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OFFICE OF
CLERK OF THE STATE
DEPARTMENT OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1975



ENROLLED

HOUSE BILL No. 958

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



PASSED February 17 1975

In Effect ninty 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
2 costs to persons dislocated by highway construction is hereby
3 declared to be a cost of highway construction and may be paid
4 from the state road fund, subject to the provisions of this sec-
5 tion. The commissioner of highways shall make the payments
6 authorized by this section to reduce hardships to persons so
7 dislocated. In addition, the commissioner shall render advisory
8 assistance to persons affected and shall call upon and coordi-
9 nate the services of such other agencies of state and local gov-
10 ernment as may be capable of rendering such assistance to re-
11 duce hardships to persons affected and to reduce delays in

12 highway construction. In rendering such advisory assistance,
13 the commissioner may accumulate and maintain lists of various
14 kinds of properties available to which persons affected may be
15 relocated, and acquire and file such other information and take
16 such other action as may be necessary to render such advisory
17 assistance. With respect to persons dislocated by federal-aid
18 highway projects, the commissioner shall provide a relocation
19 assistance program which will comply with and implement the
20 federal laws and regulations relating to relocation assistance to
21 displaced persons.

22 Any individual, family, business concern (including the
23 operation of a farm) or nonprofit organization to be displaced
24 by a highway construction project shall be compensated con-
25 sistent with the provisions and limitations of this section for
26 reasonable and necessary costs to be incurred in consequence
27 of being so displaced. When a family is displaced, no addi-
28 tional payment shall be made to individuals who are members
29 of such family; but, if two or more displaced families occupy
30 the same dwelling or comprise a single household, each family
31 within such dwelling or household may receive relocation costs
32 as provided in this section. Payments under this section are
33 subject to the limitations provided herein and to any rules and
34 regulations made by the commissioner as herein provided.

35 With respect to state highway projects and federal-aid high-
36 way projects, the commissioner shall have authority to make
37 such payments for relocation costs, replacement housing costs,
38 including the increased interest costs which the displaced per-
39 son is required to pay for financing the acquisition of a com-
40 parable replacement dwelling, and reasonable expenses in-
41 curred by such displaced person for evidence of title, record-
42 ing fees, and other closing costs incident to the purchase of the
43 replacement dwelling, and expenses incidental to the transfer
44 of property as are authorized by the federal laws and regula-
45 tions relating to relocation payments to displaced persons.

46 The commissioner shall establish by rules and regulations a
47 procedure for the payment of relocation costs within the
48 limits of and consistent with the policies of this section. Such
49 rules and regulations may authorize lump sum payments to
50 individuals or families, in lieu of their respective provable

51 costs, based upon the size of the dwelling being vacated or
52 the number of persons being affected or any other reasonable
53 basis. The commissioner may authorize the obligations of or
54 payment of relocation costs in advance of expenditure for re-
55 location by any person, firm or organization eligible to receive
56 such payment where such advance obligation or payment would
57 speed the clearance of highway construction sites or reduce
58 hardships.

59 With respect to state highway projects and federal-aid
60 highway projects, the commissioner shall also have authority to
61 comply with the federal laws and regulations relating to pro-
62 viding last resort replacement housing.

63 Nothing contained in this section or in the federal laws
64 and regulations relating to relocation assistance and payments
65 to displaced persons shall be construed as creating in any
66 condemnation proceedings brought under the power of emi-
67 nent domain, any element of damages not in existence on the
68 effective date of this section or of the federal laws and regula-
69 tions relating to relocation assistance and payments to dis-
70 placed persons.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Barbara C. Tucker
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Hillen Jr.
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

W. T. Bratherton Jr.
President of the Senate

Levin R. M. Starnes
Speaker House of Delegates

The within *approved* this the *26th*
day of *February*, 1975.

Arva A. Shivers Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 2/20/75

Time 3:40 p.m.