WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975

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ENROLLED

HOUSE BILL No. 958

(By Mr. Spears, Mr. Menne and Mr. Eubert)

PASSED February 17, 1975

In Effect ninety days from Passage

958
ENROLLED

H. B. 958

(By Mr. Speaker, Mr. McManus and Mr. Seibert)

[Passed February 17, 1975; in effect ninety days from passage.]

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 17. 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 respect to persons dislocated by federal-aid highway projects, the commissioner shall provide a relocation assistance 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 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 payment 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 limitations provided herein and to any rules and regulations made by the commissioner as herein provided.

With respect to state highway projects and 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 re-
location 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 state highway projects and federal-aid
highway projects, the commissioner shall also have authority to
comply with the federal laws and regulations relating to pro-
viding last resort 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 emi-
inent domain, any element of damages not in existence on the
effective date of this section or of the federal laws and regula-
tions relating to relocation assistance and payments to dis-
placed persons.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within 

approved 

this the 26th 

day of 

February, 1975. 

Governor