

fast FACTS...

about Sedgwick County Government



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Summary of Rights and Benefits as a Displaced Person Under KSA 58-3508

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Kansas law provides:

Whenever federal funding is not involved, real property is acquired by any condemning authority . . . the condemning authority shall:

(1) Provide . . . fair and reasonable relocation payments and assistance to or for displaced persons. Relocation payments shall not be required until title to the real property vests in the condemning authority.

(2) Fair and reasonable relocation payments and assistance to or for displaced persons as provided under sections 202, 203 and 204 of the federal uniform relocation assistance and real property acquisition policies act of 1970, and amendments thereto, shall be deemed fair and reasonable relocation payments and assistance pursuant to this section.

(3) Nothing in this section shall preclude the voluntary negotiation of fair and reasonable relocation payments and assistance between the displaced person and condemning authority.

(4) Under circumstances where a displaced person demonstrates that receipt of such payments, in advance of the actual relocation, is required to enable the relocation and estimates are provided by the displaced person to the condemning authority that will allow such authority to estimate with reasonable accuracy the relocation payments, 75% of such amount shall be advanced to the displaced person or paid to third parties on behalf of the displaced person to facilitate the relocation. KSA 58-3508.

NOTE:

This is a highly summarized version of a displaced person's rights and benefits. Detailed information will be provided to displaced persons by a relocation assistance agent engaged by Sedgwick County before the displaced person's property is acquired.

Who Is A Displaced Person?

A displaced person is any person (individual, family, partnership, limited liability company, corporation or other business entity) who is lawfully in the United States and who moves from real property, or moves personal property from real property as a direct result of:

(1) the acquisition of the real property for the Downtown Arena project by Sedgwick County;

(2) a written notice of intent to acquire the real property for the Downtown Arena project issued by Sedgwick County; or

(3) the initiation of negotiations, by an authorized representative of Sedgwick County, for the purchase of the real property by Sedgwick County for the Downtown Arena project.



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What Relocation Assistance Benefits Are Available?

Moving and related expenses (residential)

Actual reasonable moving costs.

A displaced person may be paid the actual reasonable moving costs charged by a professional mover plus related expenses, or a displaced person may move his, her or itself. Reimbursement will be limited to a 50 mile distance in most cases. Related expenses involved in the move may include:

- Packing and unpacking personal property
- Disconnecting and reconnecting household appliances
- Temporary storage of personal property
- Insurance while property is in storage or in transit
- Transfer of utility service and other similar utility reconnections
- Other expenses considered eligible by Sedgwick County

All expenses must be considered necessary and reasonable by Sedgwick County and supported by paid receipts or other evidence of expenses incurred.

Fixed Moving Cost Schedule

A displaced person may choose to be paid on the basis of a fixed moving cost schedule established by Sedgwick County.

Moving and related expenses (Businesses, Non-Profit Organizations)

Owners or tenants may be paid on the basis of actual reasonable moving costs and related expenses or, under certain circumstances, a fixed payment of not less than \$1,000 nor more than \$20,000 in lieu of moving costs and related expenses.

Replacement Housing For Homeowners; Mortgage Insurance

In addition to moving and related expenses, displaced persons may also be entitled to monetary payments to help them obtain adequate replacement housing. A person displaced from a dwelling which he or she owned and occupied for at least 180 days prior to the initiation of negotiations for the acquisition of the property is eligible for a supplemental payment of up to \$22,500.

In order to qualify for payment for replacement housing, a displaced person must purchase and occupy a replacement dwelling within one year from the date he or she received the final payment for acquisition, or the date the agency provided referrals to replacement housing, whichever is later.

Replacement Housing For Tenants And Certain Others

Relocation assistance benefits are available not only to rental tenants but also to homeowners who cannot meet the 180 day test for benefits described in the preceding section, but who have owned and occupied the displacement dwelling for at least 90 days prior to the initiation of negotiations. 90 day homeowners who elect to purchase a replacement home cannot receive more than they would have received if they had met the 180 day test. The amount payable is the amount necessary to enable the displaced person to lease or rent a comparable replacement dwelling for up to 42 months, not to exceed \$5,250. Payment may be made in a lump sum or in periodic installments, in the agency's discretion. The method of calculating the amount of payments is set forth in federal regulations to be followed by Sedgwick County. A displaced person may, at his or her election, use the money as a down payment on the purchase of a replacement dwelling in which event the agency may, again in its discretion, pay the maximum amount allowable without regard to any calculations. This lateral option is designed to encourage home ownership.

Tenants are also entitled to relocation assistance payments which will be described in detail by the relocation assistance officer engaged by the County.

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What can a displaced person do if he, she or it disagrees with the amount of relocation assistance provided?

Kansas law, provides in pertinent part:

“Any displaced person entitled to benefits under this article may appeal by written notice to the state, agency or political subdivision a determination of relocation payments. If such an appeal is made to the state, agency or political subdivision within 60 days of the receiving notice of the determination being appealed, an independent hearing examiner shall be appointed by the state, agency or political subdivision within 10 days and a determination of the appeal made within 60 days. Any party wishing to appeal the ruling of the hearing examiner may do so by filing a written notice of appeal with the clerk of the district court within 30 days of the hearing examiner's decision. . . . Any such appeal to district court shall be a trial de novo only on the issue of relocation benefits.” KSA 58-3509.