

§953. Offer of assistance

1. Written offer; terms. Within 14 days after the acquisition of real property by a public entity or any person covered by the terms of this chapter and not less than 30 days prior to the date upon which the dwelling or place of business must be vacated, the public entity acquiring the land or building, ordering the dwelling or place of business vacated, or on whose behalf, under whose agreement or with whose funding the acquiring person is acting, shall make a payment to compensate any person or entity who will become displaced for estimated:

A. Actual reasonable expenses in moving the displaced person, the displaced person's family or the displaced person's business, farm operation or other personal property; [RR 2023, c. 1, Pt. C, §15 (COR).]

B. Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the department; and [PL 1981, c. 494 (NEW).]

C. Actual reasonable expenses in searching for a replacement business or farm. [PL 1981, c. 494 (NEW).]

Within 14 days after the displaced person has moved, and upon presentation of documentation of items listed in paragraphs A, B and C, the same public entity shall pay to the displaced person any actual reasonable expenses and losses in excess of the estimated payment made previously. If the estimated payment exceeds the actual reasonable expenses and losses, the displaced person may retain the difference.

[RR 2023, c. 1, Pt. C, §15 (COR).]

2. Moving expense allowance. Any displaced person eligible for payments under subsection 1, who is displaced from a dwelling and who elects not to accept the payments authorized by subsection 1, may receive a moving expense allowance, determined according to a schedule established by the department, not to exceed \$300, and a dislocation allowance of \$200. [PL 1981, c. 494 (NEW).]

3. Fixed payment. A displaced person eligible for payments under subsection 1 who is displaced from that person's place of business or from that person's farm operation and who elects not to accept the payment authorized by subsection 1 may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment may not be less than \$2,500 nor more than \$10,000. In the case of a business, a payment may not be made under this subsection unless the department is satisfied that the business:

A. Cannot be relocated without a substantial loss of its existing patronage; and [PL 1981, c. 494 (NEW).]

B. Is not part of a commercial enterprise having at least one other establishment not being acquired by a public entity or individual, or private entity on behalf of, under agreement with or with funding from a public entity, that is engaged in the same or similar business. [RR 2023, c. 1, Pt. C, §16 (COR).]

[RR 2023, c. 1, Pt. C, §16 (COR).]

SECTION HISTORY

PL 1981, c. 494 (NEW). RR 2023, c. 1, Pt. C, §§15, 16 (COR).

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