RELOCATION ASSISTANCE

Act 227 of 1972

AN ACT to provide financial assistance, advisory services and reimbursement of certain expenses to persons displaced from real property or deprived of certain rights in real property; and to repeal certain acts and parts of act.

History: 1972, Act 227, Imd. Eff. July 25, 1972

The People of the State of Michigan enact:

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213.321 Definitions.

Sec. 1.

As used in this act:

(a) "Business" means a lawful activity, except farming operations, conducted primarily for the purchase, sale, lease or rental of real or personal property, for the manufacture, processing or marketing of products, commodities or other personal property, the sale of services to the public or outdoor advertising and includes nonprofit organizations.

(b) "Displaced person" means a person who vacates real property or removes his personal property therefrom pursuant to a program undertaken by a state agency which results in the acquisition of the real property in whole or in part, or in an order to vacate the real property.

(c) "Farming operations" means a lawful activity conducted primarily for the production of an agricultural product or commodity, including timber, for sale or home use, in customarily sufficient quantities as to be capable of contributing materially to the income of the owner or operator.

(d) "State agency" means any department, agency or instrumentality of the state or of a political subdivision of the state; a combination thereof or a corporation within the state which has the power of eminent domain. No state agency shall supersede any already established boards, commissions or agencies created by the state statute or federal rules that remove citizens' participation in any city of 1,000,000 or more.

History: 1972, Act 227, Imd. Eff. July 25, 1972

213.322 Relocation assistance advisory services for displaced persons and certain occupants of real property.

Sec. 2.

When a program is undertaken by a state agency which will require the acquisition of real property or its vacation by its occupants, the state agency shall provide a relocation assistance advisory services program for displaced persons offering the assistance provided by this act. If the state agency determines that a person occupying real property immediately adjacent to real property acquired under such program is caused substantial economic injury because of the acquisition, the person may be offered relocation assistance advisory services under this act.

History: 1972, Act 227, Imd. Eff. July 25, 1972

213.323 Functions of relocation assistance advisory services program.

Sec. 3.

(1) A relocation assistance advisory services program shall:

(a) Determine the needs of displaced persons for relocation assistance.

(b) Assist owners of displaced businesses and farming operations in obtaining and becoming established in comparable facilities.

(c) Supply information on federal, state and local programs offering assistance to displaced persons.

(d) Assist in minimizing hardships to displaced persons in adjusting to relocation.

(e) Coordinate the relocation activities with the plans and programs of other state agencies which may affect the carrying out of the relocation program.

(f) Assure that there will be available, within a reasonable time prior to displacement, decent, safe and sanitary dwellings in areas not less desirable with regard to public utilities and public and commercial facilities, within the geographical unit of government acquiring the property, at rents or prices within the financial means of the families and individuals displaced, equal in number to the number of and available to the displaced persons requiring them and reasonably accessible to their places of employment, free from discrimination of any kind.

(2) A person lawfully occupying a dwelling shall not be required to relocate until a replacement dwelling is available as provided in subdivision (f) of subsection (1). A person shall be given at least 90 days' written notice to vacate unless modified by court order for good cause.

History: 1972, Act 227, Imd. Eff. July 25, 1972

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213.324 Matching federal funds; financial assistance; expenses.

Sec. 4.

When a program is undertaken by a state agency for which federal financial assistance will be available to pay all or a part of the cost, and which will require the acquisition of real property or its vacation by its occupants, the state agency may match the federal funds to the extent provided by federal law and rules and may provide financial assistance and reimbursement of expenses including but not limited to litigation expenses and expenses incident to the transfer of title as provided by the federal uniform relocation assistance and real property acquisition policies act of 1970, being Public Law 91-646.

History: 1972, Act 227, Imd. Eff. July 25, 1972

213.325 Payments where federal funds not available or used.

Sec. 5.

When federal funds are not available or used in a program which will require the acquisition of real property or its vacation by its occupants, the state agency may provide payments, assistance and reimbursement as contemplated by this act but not in excess of the provisions of this act.

History: 1972, Act 227, Imd. Eff. July 25, 1972

213.326 Displaced person defined; persons entitled to financial assistance.

Sec. 6.

(1) A person who moves or discontinues his business or moves other personal property, or moves from his dwelling on or after the effective date of this act as the direct result of code enforcement activities, or a program of

rehabilitation of buildings conducted pursuant to a governmental program is deemed to be a displaced person for the purposes of this act.

(2) Where the person is displaced by any project or program which receives federal financial assistance under title 1 of the housing act of 1949, as amended, or as a result of carrying out a comprehensive city demonstration program under title 1 of the demonstration cities and metropolitan development act of 1966, shall be entitled to the financial assistance provided in section 4.

History: 1972, Act 227, Imd. Eff. July 25, 1972

213.327 Ordinances and rules.

Sec. 7.

The state agency shall adopt ordinances or promulgate rules to assure:

(a) That the payments and assistance authorized by this act shall be administered fairly and reasonably.

(b) That a displaced person who makes application for a payment authorized by this act shall be paid promptly after a move or in hardship cases, be paid in advance.

(c) Such other provisions as are reasonably necessary to carry out this act.

History: 1972, Act 227, Imd. Eff. July 25, 1972
Admin Rule: R 299.951 et seq. of the Michigan Administrative Code.

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213.328 Other compensation not excluded; payments not deemed income.

Sec. 8.

(1) Financial assistance and reimbursement allowed under this act is independent of and in addition to compensation for land, buildings or property rights and shall not be considered in condemnation proceedings.

(2) Payments to a displaced person under this act shall not be deemed income or resources of the displaced person under any other state or local law, nor shall such payments be subject to state or local tax.

History: 1972, Act 227, Imd. Eff. July 25, 1972

213.329 Judicial review.

Sec. 9.

A person aggrieved by a determination made pursuant to this act shall be entitled to judicial review by the circuit court.

History: 1972, Act 227, Imd. Eff. July 25, 1972

213.330 Contracts.

Sec. 10.

A state agency may enter into contracts with any state or federal agency, or individual, firm or corporation, for the purpose of carrying out the provisions of this act.

History: 1972, Act 227, Imd. Eff. July 25, 1972

213.331 Repeal.

Sec. 11.

Act No. 95 of the Public Acts of 1971, being sections 213.341 to 213.344 of the Compiled Laws of 1948, is repealed.

History: 1972, Act 227, Imd. Eff. July 25, 1972

213.332 Effective date.

Sec. 12.

This act shall take effect June 30, 1972.

History: 1972, Act 227, Imd. Eff. July 25, 1972

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