WEST VIRGINIA LEGISLATURE
FIRST EXTRAORDINARY SESSION, 1971

ENROLLED

SENATE BILL NO. 1

(By Mr. and Mr. )

PASSED April 25, 1971

In Effect Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 4-30-71
AN ACT to amend and reenact section twenty, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to relocation assistance to and replacement housing costs for persons dislocated by highway construction.

Be it enacted by the Legislature of West Virginia:

That section twenty, article two-a, chapter seventeen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 2A. WEST VIRGINIA COMMISSIONER OF HIGHWAYS.
§17-2A-20. Relocation assistance to and replacement housing costs for persons dislocated by highway construction.

1 The payment of relocation costs and replacement housing costs to persons dislocated 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 commissioner of highways 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. With re-
spect to persons dislocated by federal-aid highway
projects, the commissioner shall provide a relocation as-
sistance program which will comply with and implement
the federal laws and regulations relating to relocation
assistance to displaced persons.

Any individual, family, business concern (including the
operation of a farm) or nonprofit organization to be dis-
placed by a highway construction project shall be com-
pensated consistent with the provisions and limitations of
this section for reasonable and necessary costs to be in-
curred 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) With respect to state highway projects not on the
federal-aid highway system:
(a) 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.

(b) 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 cost 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.

(2) With respect to federal-aid highway projects, the commissioner shall have authority to make such payments for relocation costs, replacement housing costs, including the increased interest costs which the displaced person is required to pay for financing the acquisition of a comparable replacement dwelling, and reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the
purchase of the replacement dwelling, and expenses incidental to the transfer of property as are authorized by the federal laws and regulations relating to relocation payments to displaced persons.

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, 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.

With respect to federal-aid highway projects, the commissioner shall also have authority to comply with the federal laws and regulations relating to providing replacement housing.
Nothing contained in this section or in the federal laws and regulations relating to relocation assistance and payments to displaced persons shall be construed as creating in any condemnation proceedings brought under the power of eminent domain, any element of damages not in existence on the effective date of this section or of the federal laws and regulations relating to relocation assistance and payments to displaced persons.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect from passage.

[Signatures]

Clerk of the Senate

Clerk of the House of Delegates

[Signatures]

President of the Senate

Speaker House of Delegates

The within approved this the 21st day of April, 1971.

[Signature]  
Governor
PRESENTED TO THE
GOVERNOR

Date 4/29/71
Time 12:30 p.m.