction on any of the Federal-aid highway systems, relocation payments to be made initially by the director, from State highway funds, to eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project.

(c) Payments under this section shall not exceed \$100 in the case of an individual or family, or \$300 in the case of a business concern (including the operation of a farm) or nonprofit organization. In the

case of a business (including the operation of a farm) and in the case of a nonprofit organization, the allowable expenses for transportation under this subsection shall not exceed the cost of moving 50 miles from the point from which such business or organization is being displaced.

(d) In order that the State may avail itself of Federal participation in making payments under this section, the director of transportation will comply with such rules and regulations regarding payments as may be prescribed by the Secretary of Commerce of the United States.

Section 2. This Act shall take effect upon its approval.

Approved, June 4, 1963.

KENTUCKY

In House, Regular Session, 1964, House Bill No. 161, Monday, February 3, 1964

AN ACT relating to owner or tenant relocation by road construction

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

Section 1. As a part of the cost of construction of a road, the Department of Highways may compensate resident owners or tenants for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such road project. Relocation payments shall be subject to such rules and regulations the Commissioner of Highways is hereby authorized to prescribe, and payments shall not exceed \$200 in the case of an individual or family or \$3,000 in the case of a business concern, which may include the operation of a farm, a nonprofit organization, and other activities which the Department of Highways may by regulation define as a business concern. In the case of a business concern, the allowable expenses for transportation under this section shall not exceed the cost of moving 50 miles from the point from which such business concern is being displaced. Such rules and regulations may include provisions authorizing payments made to individuals and families of fixed amounts, not to exceed \$200, in lieu of their respective reasonable and necessary moving expenses.

MASSACHUSETTS

8A Annotated Laws of Massachusetts, Recompiled 1963, and 1963 Cumulative Supplement, Chapter 79

§ 8A. Payment of Certain Moving Costs of Persons Displaced by Taking.

Any person lawfully occupying real property who is displaced therefrom and caused to move as a result of a taking of such property by eminent domain, shall be paid by the body politic or corporate on behalf of which the taking is made, unless other provision is made by law, the reasonable and necessary expenses incurred by him, as determined by said body, in moving his personal property to another location within the commonwealth, but in no event shall such amount exceed two hundred dollars in the case of an individual or family occupying such real property as a dwelling, or three thousand dollars in the case of any person occupying such real property for business

purposes, or for the purposes of operating a farm or non-profit organization. (Added by 1968, 843, § 1, approved Nov 16, 1968, effective 90 days thereafter.)

MARYLAND

3 Maryland Code Annotated, Sections:

Section 12.

(a) When real property or a chattel real has been acquired, in whole or in part, by condemnation or by purchase in lieu of condemnation, any person at whose expense any personal property, dead body, grave marker or monument must be removed as a reasonably necessary consequence of such condemnation or purchase in lieu of condemnation, shall be entitled to receive from the condemnor or purchaser a pecuniary allowance for the reasonable costs of removing and placing the same to another location within a reasonable distance, provided such person has submitted his claim for such allowance to such condemnor or purchaser within six months after the removal of the personal property, dead body, grave marker or monument with respect to which he claims pecuniary allowance. Such allowance shall not include any compensation for loss of profit or of good will or for the acquisition of such other location.

(b) Where personal property is removed from leased premises from which the reversioner could have required its removal on the termination of the lease, the allowance provided for in this section shall be diminished by one-fifth for each year by which five years exceeds the number of full years remaining in the term at the time when the premises were acquired. Any option to renew or extend such lease shall be treated as having been exercised, and the term shall be deemed to include such renewal term or extension. The adjustment herein provided may not be used to reduce the allowance provided for in this section below twenty-five hundred dollars (\$2,500.00).

(c) When personal property is removed, the allowance provided for in this section shall not exceed the fair market value of such personal property, but nothing in this subsection shall require a condemnor to obtain an expert or detailed appraisal of any such personal property before allowing or paying moving costs.

(d) When any personal property, dead body, grave marker, or monument is removed to another location at an unreasonable distance, the allowance provided for in this section shall not be totally defeated, but no compensation shall be due for the additional costs resulting from the unreasonable distance of the new location.

(e) No person shall be entitled to any allowance for the costs of removal and relocation of personal property unless such personal property has been used by him at its original location and is to be used by him at its new location.

(f) The amount of the allowance for the costs of removal and relocation shall be as the condemnor or purchaser and the person entitled shall agree, or if they are unable to agree, the amount shall be determined, upon petition of either party filed after such removal and relocation have been effected, by a judge of the court in which the condemnation proceedings were filed, or, if there have been no such proceedings, by a judge of a court of law in a county in which

any part of the premises is located. The award of the judge shall not exceed the actual moving costs.

(g) No petition may be filed hereunder except by the condemnor or purchaser unless the person entitled to such allowance has given written notice to the condemnor or purchaser at least ten days prior to the date of removal, stating the date of intended removal, the identification of the things to be removed, and the place to which they are to be relocated, and has given the condemnor or purchaser, upon request, a reasonable opportunity to inspect any personal property, grave markers, monuments or burial sites that may be involved.

(h) Every such petition must be filed within one year after the removal of the personal property, dead body, grave marker or monument with respect to which it claims pecuniary allowance.

(i) Nothing in this section shall be construed to place a limit on the amount of compensation that a condemnor may allow for moving costs in cases where, under applicable Federal law or regulations, such compensation may be paid wholly or partly out of Federal funds or will be wholly or partly reimbursed to the condemnor out of Federal funds.

MINNESOTA

9 Minnesota Statutes Annotated 117.20(c)

(d) The court may, in its discretion, after a verdict has been rendered on the trial of an appeal allow as taxable costs reasonable appraisers' fees not to exceed \$150 for each appraiser and not more than two appraisers. The court may, in its discretion, allow as taxable costs reasonable expenses for moving personal property incurred by a person occupying a residence and who is the fee owner, contract for deed vendee or lessee, but such amount shall in no event exceed \$200. Where non residential property or a farm has been acquired, the court may in its discretion allow as taxable costs the reasonable expenses of moving personal property within the state of Minnesota for a distance not to exceed 50 miles if such expenses have been incurred by a person occupying the property as the fee owner, contract for deed vendee or lessee, but in no event shall this amount exceed \$3,000. The court may in its discretion allow such moving costs and appraisers' fees whether or not the parties entitled thereto are the prevailing parties. If moving costs are allowed by the court, in those cases arising out of land acquisition for the interstate system of highways, the person to receive such costs shall submit to the state on forms provided by the state a written claim supported by receipted bills or other acceptable evidence of the expenses incurred, together with other information required, so that the state may receive federal participation in such moving costs. No costs shall be taxed by the state against any other party. As amended Laws 1947, c. 812, § 1; Laws 1953, c. 164, § 1; Laws 1957, c. 728, § 1; Laws 1959, c. 656, §§ 1, 2; Laws 1959, Ex. Sess., c. 41, § 1; Laws 1961, c. 717, § 2; Laws 1963, c. 554, § 1.

NEBRASKA

Revised Statutes of Nebraska, 1943, 1963 Cumulative Supplement, Sec.:

76-710.01. Acquisition of property; damages; what included; effect of reimbursement by federal government. Where any condemnor shall have taken or attempts to take property for public use, the dam-

ages for taking such property shall be determined according to the laws of this state irrespective of whether the condemner may be reimbursed for a part of such damage from the federal government and such damages shall include all compensable damages suffered by the condemnee including but not limited to the reasonable cost of any necessary removal of personal property from the real estate being taken and condemnee's abstracting expenses.

NEVADA

Senate Bill No. 244—Committee on Aviation, Transportation and Highways, Chapter 305

AN ACT To amend chapter 408 of NRS, relating to highway and roads, by adding a new section defining terms, authorizing the department of highways to make relocation payments in connection with federal aid highway projects; specifying limits on such payments; and providing other matters properly relating thereto

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 408 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. *As used in this section:*

(a) "Eligible person" means any individual, family, business concern, including the operation of a farm, or nonprofit organization, which has occupied, either as the owner or as a tenant, real property acquired or to be acquired for a federal aid highway project in this state for at least 60 days prior to the date the engineer gives written notice to the record owner that the property is to be acquired for a federal aid highway project.

(b) "Relocation payment" means payment of or reimbursement for reasonable and necessary moving expenses, or payment of fixed amounts in lieu of reasonable and necessary moving expenses.

(c) "Moving expenses" means the actual cost of transporting the personal property of a displaced person or business to a new location, but does not include incidental expenses, damages to property, or loss of property resulting from the act of moving.

2. Relocation payments shall be made to an eligible person in accordance with the provisions of this section and pursuant to such rules and regulations as shall be prescribed by the board.

3. The amount of relocation payments shall be established by the engineer and shall not exceed \$200 in the case of an individual or a family, or \$3,000 in the case of a business concern, including the operation of a farm, or nonprofit organization.

4. In the case of a business, including the operation of a farm, or a nonprofit organization, the allowable expenses for transportation under this section shall not exceed the cost of moving up to 50 miles from the point from which such business or organization is displaced.

5. The rules and regulations prescribed by the board may include provisions authorizing payments to individuals and families of fixed amounts, not to exceed \$200 in any case, in lieu of reasonable and necessary moving expenses.

6. This section shall be inapplicable in any instance where and to whatever extent its applicability would render the state or the department ineligible for reimbursement from federal funds under any existing or subsequent federal laws or amendments thereto.

SEC. 2. This act shall become effective upon passage and approval.
Approved April 10, 1963.

NEW JERSEY

Regular Session, Chapter 221, Laws 1962, Assembly Bill No. 818

AN ACT Authorizing the State Highway Commissioner to make relocation assistance payments on Federal-aid highway projects and supplementing Title 27 of the Revised Statutes

Whereas, The 87th Congress of the United States of America enacted H.R. No. 12135, which was approved by the President on October 23, 1962, as Public Law 87-866; and

Whereas, This act which may be cited as the "Federal-Aid Highway Act of 1962" requires that State highway departments of the various States shall give satisfactory assurance to the Secretary of Commerce of the United States of America that relocation advisory assistance shall be provided for the relocation of families displaced by acquisition or clearance of rights-of-way for Federal-aid highways, and

Whereas, The said Secretary of Commerce shall approve, as a part of the cost of constructing a Federal-aid highway project, such relocation payments as may be made by a State highway department to eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such Federal-aid highway project, and

Whereas, The State of New Jersey has no State law authorizing the relocation payments provided for in Public Law 87-866 of the 87th Congress:

Be it Enacted by the Senate and General Assembly of the State of New Jersey:

1. The State Highway Commissioner is authorized and empowered, within the limits of available funds and appropriations therefore, to make relocation payments to eligible persons for their moving expenses caused by their displacement from real property acquired for Federal-aid highways to be constructed in this State.

2. (a) Relocation payments shall be made in accordance with the provisions of this act and pursuant to such rules and regulations as shall be prescribed by the State Highway Commissioner.

(b) The amount of relocation payments shall be established by the State Highway Commissioner and shall not exceed \$200.00 in the case of an individual or a family, nor \$3,000.00 in the case of a business concern (including the operation of a farm), or nonprofit organization.

(c) In the case of a business (including the operation of a farm) and in the case of a nonprofit organization, the allowable expenses for transportation under this subsection shall not exceed the cost of moving up to 50 miles from the point from which such business or organization is being displaced.

(d) The rules and regulations of the State Highway Commissioner may include provisions authorizing payments to individuals and families of fixed amounts (not to exceed \$200.00 in any case) in lieu of their respective reasonable and necessary moving expenses.

3. As used in this act, the term "eligible person" shall mean such individuals, families, business concerns (including the operation of a farm), and nonprofit organizations, as have occupied, either as the

owner or as a tenant, the real property acquired or to be acquired for a Federal-aid highway project in this State for at least 60 days prior to the date the State Highway Commissioner gives written notice to the record owner that said property is to be acquired for a Federal-aid highway project; and provided that the State Highway Commissioner finds that said person, family, business concern (including the operation of a farm) or nonprofit organization is within the class of persons intended to be eligible to receive assistance for displaced families and businesses under the Federal act.

4. This act shall take effect immediately.

Approved, January 9, 1968.

NEW YORK

§§ McKinney's Consolidated Laws of New York, Annotated Highway Law:

§ 29. Property for highways, bridges and other highways uses and purposes to be acquired by appropriation

18-a. The legal damages referred to in this section shall include an amount, separately computed and stated, representing the pro rata portion of any real property taxes, water rents, sewer rents, special ad valorem levies and other charges paid or payable to a taxing entity which became a lien on the property prior to the date of appropriation and which were allocable to a period subsequent to the date of vesting of title or surrender of possession, whichever occurred later.

18-b. The superintendent of public works, with the approval of the director of the budget, shall establish and may amend rules and regulations authorizing the payment of reasonable and necessary moving expenses of occupants of property acquired pursuant to this section, such payments not to exceed three hundred dollars in the case of an owner or tenant of residential property and three thousand dollars in the case of an owner or tenant of commercial property. Such rules and regulations may further define the terms used in this subdivision and may provide for a schedule of payments in fixed amounts within the above limitations, in lieu of payments of reasonable and necessary actual moving expenses. Application for such payment shall be made to the superintendent of public works upon forms prescribed by him and shall be accompanied by such information and evidence as the superintendent may require. Upon approval of such application, the superintendent shall deliver a copy thereof to the comptroller together with a certificate stating the amount due thereunder, and the amount so fixed shall be paid out of the state treasury after audit by the comptroller from moneys appropriated for the acquisition of property under this section. As used in this subdivision "commercial property" shall include property owned by an individual, family, business concern (including the operation of a farm) and a nonprofit organization.

NORTH DAKOTA

6 North Dakota Century Code: Section

32-15-22.1. Eminent domain—Compensation for moving personal property.—Whenever property is taken or is about to be taken under eminent domain, and the owner or former owner of such property has, at the time of the taking or of taking possession of the property, personal property located on it, he shall be compensated for the actual cost of moving such personal property to a new location within this state, selected by him, such cost to be evidenced by actual paid receipts to be produced to the condemning authority; provided, however, that such cost shall not exceed the value of the property to be moved. The amount therefor shall be paid directly to the owner or former owner by the condemning authority, and in case of inability to agree, either party may bring an action in the same court in which the condemnation action has been or might have been brought, for a judicial determination of the issues between the parties, or, the matter may be determined in the condemnation action itself.

Source: S. L. 1963, ch. 249, § 1.

OHIO

Baldwin's Ohio Revised Code, Chapter:

5519.06 Relocation payments; advisory assistance.

The director of highways is hereby empowered to give relocation payments and advisory assistance to any individual, family, business concern, or nonprofit organization to be displaced by a federal or state highway project provided that such payments shall not be made unless they are to be reimbursed in whole or in part by the United States or one of its agencies.

The relocation payments will be for the purpose of compensating eligible persons for their reasonable and necessary moving expenses caused by their displacement from real property acquired for such project.

Payments under this section shall not exceed two hundred dollars in the case of an individual or family residence, or three thousand dollars in the case of a business concern, which includes farms or nonprofit organizations. In the case of a business concern and in the case of a nonprofit organization, the allowable expenses for transportation under this section shall not exceed the cost of moving up to fifty miles from the point from which such business or organization is being displaced.

Payments under this section shall be subject to such rules and regulations as may be prescribed by the director of highways. (180 v H 237. Eff. 10-10-63)

OREGON

3 Oregon Revised Statutes, Sections:

366.323 Studies to aid in relocating persons displaced by highway acquisition. When plans of the State Highway Commission projected for one year involve acquisition of properties in any city which will require removal of 25 or more dwelling units, businesses or institutions, the State Highway Commission shall make a study of the

persons residing on or maintaining businesses or institutions on property scheduled for highway acquisition. Such studies shall be kept current until the premises required for highway acquisition are vacated. The commission shall obtain such other information as it finds appropriate to aid in the relocation of persons displaced by the highway acquisition, and may extend its studies beyond city boundaries when the highway acquisition will involve dwellings, businesses or institutions within three miles of a city boundary. Such information shall be made available to the persons displaced and to other persons who may provide or assist in providing new locations. This section shall apply whether the highway acquisitions will be paid for in whole or in part from state funds either directly or by reimbursement. The State Highway Commission may contract with any governmental subdivision or agency, or with private concerns to make and maintain such studies, or may employ necessary assistants therefor.

36.324 Financial assistance to persons displaced by highway acquisition. When federal funds are available for payment of direct financial assistance to persons displaced by highway acquisition, the State Highway Commission may match such federal funds to the extent provided by federal law and to provide such direct financial assistance in the instances and on the conditions set forth by federal law and regulations.

PENNSYLVANIA

Pennsylvania Eminent Domain Code, an Act to Codify, Amend, and Revise, and Consolidate the Laws Relating to Eminent Domain, Act. No. 6, Special Session of 1964, Approved June 23, 1964

Section 608. Removal Expenses.—The person having legal possession of machinery, equipment or fixtures on the condemned property, not forming part of the realty, including a tenant not entitled to any proceeds of the condemnation, if under the lease the tenant has the right to remove said machinery, equipment or fixtures, shall be entitled, as damages, to the reasonable expenses of the removal, transportation and reinstallation of such machinery, equipment or fixtures. Reasonable expenses under the provisions of this section shall not exceed twenty-five thousand dollars (\$25,000) and in no event shall such expenses exceed the market value of the machinery, equipment and fixtures.

Section 609. Business Dislocation Damages.—The condemnee shall be entitled to damages, as provided in this section, for dislocation of a business located on the condemned property, but only where it is shown that the business cannot be relocated without substantial loss of patronage. Compensation for such dislocation shall be the actual monthly rental paid for the business premises, or if there is no lease, the fair rental value of the business premises, multiplied by the number of months remaining in the lease, not including unexercised options, not to exceed twenty-four months or multiplied by twenty-four if there is no lease. The amount of such compensation paid shall not exceed five thousand dollars (\$5,000) and shall not be less than two hundred fifty dollars (\$250). A tenant shall be entitled to recover for such business dislocation even though not entitled to any of the proceeds of the condemnation.

Section 610. Moving Expenses.—The person having legal possession shall be entitled to, as damages, the reasonable moving expenses for personal property other than machinery, equipment or fixtures, not to exceed five hundred dollars (\$500), when personal property is moved from a place of residence and not to exceed twenty-five thousand dollars (\$25,000) when personal property is moved from a place of business. Receipts therefor shall be prima facie evidence of reasonable moving expenses. A tenant shall be entitled to recover these moving expenses even though he is not entitled to any of the proceeds of the condemnation. In no event shall such expenses exceed the market value of such personal property.

RHODE ISLAND

6 General Laws of Rhode Island, Secs.:

37-6.1-1. Relocation payments.—The director of the state department of public works is hereby authorized to approve the payment by the general treasurer of the state of Rhode Island upon orders drawn by the state controller of relocation payments to eligible owner and non-owner persons, families, business concerns and non-profit organizations for their reasonable and necessary moving expenses caused by their displacement from real property acquired by the state in conjunction with any federal or state highway programs.

History of Section.

As assigned, P. L. 1963, ch. 90, § 1.

37-6.1-2. Rules and regulations—Maximum payments.—Payments under this chapter shall be subject to such rules and regulations as may be prescribed by the director of public works and shall not exceed two hundred dollars (\$200) in the case of an individual or family or three thousand dollars (\$3,000) in the case of a business concern (including the operation of a farm) or non-profit organization. In the case of a business (including the operation of a farm) and in the case of a non-profit organization, the allowable expenses for transportation under this section shall not exceed the cost of moving fifty (50) miles from the point from which such business or organization is being displaced. Such rules and regulations may include provisions authorizing relocation payments to be made to individuals and families of fixed amounts (not to exceed two hundred dollars (\$200) in any case) in lieu of their respective, reasonable and necessary moving expenses.

History of Section.

As assigned, P. L. 1963, ch. 90, § 1.

37-6.1-3. Chapter retroactive to October 23, 1962.—This chapter shall take effect retroactively so as to be applicable to highway programs wherein land has been acquired therefor by the state subsequent to October 23, 1962, and so as to benefit eligible persons, families, business concerns and non-profit organizations who have been displaced therefrom thereafter.

History of Section.

As assigned, P. L. 1963, ch. 90, § 1.

37-6.1-4. Credits for payments previously made.—All payments heretofore made to displaced non-owner persons or families under the provisions of chapter [16 of title 40] of the general laws, entitled

"Relocation of persons from condemned lands", between October 23, 1962, and the date of the passage of this chapter shall be deducted from payments to be made to such non-owner persons or families hereunder.

SOUTH DAKOTA

Regular Session, Chapter 194, Senate Bill No. 109

AN ACT To allow discretionary power with Highway Commission to allow limited funds to landowners displaced by right of way acquisition for moving of personal property

Be it enacted by the Legislature of the State of South Dakota:

The State Highway Commission is authorized in its discretion to match federal moneys provided under Public Law 866 of the 87th Congress and acts amendatory thereof for relocation assistance and payments for moving and relocating certain improvements and personal property of landowners and tenants displaced by highway acquisitions.

This authority may be exercised by the commission in its discretion when the nature of the case warrants such assistance or payments, or both, but not to exceed the limits set forth in aforementioned Public Law 866.

Approved, February 19, 1963.

TENNESSEE

5 Tennessee Code Annotated, Sections:

23-1414. Elements of damages.—In estimating the damages, the jury shall give the value of the land or rights taken without deduction, but incidental benefits which may result to the owner by reason of the proposed improvement may be taken into consideration in estimating the incidental damages. Where the removal of furniture, household belongings, fixtures, equipment or machinery is made necessary by the taking, the reasonable expense of such removal shall be considered in assessing incidental damages. The reasonable expense of the removal of such chattels shall be construed as including the cost of: any necessary disconnection, dismantling or disassembling, the loading, and drayage to another location not more than ten (10) miles distant, and the reassembling, reconnecting, and installing in such new location. [Code 1858, § 1338; Shan., § 1857; Code 1932, § 3122; Acts 1951, ch. 176, § 1; 1957, ch. 398, § 1.]

UTAH

Regular Session, 1963 New Laws Page 528

Section 12. (1) In order to compensate eligible persons for the reasonable and necessary moving expenses incurred as a result of their displacement from real property acquired for a federal-aid highway project, the state road commission may make such relocation payments as are provided for in this section, which payments shall be considered a part of the cost of construction; provided, however, that such relocation payments shall be made only when proportionate reimbursement is obtained by the state of Utah from the United States pursuant to the Federal-Aid Highway Act of 1962.

(2) Payments under this section shall be subject to regulations of the state road commission, and shall not exceed \$200 in the case of an individual or family, or \$3,000 in the case of a business concern (including the operation of a farm) or nonprofit organization. In the case of a business (including the operation of a farm) and in the case of a nonprofit organization, the allowable expenses for transportation under this subsection shall not exceed the cost of moving 50 miles from the point from which such business or organization is displaced. Regulations of the state road commission may include provisions authorizing relocation payments to individuals and families of fixed amounts, not to exceed \$200 in any case, in lieu of their respective reasonable and necessary moving expenses.

(3) As used in this section the term "eligible person" means any individual, family, business concern (including the operation of a farm) and nonprofit organization displaced by construction of a federal-aid highway project.

(4) This section shall apply only with respect to eligible persons displaced on a federal-aid highway project after the effective date of this act.

Section 13. In all matters requiring legal advice in the performance of its duties and the prosecution or defense of any action growing out of the performance of its duties the attorney general, and the district attorney of the district in which any legal question arises, shall be the legal advisers of the state road commission, and they are hereby required to perform any and all legal services required of them by the state road commission without other compensation than their salaries.

Section 14. The commission shall cooperate with the counties, cities and towns in the construction, maintenance, and use of the public highways and in all matters relating thereto, and may provide services to the counties, cities and towns on such terms as may mutually be agreed upon. It shall cooperate with the federal government, with the approval of the governor, in all federal-aid projects, and shall cooperate with all state departments in all matters in connection with the use of the public highways.

VERMONT

6 Vermont Statutes Annotated, Title 19, Sections:

§ 2001. Definitions

As used in this chapter the following words and terms shall have the following meanings unless the context shall clearly indicate another meaning or different intent:

(1) "Eligible person"—any individual, family, business concern (including the operation of a farm), and nonprofit organization displaced by construction on any highway project undertaken by the state of Vermont.

(2) "Individual"—a person who is not a member of a family as herein defined.

(3) "Family"—two or more persons who are living together in the same quarters.

(4) "Business concern"—a corporation, partnership, individual or other private entity, engaged in a business or professional activity necessitating tangible property for the carrying on of the business or profession on the premises.

(5) "Moving expense"—cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading, re-installing of personal property, exclusive of the cost of any additions, improvements, alterations, or other physical changes in or to any structure in connection with effecting such reinstallation.—1963, No. 80, § 1.

§ 2002. Relocation assistance

There shall be paid by the Vermont state highway board from the highway fund to eligible persons displaced by construction of a highway project undertaken by the state of Vermont reasonable and necessary moving expenses caused by their displacement from real property acquired for such purposes, provided, however, that payments under this chapter shall not exceed \$200.00 in the case of the individual or family or \$3,000.00 in the case of a business concern (including the operation of a farm) or nonprofit organization. In the case of a business concern (including the operation of a farm) and in the case of a nonprofit organization, the allowable expenses for transportation hereunder shall not exceed the cost of moving fifty miles from the point from which such business concern or organization is being displaced and shall not be payable where the business or organization moves out of the state.—1963, No. 80, § 2.

§ 2003. Fixed payments

In lieu of paying the actual relocation expenses of individuals and families the state highway board may pay fixed amounts in accordance with a schedule of fixed amounts approved by it. Such schedule shall be of statewide application and shall provide for a graduated scale related to the size of the quarters occupied or some other uniform equitable method of scaling such payments. Such schedule shall indicate whether the individuals and families are entitled only to fixed amounts or are entitled to claim reimbursements for their actual moving expenses or fixed amounts at their election.—1963, No. 80, § 3.

§ 2004. Rules and regulations

The state highway board is hereby authorized to promulgate such rules and regulations respecting documentation and proof of reimbursable expenses and time and method of payment as it deems advisable for the purpose of carrying out the purposes hereof and its decision as to the amount to be paid any eligible person shall be conclusive.—1963, No. 80, § 4.

§ 2005. Application

The provisions hereof shall apply to all persons who become eligible persons as defined herein after passage of this chapter.—1963, No. 80, § 5.

Date of passage. 1963, No. 80, was approved May 7, 1963.

WEST VIRGINIA

West Virginia Code, 1963 Cumulative Supplement, Secs:

§ 1448(20). (20) Relocation Assistance; Limits on Payments; Rules and Regulations.—The payment of relocation costs to persons displaced by highway construction is hereby declared to be a cost of

highway construction and may be paid from the state road fund, subject to the provisions of this section. The state road commissioner shall make the payments authorized by this section to reduce hardships to persons so dislocated. In addition, the commissioner shall render advisory assistance to persons affected and shall call upon and coordinate the services of such other agencies of state and local government as may be capable of rendering such assistance to reduce hardships to persons affected and to reduce delays in highway construction. In rendering such advisory assistance, the commissioner may accumulate and maintain lists of various kinds of properties available to which persons affected may be relocated, and acquire and file such other information and take such other action as may be necessary to render such advisory assistance.

Any individual, family, business concern (including the operation of a farm) or nonprofit organization to be displaced by a highway construction project shall be compensated consistent with the provisions and limitations of this section for reasonable and necessary costs to be incurred in consequence of being so displaced. When a family is displaced, no additional payments shall be made to individuals who are members of such family; but, if two or more displaced families occupy the same dwelling or comprise a single household, each family within such dwelling or household may receive relocation costs as provided in this section. Payments under this section are subject to the following limitations and to any rules and regulations made by the commissioner as herein authorized:

(1) Payments shall not exceed two hundred dollars in the case of a family or an individual, or three thousand dollars in the case of a business concern (including the operation of a farm) or nonprofit organization;

(2) In the case of a business concern (including the operation of a farm) and in the case of a nonprofit organization, the allowable expense for transportation under this section shall not exceed the reasonable and necessary costs of moving fifty miles from the point from which such business or organization is being displaced and no expenses shall be allowed if a substantial portion of such business or organization is to be relocated outside the state.

The commissioner shall establish by rules and regulations a procedure for the payment of relocation costs within the limits of and consistent with the policies of this section. Such rules and regulations may authorize lump sum payments to individuals or families, in lieu of their respective provable costs (not to exceed two hundred dollars in any case), based upon the size of the dwelling being vacated or the number of persons being affected or any other reasonable basis. The commissioner may authorize the obligations of or payment of relocation costs in advance of expenditure for relocation by any person, firm or organization eligible to receive such payment where such advance obligation or payment would speed the clearance of highway construction sites or reduce hardships. (1963, c. 160.)

WISCONSIN

West's Wisconsin Statutes Annotated, 1964 Cumulative Annual Pocket Part:

82.19 Additional items payable

The following items shall be compensable in eminent domain proceedings where shown to exist:

(1) Realignment of personal property. The cost of realigning personal property on the same site in partial takings or where realignment is required by reason of elimination or restriction of existing used rights of access.

(2) Removal of personal property to another site. The cost of removal from the property taken to another site of personal property of land owners, or tenants under an existing unexpired written lease, the full term of which is at least 3 years. Such costs shall not exceed \$150 for removals from each family residential unit or \$2,000 from each farm or nonresidential site.

(3) Refinancing costs. All costs incurred by the owner to finance the purchase of another property substantially similar to the property taken provided that: 1) at the time of the taking the land condemned was subject to a bona fide mortgage or was held under a vendee's interest in a bona fide land contract, and 2) such mortgage or land contract had been executed in good faith prior to the date of the relocation order in condemnation under s. 82.05 or determination of necessity of taking in condemnation under s. 82.06. Such costs shall include:

(a) Reasonable fees, commissions, discounts, surveying costs and title evidence costs necessary to refinance the balance of the debt at the time of taking if actually incurred.

(b) Increased interest cost, if any, above that provided in the former financing. The computation of the increased interest costs, if any, shall be based upon and limited to:

1. A principal amount of indebtedness not to exceed the unpaid debt at the date of taking.

2. A term not to exceed the remaining term of the original mortgage or land contract at the date of taking.

3. An interest rate not to exceed the prevailing rate charged by mortgage lending institutions doing business in the vicinity.

4. The present worth of the future payments of increased interest computed at the same rate of interest as in subd. 3.

(4) Net rental loss. Net rental losses resulting from vacancies during the year preceding the taking of the property, provided that: 1) such loss is limited to the amount that exceeds the average annual rental losses caused by vacancies during the first 4 years of the 5-year period immediately preceding the taking; and 2) such rental loss was caused by the proposed public land acquisition.

(5) Expense of plans rendered unusable. Expenses incurred for plans and specifications specifically designed for the property taken and which are of no value elsewhere because of the taking.

82.20 Procedure for collection of itemized items of compensation

Claims for damages itemized in s. 82.19 shall be filed with the state highway commission or other public body, board, commission or utility, which is carrying on the project through which condemnee's or claimant's claims arise. All such claims must be filed after the dam-

ages upon which they are based have fully materialized but in no event later than 2 years after the condemnor takes physical possession of the entire property acquired. If such claim is not allowed within 90 days after the filing thereof, the claimant shall have a right of action against the condemnor, or in case no condemnation is involved, against the highway commission or public body, board, commission or utility, which is carrying on the project through which the claim arises. Such action shall be commenced in a court of record in the county wherein the damages occurred. In causes of action, involving any state commission, board or other agency, excluding counties, the sum recovered by the claimant shall be paid out of any funds appropriated to such condemning agency. Any judgment shall be appealable by either party and any amount recovered by the body against which the claim was filed, arising from costs, counterclaims, punitive damages or otherwise may be used as an offset to any amount owed by it to the claimant, or may be collected in the same manner and form as any other judgment.

VIRGINIA

Code of Virginia, Sec:

§ 33-67.3. Payment of costs to persons displaced by highway construction.—(a) For the purposes of this section the following definitions shall apply:

1. "*Eligible person*."—Any individual, family, business concern or nonprofit organization to be displaced by construction of a project.

2. "*Individual*."—A person who is not a member of a family as hereinafter defined.

3. "*Family*."—Two or more persons, whether or not related, who are living together in the same quarters.

4. "*Business concern*."—A corporation, partnership, individual or other private entity, engaged in a business or professional activity necessitating fixtures, equipment, stock in trade or other tangible property for the carrying on of the business or profession on the premises, including the operation of a farm.

5. "*Nonprofit organization*."—A corporation, partnership, individual or other private entity, engaged in a business, professional or institutional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession or institution on the premises.

6. "*Moving expenses*."—The cost of packing, loading, transporting, unloading and reinstalling personal property, exclusive of the cost of any additions, improvements, alterations or other physical changes in or to any structure in connection with effecting such reinstallation.

(b) Whenever the State Highway Commissioner acquires any real property by purchase, gift, or the power of eminent domain for a project and the acquisition results in the displacement of any eligible persons, such persons shall be entitled to receive reasonable and necessary moving expenses for personal property caused by their displacement; provided, however, that in the case of an individual or family, such payment shall not exceed the cost of moving 15 miles from the point of displacement or the sum of two hundred dollars, whichever is less and in the case of a business concern or a nonprofit organization such payment shall not exceed the cost of moving thirty miles from the point of displacement or the sum of three thousand dollars, whichever is less.

(c) The Commissioner is authorized to adopt such regulations as may be necessary to implement the provisions of this section and such regulations may include, among other things, provision for payment of fixed amounts in lieu of actual expenses of individuals and families.

(d) In the event the Commissioner and an eligible person are unable to agree on the amount payable under this section, the eligible person may petition the court having jurisdiction of eminent domain proceedings to be paid his reasonable moving expenses. Service on the State Highway Commissioner may be had by mailing a copy of the petition to him by registered mail. Upon hearing the matter the court shall ascertain the proper amount due the petitioner, subject to the limits in subsection (b), and order the Commissioner to pay the amount so ascertained.

(e) Evidence of any moving expenses or payments made pursuant to this section is inadmissible in any eminent domain proceeding to determine the compensation for property to be acquired.

(f) The provisions of this section shall not be construed to apply to any action or proceeding brought or agreement made prior to March thirty-first, nineteen hundred and sixty-four (1964, c. 389.)

EXHIBIT IV

RECOMMENDATION AND PROPOSED FEDERAL LEGISLATION

Recommendation 10. Uniform policy on relocation payments and provision of relocation assistance in Federal and federally assisted programs (title I, secs. 107, 108, 110-115)

It is recommended that legislation be enacted—

(a) To require that relocation payments be provided for all displaced persons on a uniform basis in all programs conducted by the Federal Government, or with the assistance of Federal funds (other than loans or contracts of guarantee), and that relocation assistance be provided for all program displacees consistent with their needs.

Comments.—This recommendation would implement the conclusions described in part A of this chapter.

(b) To provide four types of relocation payments—

(1) Reimbursement for actual expenses.

This payment would permit any person displaced or caused to move personal property to be reimbursed, upon proper application, for his actual and reasonable expenses in moving himself, his family, business, farm operation, or other personal property and, in the case of a farm operation, for his actual and reasonable expenses in searching for a replacement farm. If a displaced person disposes of personal property on moving his business or farm operation and replaces it at the new location, he would be paid an amount equal to the reasonable expense that would have been required in moving the property to the new location. In order to provide for uniformity in the implementation of this provision, the President would be authorized to prescribe uniform regulations. The President would also be authorized, but not required to establish, by regulation, a limitation on the amount of a payment.

Comment.—This recommendation would permit a displaced person or any other person caused to move personal property to be reimbursed for actual and reasonable moving expenses in accordance with regulations of the President. No fixed maximum payment would be provided; however, the President would be authorized, but not required, to establish a limitation if he found it to be necessary or appropriate.

In addition to moving expenses, the farm operator would be permitted to prove his actual and reasonable costs in search of a replacement property. This continues the practice established in the Federal agency "resettlement" legislation and recognizes the fact that displaced farm operators frequently are required to move considerable distances.

Also, where a displaced person disposes of personal property at the project location and replaces it at the replacement site, he would be authorized to claim an amount equal to the reasonable costs that would have been required to move the property to the new location. This practice is authorized under administrative regulations of the Federal

agencies, which presently make "resettlement payments." In other programs, the property owner must move his property to the new location or else forego the payment. This proposed payment provision would extend the Federal agency practice to all programs.

(2) Business concerns.

A displaced person who moves or discontinues his business would have the option of accepting a fixed payment in lieu of reimbursement for actual expenses, equal to the average annual net earnings of the business, or \$5,000, whichever is the lesser, if (1) the head of the agency authorized to make relocation payments is satisfied that the business cannot be relocated without a substantial loss of its existing patronage, and (2) the business is not a part of a commercial operation having at least one other establishment not being displaced, which is engaged in a similar business. "Average annual net earnings" would be defined as "one-half of any net earnings of the business, before Federal, State, or local income taxes, during the 2 taxable years immediately preceding the taxable year in which the business moves, including any compensation paid by the business to the owner, his spouse, or his dependent children during the 2-year period." Earnings should be established by pertinent income tax returns.

Comment.—This fixed payment provision for displaced business proprietorships that cannot be relocated without a substantial loss of existing patronage recognizes the economic impact of displacement on the proprietor who must—

- (1) Establish a business at a different location;
- (2) Buy an established business; or
- (3) Discontinue business operations, and frequently lose his livelihood.

This fixed payment could be made to a displaced business concern within a week from the time of a move, with a minimum of red tape and administrative expense.

(3) Residential occupants.

A displaced person who moves from a dwelling would have the option of accepting a fixed payment in lieu of reimbursement for actual expenses, to include—

A. A moving expense allowance, determined according to a schedule established by the head of the agency authorized to make the payment, not to exceed \$200;

B. A dislocation allowance equal to the moving expense allowance in A or \$100, whichever is the lesser; and

C. An additional payment of \$300, if the displaced person owns the fee title or a life estate in the real property occupied.

Comment.—These fixed payment provisions for displaced residential occupants provide a moving expense payment, determined in accordance with a schedule established by the agency responsible for the payment, in the same manner now authorized in federally assisted programs. A dislocation allowance of \$100 or an amount equal to the moving expense payment, whichever is the lesser, is intended to reimburse the displacee for loss of property and out-of-pocket costs without the documentation required by the urban renewal "loss of property" provision.

The additional payment of \$300, which is provided only for the homeowner, recognizes to some degree the closing costs and financing charges required for the purchase of a replacement home.

This fixed payment could be made almost immediately after a move with a minimum of redtape and administrative expense.

(4) Farm operations.

A displaced farm operator would have the option of accepting a fixed payment of \$1,000, in lieu of reimbursement for actual expenses, if the head of the agency authorized to make the payment is satisfied that the taking destroys the economic unit.

Comment.—This fixed payment provision permits a displaced farm operator to claim a lump sum payment of \$1,000, in lieu of actual moving expenses and costs in search of a replacement farm. The average payment for these costs in Army Engineer acquisitions, for example, has been \$475. The fixed payment includes a moderate allowance for loss of property and related costs in securing a replacement farm or adjusting to a nonagricultural activity.

The farm operator caused to move from his home by the taking of the farm would also have the right to claim his actual moving expenses or a fixed residential payment, as discussed in the previous recommendation.

This provision is primarily to assist the small farm operator. The large farm or ranch operator who incurs substantial moving expenses and costs in search of replacement property ordinarily will prefer to claim reimbursement for actual expenses, as provided in an earlier recommendation.

(c) To provide that no State or local government agency need make a relocation payment greater than \$10,000, in order to comply with Federal requirements for making relocation payments.

Comment.—This recommendation simply fixes the maximum amount of a relocation payment that may be required of a State or local government agency as a condition of Federal aid. It does not prevent a State or local government agency from making larger payments in accordance with the recommended Federal standard if it chooses to do so.

In this regard, data supplied by the Urban Renewal Administration indicates, that of some 5,560 relocation payments to displaced business concerns in 1963, only 199, or 3.6 percent of the total, exceeded \$10,000.

PROPOSED LEGISLATION

RELOCATION PAYMENTS

Sec. 107. (a) If the head of any Federal agency acquires real property for public use in a State, or the District of Columbia, he shall make fair and reasonable relocation payments to displaced persons in accordance with the regulations established by the President under section 110 of this title.

(b) If any displaced person who moves or discontinues his business elects to accept the payment authorized by this subsection in lieu of the payment authorized for such business by subsection (a) of this section, the head of such Federal agency shall make a fixed relocation payment to such person in an amount equal to the average annual net earnings of the business, or \$5,000, whichever is the lesser. No payment shall be made under this subsection unless the head of such agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not part of a commercial enterprise having at least one other establishment, not being acquired by the United States, which is engaged in the same or similar business. For purposes of this subsection the term "average annual net earnings" means one-half of any net earnings of the business, before Federal, State, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property acquired by the United States, and includes any compensation paid by the business to the owner, his spouse, or his dependent children during such two-year period. Such earnings and compensation shall be established by Fed-

eral income tax returns filed by such business and its owner and his spouse and dependent children for such two taxable years.

(c) If any displaced person who moves from a dwelling elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection (a) of this section for moving from such dwelling, the head of such Federal agency shall make the following fixed relocation payments to such person:

(1) A moving expense allowance, determined according to a schedule established by the head of such agency, not to exceed \$200;

(2) A dislocation allowance equal to the amount paid under paragraph (1) of this subsection or \$100, whichever is the lesser; and

(3) An additional payment of \$300, if the displaced person owned the fee title or a life estate in the real property occupied.

(d) If any displaced person who moves or discontinues a farm operation elects to accept the payment authorized by this subsection in lieu of the payment authorized for such farm operation by subsection (a) of this section, the head of such Federal agency shall make a fixed relocation payment to such person in the amount of \$1,000. In the case where the entire farm operation is not acquired by such Federal agency, the payment authorized by this subsection shall be made only if the head of such agency determines that the remainder property is no longer an economic unit.

(e) No provision of this section shall be construed to give any person a cause of action in any court, nor may any violation of this section be raised as a defense by such person in any action.

AUTHORITY OF THE PRESIDENT

SEC. 110. (a) The President shall make such regulations as may be necessary to assure—

(1) that relocation payments authorized by section 107(a) shall be fair and reasonable;

(2) that a displaced person who makes proper application for a relocation payment authorized for such person by section 107(a)—

(A) shall be reimbursed for his actual and reasonable expenses in moving himself, his family, business, farm operation, or other personal property, and in the case of a farm operation, for his actual and reasonable expenses in searching for a replacement farm; and

(B) shall, if he disposes of personal property on moving his business or farm operation and replaces such property at the new location, be paid an amount equal to the reasonable expenses that would have been required in moving such personal property to the new location;

(3) that a displaced person who makes proper application for a relocation payment authorized for such person by this title shall be paid promptly after a move;

(4) that any person aggrieved by a determination as to eligibility for a relocation payment authorized by this title, or the amount of a payment, may have his application reviewed by the head of the agency; and

(5) that a displaced person shall have a reasonable time in which to apply for a relocation payment authorized by this title.

(b) The President may by regulation establish a limitation on the amount of a relocation payment authorized by section 107(a), with due consideration for the declaration of policy in this title and the provisions of subsection (a) of this section and section 111(d).

(c) In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the President is authorized to require that any Federal agency make relocation payments or provide relocation services, or otherwise carry out its functions under this title, by utilizing the facilities, personnel, and services of any other Federal agency, or by entering into appropriate contracts or agreements with any State agency having an established organization for conducting relocation assistance programs.

(d) The President may make such other rules and regulations as he deems necessary or appropriate to carry out this title.

PART B. FEDERALLY ASSISTED PROGRAMS

RELOCATIONS PAYMENTS AND ASSISTANCE

SEC. 111. (a) If a State agency acquires real property, and if—

(1) Federal financial assistance is available to pay the cost, in whole or in part, of the acquisition of such real property, or of the improvement for which such property is acquired, and

(2) such State agency has agreed with the head of the Federal agency responsible for the administration of such Federal financial assistance to provide to displaced persons for moves from such real property—

(A) fair and reasonable relocation payments in accordance with regulations established by the President under section 110 of this title,

(B) fixed relocation payments in the same amounts and under the same terms and conditions as are required to be made by a Federal agency by sections 107(b), 107(c), and 107(d) of this title, and

(C) relocation assistance programs offering the services described in section 108(b) of this title,

then Federal financial assistance shall be available to share the cost of such relocation payments and relocation assistance programs in accordance with subsection (d) of this section. However, no State agency need agree to make any relocation payment in excess of \$10,000 to any displaced person in order to receive the assistance authorized by this subsection or to meet the requirements of subsections (b) and (c) of section 112.

(b) In order to prevent unnecessary expenses and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, any agreement by a State agency under subsection (a) of this section may provide that such agency may make relocation payments or provide relocation assistance or otherwise carry out its functions under this title, by utilizing the facilities, personnel, and services of any other State agency having an established organization for conducting relocation assistance programs.

(c) Any contract or agreement with a State agency executed before the date of this Act, under which Federal financial assistance is available to pay, in whole or in part, the cost of the acquisition of real property, or of the improvement for which such property is acquired, may be amended to include an agreement as described in subsection (a) of this section.

(d) (1) The cost to a State agency providing the payments and services described in subsection (a) of this section may be included as part of the costs of the project for which Federal financial assistance is available to such State agency, and shall be eligible for Federal financial assistance in the same manner and to the same extent as other project costs, except that the Federal agency providing such assistance shall not pay more than one-half of that part of any such relocation payment which exceeds \$25,000.

(2) Notwithstanding paragraph (1) of this subsection, in the case of any relocation payment made pursuant to an agreement as described in subsection (a) of this section, or by the District of Columbia or the National Capital Housing Authority, for a project authorized by a law specifically referred to in section 112(b), the Federal agency providing Federal financial assistance shall contribute the first \$10,000 of the cost of any such payment, and shall contribute to the cost of any remainder of such payment in the manner described in paragraph (1) of this subsection.

(e) If the head of a Federal agency determines that it is necessary for the expeditious completion of a public improvement for which a State agency has entered into an agreement, as described in subsection (a) of this section, to make relocation payments to displaced persons, he may advance the Federal share of such relocation payments to such State agency. Upon determination by the head of such Federal agency that any part of the funds advanced to a State agency under this subsection are no longer required, the amount which he determines not to be required shall be repaid upon demand. Any sum advanced and not repaid on demand shall be deducted from sums otherwise available to such State agency.