

Operational Services

PEORIA SCHOOL DISTRICT 150
POLICY ON DISPLACEMENT AND RELOCATION ASSISTANCE
FOR ACQUISITIONS OF REAL ESTATE

Purpose and Declaration of Relocation Assistance Policy

The District must acquire real property for many of its school projects and programs. Acquisition of real property by the District may result in occupants relocating from the property acquired by the District. It is the intent of the District to fairly consider displaced occupants' needs when they are required to relocate due the District's purchase of real property, to minimize hardships caused by property acquisitions, and to comply with the relocation compensation requirements of the Illinois Eminent Domain Act.

Application of the District's Relocation Assistance Policy

Non-Federally Funded District Projects

The Illinois Eminent Domain Act requires that the District provide relocation assistance to persons displaced by the District's acquisition of real property if the purchase is made under the threat of the use of the District's eminent domain powers.

Occupants' reasonable relocation costs shall be "*determined in the same manner*", as set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the federal regulations found at 49 CFR part 24 (Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs) (hereinafter collectively referred to as the "URA").

The requirement to provide relocation assistance is set forth in the Illinois Eminent Domain Act at 735 ILCS 30/10-5-621.

District Projects Which Include Federal Funds

For District projects that include the use of federal funds for the acquisition or development of real property that are directly governed by the URA, the District will follow all the requirements of the URA.

When Relocation Compensation is Not Required Under this Policy

Relocation compensation is not required for acquisitions which are voluntarily initiated by a seller, negotiated with a seller under no threat of condemnation, where property is donated to the District, or where it is not required by the URA.

1 § 10-5-62. Relocation costs. "Except when federal funds are available for the payment of direct financial assistance to persons displaced by the acquisition of their real property, in all condemnation proceedings for the taking or damaging of real property under the exercise of the power of eminent domain, the condemning authority shall pay to displaced persons reimbursement for their reasonable relocation costs, determined in the same manner as under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended from time to time, and as implemented by regulations promulgated under that Act. ..." [Emphasis Added] 735 ILCS 30/10-5-62.

Additional Guidance on Relocation Compensation

If the Illinois Eminent Domain Act and the URA, do not provide sufficient guidance for determining reasonable relocation costs reference will be made to the Illinois Department of Transportation Relocation and Assistance and Payments Program Policies found at Chapter 6 of the Relocation Guide of the Illinois Department of Transportation.

Description of Relocation Compensation

The following is a general description of the relocation assistance that will be available to displaced persons²:

For low income persons the relocation assistance will take into account the persons income.

Displaced Businesses and Non Profits

The District will provide relocation costs to displaced businesses and non profit organizations for actual reasonable moving expenses, actual direct losses of tangible personal property, expenses for searching for a replacement location and actual reasonable expenses necessary to reestablish a displaced business or non profit organization.

In lieu of payment for actual costs incurred a displaced business or non profit from may elect to receive an expense and dislocation allowance. Any business or non-profit may elect to receive a fixed payment for moving and reestablishment expenses of not less than \$1,000.00 and not more than \$20,000.00. The District will attempt to negotiate fixed payment agreements with business and non profit claimants.

Displaced Persons or Entities

Owner Occupants and residential tenants may be eligible for assistance if displaced by a District real property acquisition.

Types of Relocation Compensation – Displaced Persons

Moving Expenses

Displaced Persons may be eligible for actual reasonable moving expenses to relocate. As an alternative moving expenses may be provided through a payment schedule established by federal regulation based on the number of rooms of furniture.

Replacement Housing

180 Day Owner Occupants

Qualified Owner Occupants (owners who have owned and occupied their dwelling for 180 days prior to initiation of negotiations) will be entitled to a replacement housing payment to enable the owner to buy or, if the owner prefers, to rent a comparable replacement home. The owner must choose either purchase assistance or rental assistance. This payment will be based on the difference between the amount received for the property acquired by the District and the reasonable cost of a comparable replacement dwelling, increased debt service costs (if the original home had a mortgage), and reasonable closing costs. The homeowner must acquire a replacement dwelling within one year.

Residential Tenants and Owner Occupants for Less than 180 Days

If the residential tenant or owner occupied the property for at least 90 days prior to initiation of negotiations for acquisition of the dwelling may be entitled to relocation assistance to enable the person to rent a

² The URA provides detailed information, including rate schedules and maximum and minimum amounts of compensation for determining the cost of relocation assistance. The compensation assistance provided by the District will be subject to changes based on amendments to the URA.

comparable replacement dwelling for up to forty-two months. In the alternative, the funds could be used for a down payment on the purchase of a home.

Advisory Services

The District may also provide assistance with referrals to comparable replacement homes, the inspection of replacement housing to ensure that it meets established standards, help in preparing claim forms for relocation payments, and other assistance to minimize the impact of relocation.

General Requirements for Relocation Assistance

No Duplication of Payments

No recipient shall receive any compensation for relocation which would substantially duplicate the compensation which was received or which may be paid from another source. Under no circumstances will there be a duplication of payments for acquisition or for relocation.

Least Cost Approach

The amount of payments for eligible relocation expense shall not exceed the least costly method of accomplishing the objective of the payment without causing undue hardship on the displaced person or entity.

Documentation

If requested, any claim for relocation payment shall be submitted to the District on the appropriate form and supported by such documentation as may be reasonably required by the Authority to establish accurate expenses incurred, such as bills, statements, certified prices, appraisals or other evidence of the actual expenses incurred for relocation.

Set Off for Claims

The Authority may withhold any part or all of a relocation payment to a Displaced person or entity to satisfy an obligation to the District.

Burden of Proof

Claimants shall have the burden of proof to establish eligibility for and the amount of any relocation payment.

Time for Moving

All claimants must complete any relocation from their current sites by the date specified in the settlement agreement with the District or if no settlement is achieved, within 90 days of receiving written notification from the District to relocate, such time as a court may require a claimant to vacate the property, or such additional time as the District may determine and specify in writing.

Owner's Obligation to Notify New Tenants

No owner within an area identified by the District for acquisition shall lease to a tenant after the owners receipt of a notice of intent to acquire from the District without giving prior written notice to the tenant that the District intends to acquire the property. Any such tenant shall not be eligible for relocation benefits from the District.

Time Limit for Submission of Claims

All claims and documentation must be submitted to the District within six months of the date on which the displaced person or entity completes moving, except for claims which by their nature cannot be ascertained by that time.

Ineligible Displaced Businesses, Non Profit Organizations, and Residents

The following displaced businesses, non profit organizations, and residents shall not be eligible for relocation assistance:

Any business, non profit, or resident which has not occupied real property to be acquired by the District prior to a notice of intent to acquire sent by the District;

An occupant of eligible for relocation assistance under the URA;

A subtenant of a tenant unless the subtenant is a separate legal entity and the subtenant can separately qualify for assistance under this policy;

Any business, non profit, or resident having prior plans to relocate for reasons independent of the District's acquisition;

Multiple leaseholds if the tenancies are operated as a single business; and

Any business, non profit, or resident who is operating or in possession the property in violation of applicable licenses, land use laws or regulations.

Relocation Settlements

Total Settlement

The District will attempt to negotiate settlement agreements by mutual agreement regarding relocation benefits with all claimants.

The District will attempt to negotiate lump sum settlements by mutual agreement with all displaced businesses and non profits.

Mediation

If the District determines that a settlement of eligible relocation expenses cannot be reached due to an impasse in negotiations, the District may elect to schedule a session with a mediator after advising the claimant that an impasse exists or at a time which the claimant and the District agree. The mediator shall be selected by the mutual consent of the claimant and the District. If the claimant refuses to participate in the selection of a mediator, unreasonably withholds consent to the selection of a mediator, or refuses to participate in mediation; the District will make a final determination of the relocation benefits.

ADOPTED: May 5, 2008