

Regulations of Connecticut State Agencies

TITLE 8. Zoning, Planning, Housing, Economic and Community Development and Human Re-

Agency

Department of Transportation

Subject

Relocation Assistance Appeal

Inclusive Sections

§§ 8-273-1—8-273-45

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Relocation Assistance Appeal

Sec. 8-273-1. Relocation assistance appeal

(a) Any person aggrieved as to the provisions of Chapter 135 of the (general Statutes of Connecticut, as revised, should first request reconsideration by the State agency of the decision initially received as to relocation assistance. If the person aggrieved is not satisfied by the decision rendered by the State agency upon reconsideration, he then may request a hearing before the Relocation Advisory Assistance Appeals Board.

(b) The request must be submitted in writing to the State agency causing the displacement within eighteen months after the date of acquisition of real property by the State agency causing the displacement by land acquisition programs, by building code enforcement activities, or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision or the effective date of these regulations whichever is later.

(c) A Relocation Advisory Assistance Appeals Board shall be established by the Commissioner of Transportation and another Appeals Board by the Commissioner of Community Affairs. The Board established by the Commissioner of Transportation will hear matters concerning transportation projects and the Board established by the Commissioner of Community Affairs will hear matters concerning all other State agency programs and projects.

(d) The Board will review applications of all persons aggrieved, hold hearings thereon, and report its findings within 15 days after the hearing to the Transportation Commissioner on matters concerning transportation projects, and the Community Affairs Commissioner on matters concerning all other State agency programs and projects.

(e) The respective Commissioners shall make the final administrative decisions and advise the appellant of his decision in accordance with Section 4-179 of the General Statutes of Connecticut, as revised.

(Effective April 30, 1975)

Sec. 8-273-2. Moving costs distance limit

Payments for moving expenses shall be limited to a distance of fifty miles unless prior written approval has been received from the funding agency.

(Effective April 30, 1975)

Sec. 8-273-3. Fixed schedule of payments

(a) Any displaced person eligible for payments for actual cost of moving household goods may elect to receive in lieu of the actual costs payments based upon a fixed schedule of payments, according to whichever method is best for them. The fixed schedule methods payment is based on the number of rooms of furniture and personal belongings in the subject house and is generally used when the occupant desires to move himself. The fixed schedule is as follows:

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<i>Number of Rooms</i>	<i>Payment Will Be</i>
1	\$ 50.00
2	90.00
3	140.00
4	170.00
5	230.00
6	260.00
7 or more rooms	300.00 (Maximum)

(b) If the fixed schedule of payments is elected, no more than \$300 will be paid for moving costs. A dislocation payment of \$200 will also be paid for those electing to receive payment according to the above fixed schedule.

(c) Two or more individuals, not a family, who occupy the same dwelling units are considered to be a single family for the purposes of this section.

(Effective April 30, 1975)

Sec. 8-273-4. Dwellings described

(a) A decent, safe and sanitary dwelling shall be described as follows:

- (1) Conforms to local building, housing and occupancy codes for existing structures.
- (2) Has a continuing supply of potable water.
- (3) Has a kitchen with hot and cold water, and sink with sewage collections. It must have an area for a stove and refrigerator with proper utility connections.
- (4) Has an adequate heating system for the living area.
- (5) Has a ventilated, lighted bathroom with privacy available and shower or tub, adequate hot and cold water supply, flush toilet and connections to an adequate sewage system, all in good working order.
- (6) Has artificial lighting provisions in each room.
- (7) Is structurally sound and adequately maintained.
- (8) Each building used for dwelling purposes shall have a safe unobstructed means of egress to a safe open space at ground level.
- (9) Each unit in a multi-dwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level.
- (10) In multi-dwelling buildings of three stories or more, the common corridor is a means of egress to open space at ground level.
- (11) Meets standards of habitable floor space having 150 square feet for the first occupant, and at least 100 square feet for each additional occupant.
- (12) For mobile homes 150 square feet for the first occupant and 70 square feet for each additional occupant.
- (13) Habitable floor space must have sufficient number of rooms to be adequate for a

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family and is defined as the part used for sleeping, living, cooking and dining and does not include closets, pantries, bathrooms, service or utility rooms, hallways, foyers, unfinished attics, storage space, cellars and similar types of space.

(14) All rooms must be adequately ventilated.

(b) Comparable dwelling: A comparable dwelling is one which when compared with the dwelling being taken is:

(1) Decent, safe, and sanitary;

(2) Functionally equivalent and substantially the same with respect to:

(A) Number of rooms;

(B) Area of living space;

(C) Type of construction;

(D) Age; and

(E) State of repair.

(3) Fair housing — open to all persons regardless of race, color, religion, sex or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968; and the Civil Rights requirements of Article I, Section 20 of the State Constitution and Section 53-35 of the Statutes of Connecticut, as revised.

(4) In areas not generally less desirable than the dwelling to be acquired in regard to:

(A) Public utilities; and

(B) Public and commercial facilities.

(5) Reasonably accessible to the relocatee's place of employment;

(6) Adequate to accommodate the relocatee;

(7) In an equal or better neighborhood;

(8) Available on the market; and

(9) Within the financial means of the displaced family or individual.

(e) Adequate replacement housing: The term "adequate replacement housing" means a dwelling which is:

(1) Decent, safe, and sanitary;

(2) Fair housing — open to all persons regardless of race, color, religion, sex or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968, the Civil Rights requirements of Article I, Section 20 of the State Constitution and Section 53-35 of the Statutes of Connecticut, as revised.

(3) In areas not generally less desirable than the dwelling to be acquired in regard to:

(A) Public utilities; and

(B) Public and commercial facilities.

(4) Available at rents or prices within the financial means of the individuals and families relocated;

(5) Reasonably accessible to the relocatee's place of employment; and

(6) Adequate to accommodate the relocatee.

(Effective April 30, 1975)

Sec. 8-273-5. Limitations on payment for purchase price

(a) The price established as the reasonable cost of a comparable replacement dwelling sets the upper limit of the differential amount payable for a comparable dwelling when the reasonable cost of such dwelling is more than the acquisition price of the acquired dwelling. To qualify for the full amount, the home owner must purchase and occupy a decent, safe and sanitary dwelling, expending a minimum of the acquisition price of the acquired dwelling and the supplemental payment offered.

(b) If the home owner voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost established for a comparable replacement dwelling, the amount payable is that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the decent, safe and sanitary dwelling.

(Effective April 30, 1975)

Sec. 8-273-6. Rental payments to a qualified displaced tenant

If the rental payment is calculated to be more than \$2,000.00, it may be made in four equal annual installments. Before making said annual payment, the State agency concerned shall verify that the qualified tenant still occupies a decent, safe and sanitary dwelling.

(Effective April 30, 1975)

Sec. 8-273-7. Eligibility not dependent on length of occupancy

A displaced person's eligibility for payment of moving and related expenses is not affected by the length of time that he occupied the real property from which he is displaced.

(Effective April 30, 1975)

Sec. 8-273-8. Payment limited to one move; exception

(a) Except as provided by paragraph (b) of this section, payment of a displaced person's moving and related expenses may not be made for more than one move in connection with a particular project.

(b) If the appropriate state agency official considers it to be in the public interest he may authorize payment of a displaced person's moving and related expenses for additional moves.

(Effective April 30, 1975)

Sec. 8-273-9. Noneligibility notice to rental occupants required

If any agency rents out real property acquired in connection with a project to which this part applies, it shall notify the tenant and state in the rental agreement that the tenant will not be eligible for payment of displacement, moving, and related expenses under this subpart.

(Effective April 30, 1975)

Sec. 8-273-10. Moving expenses; application and payment

(a) Upon application by a displaced person for payment of moving and related expenses, the agency concerned shall —

(1) Pay those expenses in accordance with this subpart; or

(2) If the applicant elects to receive it, pay him a fixed allowance in accordance with Subpart F of this part.

(b) The application shall be in writing and filed with the agency concerned within 1 year after the date of acquisition of the dwelling by the agency or the date the applicant vacated the dwelling, whichever is later. The application shall include an itemization of the expenses involved and, except as provided in paragraphs (d) and (e) of this section, shall be supported by receipts and such other evidence as the agency concerned may require.

(c) A displaced person may not be paid for his moving expenses in advance of the actual move unless the agency concerned finds that a hardship would otherwise result.

(d) If a displaced person, his mover, and the agency concerned agree by prearrangement in writing, the displaced person may submit an unpaid bill for moving expenses for direct payment.

(e) If the agency concerned contracts with independent movers on a schedule basis and provides a displaced person with a list of movers he may choose from to move his personal property, payment shall be made directly to the mover.

(f) In the ease of a self-move by a displaced person who conducts a business or farm operation the amount of payment for actual reasonable moving expenses is negotiable but may not be more than the lower of two firm bids or estimates received by the agency concerned.

(Effective April 30, 1975)

Sec. 8-273-11. Exclusions

A displaced person is not entitled to be paid for —

(a) Additional expenses incurred because of living in a new location;

(b) Cost of moving structures or other improvements to real property which are reserved by the displaced person;

(c) Improvements to the replacement site, except when required by law;

(d) Interest on loans to cover moving expenses;

(e) Loss of good will;

(f) Loss of profits;

(g) Loss of trained employees;

(h) Personal injury;

(i) Cost of preparing the application for moving and related expenses; or

(j) Modification of personal property to adapt it to replacement site, except when required by law.

(Effective April 30, 1975)

Sec. 8-273-12. Moving expenses; individuals and families

(a) Except as provided in Section 8-273-11, a displaced individual or family is entitled to actual reasonable expenses for —

(1) Transporting themselves and their personal property from the displacement site to a replacement site, but not more than 50 miles unless the agency concerned finds that the individual or family cannot relocate within that distance;

(2) Packing, crating, and, if the agency concerned finds it necessary, storing their personal property for not more than 6 months;

(3) If the agency concerned finds it necessary, advertising for packing, crating, storing, or transporting their personal property;

(4) Insuring against loss or damage of their personal property while in storage or transit; and

(5) Removing and reinstalling a household appliance, including reconnecting utilities, if —

(i) It is not acquired by the agency concerned as real property;

(ii) The individual or family agrees in writing that the appliance is personal property and releases the agency concerned from paying for it; and

(iii) Unless otherwise required by law, it is not a real property improvement to the location site.

(b) A displaced individual or family is entitled to be reimbursed for uninsurable loss or damage of their personal property while in the process of moving, if the loss or damage was not a result of their fault or negligence.

(Effective April 30, 1975)

Sec. 8-273-13. Moving expenses: businesses and farm operations

(a) Except as provided in Section 8-273-11, a displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to actual reasonable expenses for —

(1) Transporting his personal property from the displacement site to a replacement site, but not more than 50 miles, unless, in the case of relocation, the agency concerned finds that the business or farm operation cannot be relocated within that distance;

(2) Packing, crating, and, if the agency concerned finds it necessary, storing his personal property for not more than 6 months;

(3) If the agency concerned finds it necessary, advertising for packing, crating, storing, or transporting his personal property;

(4) Insuring against loss or damage of his personal property while in storage or transit;

(5) Removing and reinstalling machinery and equipment including reconnecting utilities, if —

(i) It is not acquired by the agency concerned as real property;

(ii) The displaced person agrees in writing that the machinery or equipment is personal property and releases the agency concerned from paying it; and

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(iii) Unless otherwise required by law, it is not a real property improvement to the location site; and

(6) Searching for a replacement business or farm operation, to the extent those expenses meet the requirements of Section 8-273-17.

(b) A displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to the actual direct losses of personal property resulting from the discontinuation or move, to the extent those losses meet the requirements of Section 8-273-16.

(c) A displaced person who conducts a business or farm operation which is relocated is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage is not the result of his fault or negligence.

(Effective April 30, 1975)

Sec. 8-273-14. Moving expenses: advertising businesses

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays, whether or not the displays are located on the premises on which any of those activities are conducted, is entitled to the moving expenses described in Section 8-273-13.

(Effective April 30, 1975)

Sec. 8-273-15. Low value, high bulk property: businesses and farm operations

In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items, used in connection with a relocated business or farm operation, payment for actual reasonable moving expenses may not be more than the cost of replacing that property at the relocation site less the amount for which it could be sold at the displacement site.

(Effective April 30, 1975)

Sec. 8-273-16. Actual direct losses: businesses and farm operations

(a) Subject to the requirements and limitations in paragraphs (b) through (f) of this section, a displaced person who conducts a business or farm operation is entitled to payment for actual direct losses of personal property that is used in connection with the business or farm operation but is —

- (1) No longer needed because the business or farm operation is being discontinued; or
- (2) Not being moved to a relocation site because it is not suitable for use there.

(b) If a business or farm operation is relocated, payment for actual direct losses of personal property may not be more than the amount the agency concerned determines the reasonable moving expenses would be for moving that property to the relocation site.

(c) A displaced person who conducts a business or farm operation shall make a bona fide effort to sell personal property he does not move.

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(d) If a displaced person relocates a business or farm operation and sells an item of personal property that he does not move and promptly replaces it with a comparable item, payment for actual direct loss of the original item may not be more than the replacement cost less its sale price, or the cost of moving the original item, whichever is less.

(e) If a displaced person discontinues a business or farm operation and sells an item of personal property, payment for actual direct loss of that item may not be more than the in-place value of the item less its sale price, or the cost of moving it, whichever is less.

(f) If a displaced person who conducts a business or farm operation abandons an item of personal property after making a bona fide effort to sell that property, payment for the actual direct loss of that item may not be more than the in-place value of the item less what its sale price would have been, or the cost of moving it, whichever is less.

(Effective April 30, 1975)

Sec. 8-273-17. Expenses in searching for replacement business or farm operation

A displaced person who conducts a business or farm operation is entitled to not more than \$500. or such higher amount as the agency concerned considers justified under the circumstances, for actual reasonable expenses in searching for a replacement business or farm operation including —

- (1) Cost of Travel;
- (2) Cost for meals and lodging;
- (3) An amount for time spent searching, based on the salary or earnings of the displaced person from the business or farm operation, but not more than \$10. per hour; and
- (4) If the agency concerned considers it desirable, the cost of a broker or realtor to locate a replacement site.

A displaced person who conducts an advertising business described in Section 8-273-14, is entitled to not more than \$100., or if the agency concerned considers it justified under the circumstances not more than \$500., for actual reasonable expenses in searching for a replacement outdoor advertising display site.

(Effective April 30, 1975)

Sec. 8-273-18. Fixed allowance; businesses

(a) A displaced person who conducts a business and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the business, computed in accordance with 8-273-20, but not less than \$2,500 or more than \$10,000, if that business —

- (1) Substantially contributes to the income of the displaced person;
- (2) Cannot, in the opinion of the agency concerned, be relocated without substantial loss of existing patronage taking into consideration —
 - (i) The type of business;
 - (ii) The nature of its clientele; and
 - (iii) The relative importance of the displacement and proposed relocation sites to the

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business, and

(3) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by a State agency or the United States.

(Effective April 30, 1975)

Sec. 8-273-19. Fixed allowance; farm operation

(a) A displaced person who conducts a farm operation and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the farm operation, computed in accordance with 8-273-20, but not less than \$2500, or more than \$10,000.

(b) In the case of a partial acquisition and displacement of a farm operation, the fixed allowance described in paragraph (a) of this section may be paid only if the agency concerned finds that—

(1) The displaced activity was a farm operation before the acquisition of the displacement site; and

(2) The property remaining after acquisition is not an economic unit.

(Effective April 30, 1975)

Sec. 8-273-20. Computing average annual net income; businesses and farm operations

(a) For the purposes of this subpart, the average annual net income of a business or farm operation is its average annual net earnings before Federal, State, and local income taxes during the 2 tax years immediately preceding the tax year in which it is displaced. Net earnings include compensation obtained from the business or farm operation by its owner, his spouse, or dependents, or in the case of a corporate owner, by the holder or a majority of the common stock, his spouse, or dependents.

(b) For the purpose of determining majority ownership, stock held by an individual, his spouse, and his dependents shall lie treated as a unit.

(c) If the agency concerned finds that the 2 tax years immediately preceding displacement are not representative, or if the business or farm operation has not been in operation that long, it may, with the concurrence of the appropriate state agency official, prescribe some other time period for computing average annual net income.

(d) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this subpart, he shall provide proof of his earnings from the business or farm operation to the agency concerned. Proof of earnings may be established by income tax returns, certified financial statements, or other similar evidence.

(Effective April 30, 1975)

Sec. 8-273-21. Purchase of a decent, safe, and sanitary dwelling

A displaced tenant or homeowner “purchases” a dwelling within the meaning of this

subpart when he —

- (a) Acquires an existing dwelling;
- (b) Rehabilitates a substandard dwelling which he owns or acquires;
- (c) Relocates a dwelling which he owns or acquires;
- (d) Relocates and rehabilitates a substandard dwelling which he owns or acquires;
- (f) Contracts to purchase a dwelling on a site provided by a builder; or
- (g) Contracts for the construction of a dwelling on a site provided by a builder or on a site which he owns or acquires.

(Effective April 30, 1975)

Sec. 8-273-22. Occupancy

- (a) A displaced tenant or homeowner “occupies” a dwelling within the meaning of this subpart only if the dwelling is his permanent place of residence.
- (b) If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control the construction or rehabilitation is delayed beyond the date occupancy is required, the agency concerned may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

(Effective April 30, 1975)

Sec. 8-273-23. Inspection of replacement dwelling required

- (a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, as the case may be, the agency concerned shall inspect the replacement dwelling to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The agency concerned may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection required by this section.
- (b) A determination by the agency concerned that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

(Effective April 30, 1975)

Sec. 8-273-24. Application and payment

- (a) Upon application by a displaced homeowner or tenant who meets the requirements of this subpart for a replacement housing payment, the agency concerned shall —
 - (1) If he has purchased or rented, and occupied a decent, safe, and sanitary dwelling, make the payment directly to him, or, at his option, to the seller or lessor of the decent, safe, and sanitary dwelling, or
 - (2) If he has purchased or rented, but not yet occupied a decent, safe, and sanitary dwelling, upon his request make the payment into an escrow account.
- (b) The application shall be in writing and filed with the agency concerned within 18 months after the date the applicant was required to vacate an acquired dwelling or 18 months

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after final adjudication of a condemnation proceeding, whichever is later.

(Effective April 30, 1975)

Sec. 8-273-25. Eligibility

(a) A displaced homeowner is eligible for a replacement housing payment under 8-273-26 if he —

(1) Qualifies as a displaced person under Section 8-267 of the General Statutes of Connecticut, as revised.

(2) Actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be, and

(3) Purchases and occupies a decent, safe, and sanitary dwelling within 1 year after the date he receives final payment for the acquired dwelling, or 1 year after the date he is required to move from the acquired dwelling, whichever is later.

(b) A displaced homeowner is eligible for replacement housing payment under 8-273-27 if he —

(1) Qualifies as a displaced person under Section 8-267 of the General Statutes of Connecticut, as revised;

(2) Actually owned and occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he receives final payment for the acquired dwelling, or 1 year after the date he is required to move from the acquired dwelling, whichever is later.

(c) A displaced tenant is eligible for a replacement housing payment under 8-273-27 if he —

(1) Qualifies as a displaced person under Section 8-267 of the General Statutes of Connecticut, as revised;

(2) Actually occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he is required to move from the acquired dwelling.

(d) For the purpose of paragraphs (a) (2) and (b) (2) of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, his tenure of ownership includes the tenure of the preceding homeowner.

(Effective April 30, 1975)

Sec. 8-273-26. Replacement housing payment; purchase price

A displaced homeowner who qualifies under 8-273-25 (a) is entitled to it replacement housing payment of not more than \$15,000. Within that limitation the payment shall include

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the following amounts:

(a) If the reasonable cost of a comparable replacement dwelling is more than the acquisition price of the acquired dwelling, the difference between them.

(b) If there was a bona fide mortgage which constituted a valid lien on the acquired dwelling for at least 120 days before the initiation of negotiations for the acquired dwelling and if the cost of financing the purchase of a replacement dwelling includes increased interest costs, an amount to compensate for that increase.

(c) An amount necessary to cover incidental expenses on the purchase of a replacement dwelling, but not including prepaid expenses.

(Effective April 30, 1975)

Sec. 8-273-27. Replacement housing payments; rent and down payments

A displaced homeowner who qualifies under 8-273-25 (b), or a displaced tenant who qualifies under 8-273-25 (c) is entitled to a replacement housing payment of not more than \$4,000. Within that limitation the payment shall be that amount necessary for the homeowner or tenant to—

(a) Rent a comparable replacement dwelling for a period of not more than 4 years; or

(b) Make the down payment required for a conventional loan and cover the incidental expenses on the purchase of a comparable replacement dwelling.

(Effective April 30, 1975)

Sec. 8-273-28. Rules for considering land values

In determining the amount of a replacement housing payment under 8-273-26 (a) the following rules apply:

(a) If the dwelling is located on a tract typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the value of the acquired property.

(b) If the dwelling is located on a tract larger than typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the estimated value of the dwelling assuming it was located on a tract typical for the area.

(c) If the dwelling is located on a tract that has a use higher and better than residential, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the estimated value of the dwelling assuming it was located on a tract typical for residential use in the area.

(Effective April 30, 1975)

Sec. 8-273-29. Owner retention

(a) If a displaced homeowner elects to retain and move his dwelling, the amount payable under 8-273-26 (a) is the difference between the acquisition price of the acquired dwelling and the sum of —

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- (1) The moving and restoration expenses;
 - (2) The cost of correcting decent, safe, and sanitary deficiencies, if any; and
 - (3) The estimated selling price of a comparable relocation site.
- (b) The amount computed in accordance with paragraph (a) of this section is subject to the limitations prescribed in 8-273-5.

(Effective April 30, 1975)

Sec. 8-273-30. Increased interest costs

- (a) The amount payable for increased interest costs under 8-273-26 (b) is —
- (1) The present value of the difference in interest costs and other debt service costs charged for refinancing an amount not more than the balance of the mortgage on the acquired dwelling at the time of acquisition over a period not more than the remaining term of that mortgage; or
 - (2) An amount based on a schedule prescribed or approved by the appropriate state agency official and computed in accordance with this section.
- (b) For purposes of computing increased interest costs, the following rules apply:
- (1) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area.
 - (2) The present value of the increased interest cost shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area.

(Effective April 30, 1975)

Sec. 8-273-31. Incidental expenses

- (a) The incidental expenses payable is the amount necessary to compensate the homeowner or tenant for actual costs incurred incident to the purchase of a decent, safe, and sanitary dwelling, including the following:
- (1) Legal closing costs, including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plots, and charges incident to recordation.
 - (2) Lender, FHA or VA appraisal fees.
 - (3) FHA or VA application fees.
 - (4) Certification of structural soundness when required by the lender, FHA, or VA.
 - (5) Credit report.
 - (6) Title policies or abstract of title.
 - (7) Escrow agent's fee.
 - (8) State revenue stamps or sale or transfer taxes.
- (b) An incidental expense which is part of a finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation "Z" issued thereunder by the Board of Governors of the Federal Reserve System may not be reimbursed.

(Effective April 30, 1975)

Sec. 8-273-32. Computation of rental payments; tenants

(a) The amount payable to a displaced tenant, other than a tenant of the agency concerned, for rent under 8-273-27 (a) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average month's rent paid by the displaced tenant for the last 3 months before initiation of negotiations for the acquired dwelling if that rent was reasonable, and if not reasonable, 48 times the monthly economic rent for the dwelling unit as established by the agency concerned.

(b) The amount payable to a displaced tenant of the agency concerned for rent is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent.

(Effective April 30, 1975)

Sec. 8-273-33. Computation of rental payments: homeowners

The amount payable to a displaced homeowner is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent, but not more than the homeowner would receive if he were eligible for a payment under 8-273-26.

(Effective April 30, 1975)

Sec. 8-273-34. Computation of down payments

The amount payable to a displaced homeowner or tenant for a down payment under 8-273-27 (b) is the full amount of the first \$2,000 of the required down payment plus one-half of any amount required over \$2,000. However, the homeowner or tenant must provide the other half of any amount required over \$2,000.

(Effective April 30, 1975)

Sec. 8-273-35. Down payments

A displaced homeowner or tenant shall apply the full amount of the payment to which he is entitled to the down payment and the incidental expenses described in the closing statement.

(Effective April 30, 1975)

Sec. 8-273-36. Provisional payment pending condemnation

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the agency concerned may make a provisional replacement housing payment to the displaced homeowner based on the agency's maximum offer for the property, but only if the homeowner enters into an agreement with the agency that —

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be refunded to the agency; and

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(c) If the acquisition price as determined by the court is less than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be paid to the homeowner.

(Effective April 30, 1975)

Sec. 8-273-37. Combined payments

(a) If a homeowner is eligible for payment under 8-273-26, but has previously received a rental payment under 8-273-27 (a), the amount of rental payment previously received shall be deducted from any amount that he receives.

(b) If a homeowner or tenant is eligible for a down payment, but has previously received a rental payment, the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives.

(Effective April 30, 1975)

Sec. 8-273-38. Partial use of home for business or farm operation

(a) In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business or farm operation, a replacement housing payment may not be paid for that part of the property which is allocated to the business or farm operation.

(b) The eligibility of a person to receive a payment under 8-273-13 is not affected by this section.

(Effective April 30, 1975)

Sec. 8-273-39. Multiple occupants of a single dwelling

(a) If two or more families, or an individual and a family, occupy the same dwelling, each individual or family that elects to relocate separately is entitled to a separately computed replacement housing payment.

(b) If two or more individuals, not a family, occupy the same dwelling, they shall be treated as a single family in computing a replacement housing payment.

(Effective April 30, 1975)

Sec. 8-273-40. Multifamily dwelling

In the case of a displaced homeowner who is required to move from a one-family unit of a multifamily building which he owns, the replacement housing payment shall be based on the cost of a comparable one family unit in a multifamily building on a single-family structure, without regard for the number of units in the building being acquired.

(Effective April 30, 1975)

Sec. 8-273-41. Certificate of eligibility pending purchase of replacement dwelling

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a

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replacement housing payment under this subpart, the agency concerned shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a decent, safe, and sanitary dwelling within the time limits prescribed.

(Effective April 30, 1975)

Relocation Assistance

Sec. 8-273-42. Statement of purpose

The purpose of sections 8-273-42 through 8-273-45 of the Regulations of Connecticut State Agencies is to establish procedures for the implementation of the Uniform Relocation Assistance Act (URAA). These procedures govern the manner in which the Department of Transportation processes applications for relocation assistance and are aimed at achieving the following objectives:

(a) To ensure that payments and assistance authorized by the URAA shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(b) To ensure that a displaced person who makes proper application for a payment authorized for such person by the URAA shall be paid promptly after a move or, in hardship cases, be paid in advance; and,

(c) To ensure that any person aggrieved by a determination as to eligibility for a payment authorized by the URAA, or the amount of a payment, may have his application reviewed by the Commissioner of Transportation.

(Effective September 28, 1987)

Sec. 8-273-43. Definitions

As used in sections 8-273-42 through 8-273-45:

(a) “Commissioner” means the Commissioner of Transportation;

(b) “Business” means any lawful activity as defined in Section 8-267 (5) of Connecticut General Statutes and in Title 49, Part 25 of the Code of Federal Regulations (i.e., 49 CFR Part 25);

(c) “Department” means the Department of Transportation;

(d) “Displaced person” means any person who, on or after July 6, 1971, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the Department of Transportation to vacate real property, for a program or project undertaken by or supervised by the Department and solely for the purposes of subsection (a) and (b) of section 8-268 and section 8-271 of the Connecticut General Statutes as a result of the acquisition of or as a result of the written order of the Department to vacate other real property, on which such person conducts a business or farm operation, for such program or project;

(e) “Farm operation” means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home

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use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support;

(f) "Person" means any individual, partnership, corporation or association;

(g) "Relocation assistance" means the financial and other assistance provided to displaced persons in accordance with the provisions of the URAA and 49 CFR Part 25;

(h) "URAA" means the Uniform Relocation Assistance Act, Chapter 135, Sections 8-266 through 8-282 of the Connecticut General Statutes.

(Effective September 28, 1987)

Sec. 8-273-44. Relocation assistance

Whenever the Department of Transportation undertakes a program or project that will result in the displacement of a person, the displaced person shall be entitled to payment for actual reasonable expenses in moving himself, his family, business, farm operation or other personal property and for other displacement expenses and services as provided in the URAA. With respect to a person displaced as a result of a Federal or federally-assisted program or project, the Department shall make all payments, offer all services and process all relocation assistance in accordance with the eligibility standards and criteria set forth in 49 CFR Part 25.

(Effective September 28, 1987)

Sec. 8-273-45. Procedures

(a) As early as practicable in the land acquisition stage of a program or project undertaken by or under the supervision of the Department of Transportation, a representative of the Department shall contact each person who will be displaced as a result of such activity and shall explain the nature of the relocation assistance for which such displaced person is eligible, including the amount of any payment for displacement expenses as determined by the Department using the criteria set forth in the URAA and 49 CFR Part 25. If the displaced person disputes the adequacy of the relocation assistance offered to him, and wishes to appeal such determination to the Commissioner of Transportation pursuant to Section 8-278 of the Connecticut General Statutes, he must first submit a written application for reconsideration to the Department. This application shall be addressed to the Director of Rights of Way, Department of Transportation, 24 Wolcott Hill Road, Wethersfield, Connecticut, and shall include whatever documentation the displaced person believes supports his request for greater assistance.

(b) If the displaced person is not satisfied by the decision rendered by the Department on his application for reconsideration, he then may appeal such determination to the Commissioner of Transportation. This appeal must be submitted in writing within eighteen (18) months after the date of acquisition of the real property that caused the displacement.

(c) A hearing on the appeal will be scheduled before the Relocation Advisory Assistance Appeals Board established by the Commissioner of Transportation under section 8-273-1 of the Regulations of Connecticut State Agencies. The hearing shall be conducted in

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accordance with the “contested case” provisions of the Uniform Administrative Procedure Act (UAPA), Chapter 54, Sections 4-177 through 4-181 of the Connecticut General Statutes. The Board shall submit a proposal for decision to the Commissioner within fifteen (15) days after the hearing. The proposal for decision shall set forth the Board’s findings of fact, based on the evidence presented at the hearing and on matters officially noticed, and its conclusions of law. A copy of the proposal for decision shall be served on the displaced person and any other party of record by registered or certified mail, postage prepaid, and these individuals shall have until fifteen (15) days following the date of mailing to file a written statement or brief with the Commissioner regarding the proposed decision.

(d) Within ninety (90) days following the close of evidence and the filing of briefs, the Commissioner shall render a final decision in the matter.

(e) A person who is aggrieved by the final decision of the Commissioner may seek judicial review of the decision in accordance with the provisions of Section 4-183 of the Connecticut General Statutes.

(Effective September 28, 1987)