

Chapter 132F-20 WAC

RELOCATION BENEFITS

WAC

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WAC 132F-20-010 Purpose. It is the purpose of these rules to give effect to chapter 236, Laws of 1969 ex. sess. It is the further purpose of these rules to provide for relocation assistance and reimbursement of expenses and payments to individuals displaced as a result of acquisitions of property for college purposes. These rules are published to inform displaced persons of their rights and responsibilities regarding such relocation benefits and to assure that the same shall be reasonable, fair, and uniform.

[Order 1970-2, § 132F-20-010, filed 3/27/70.]

WAC 132F-20-020 Adoption of rules. Upon adoption by the board of trustees of Seattle Community College, Community College District VI, these rules shall be in full force and effect.

[Order 1970-2, § 132F-20-020, filed 3/27/70.]

WAC 132F-20-030 Definitions of terms. (1) "Person" means:

- (a) Any individual, partnership, corporation or association which is the owner of a business;
- (b) Any owner, part owner, tenant, or sharecropper who operates a farm;

- (c) An individual who is the head of a family;
- (d) An individual not a member of a family.

(2) "Family" means two or more persons living together in the same dwelling unit who are related to each other by blood, marriage, adoption or legal guardianship.

(3) "Displaced person" means any person who moves from real property as a result of the acquisition or reasonable expectation of acquisition of such real property, or as the result of the acquisition of other real property on which such person conducts a business or farm operation.

(4) "Business" means any lawful activity conducted primarily

(a) For the purpose of resale, manufacture, processing or marketing of products, commodities, or other personal property;

- (b) For the sale of services to the public; or
- (c) By a nonprofit organization.

(5) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities for sale and home use, and customarily producing such products or commodities in suf-

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ficient quantity to be capable of contributing materially to the operator's support.

(6) "Condemnation" means the acquisition of property by the college by eminent domain or by consent under threat thereof, pursuant to chapters 8.04 and 8.25 RCW.

[Order 1970-2, § 132F-20-030, filed 3/27/70.]

WAC 132F-20-040 Reimbursement for moving expenses. Any displaced person is entitled to be reimbursed by the college as provided in this section for the actual reasonable expenses necessarily incurred in moving himself, his family, and personal property, such costs to include temporary lodging and transportation of himself and his family and dismantling, removing, packing, loading, transporting, insuring, reinstalling, unpacking and temporary storage of personal property, but not a devaluation of such personal property incurred in or caused by such moving. Such reimbursement payments shall be subject to and conditioned upon the following limitations.

(1) The allowable compensable distance of a move shall be no farther than one hundred miles by road from the property acquired. In the event the displaced person actually moves to a place farther therefrom, the college shall deduct from the actual reasonable moving expenses that portion of the expense for temporary lodging and transportation of himself and his family and the transporting, insuring and temporary storage of personal property caused by that portion of the move in excess of one hundred miles.

(2) The maximum compensable allowable time for temporary storage of personal property shall be sixty days.

(3) In the event a displaced person elects to be reimbursed under this section (section 5(1), chapter 236, Laws of 1969 ex. sess.) he shall, within ninety days following the removal of his personal property from the real property condemned, file with the college a written statement under oath including the material specified in WAC 132F-20-050.

(4) In the event the displaced person utilizes a motor vehicle of his own ownership for such move he shall be paid a reasonable amount for its operation not, however, to exceed ten cents per mile. The determination of reasonable expense shall be made by the director of facilities development and plant services of the college.

[Order 1970-2, § 132F-20-040, filed 3/27/70.]

WAC 132F-20-050 Written statement of expenses. Within ninety days following acquisition of the real property, removal of the personal property or the time of moving, whichever last occurs, the person claiming reimbursement shall serve upon the college a written verified statement of his expenses, including therein the following information:

(1) The date the removal was commenced and the date completed;

(2) The location from which and to which the personal property was moved, and the location to which the displaced person moved;

(3) The place where personal property was stored and the proprietor thereof, and the time and duration of any temporary storage;

(4) An itemized statement of all costs incurred relative to the move to the new location for which reimbursement is claimed, together with supporting invoices for all expenses incurred which invoices shall identify the invoicer, the invoicee, the exact charge, the services for which the charge is made and the basis for computation of the charge.

(5) The names and relationships of those displaced persons for whom reimbursement is claimed.

(6) The dates on which lodging and transportation expenses were incurred for each displaced person.

(7) The amount of total reimbursement claimed.

In the case of temporary storage of personal property, a claim shall be made for temporary storage incurred to the date of claim and include an estimate of future storage costs.

[Order 1970-2, § 132F-20-050, filed 3/27/70.]

WAC 132F-20-060 Moving expense allowance—

Dwelling. Any displaced person who moves from a dwelling who elects to accept the payments authorized by this section in lieu of the payments authorized by WAC 132F-20-040 may receive a moving expense allowance, in accordance with the average cost of moving from a comparable size dwelling determined according to the following schedule, not to exceed two hundred dollars, and in addition thereto a dislocation allowance of one hundred dollars:

| SQUARE FOOT AREA OF DWELLING | AMOUNT |
|------------------------------|----------|
| Less than 500 square feet | \$ 50.00 |
| 500 to 1000 square feet | 100.00 |
| 1000 to 1500 square feet | 150.00 |
| 1500 to 2000 square feet | 175.00 |
| More than 2000 square feet | 200.00 |

[Order 1970-2, § 132F-20-060, filed 3/27/70.]

WAC 132F-20-070 Moving expense allowance—

Business. Any displaced person who moves or discontinues his business or farm operation who elects to accept the payment authorized by this section in lieu of the payment authorized by WAC 132F-20-040 may receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, or five thousand dollars, whichever is less. In the case of a business, no payment shall be made under this section if the business is a part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, or if the college is satisfied that the business can be relocated without a substantial loss of patronage. For purposes of this section, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation, before federal, state, and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such two year period. To be

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eligible for the payment authorized by this section, the business or farm operation must make its income tax returns, financial statements, and accounting records available to the college for audit and confidential use to determine eligibility and the amount of any payment authorized by this section. Such reimbursement payments shall be subject to and conditioned upon the following limitations:

(1) The college director of facilities development and plant services shall determine whether the business can be relocated without a substantial loss of patronage. That decision shall be made in writing and placed in the files of the college and a copy thereof directed to the displaced person, certified mail, at his last known address.

(2) The displaced person must elect in writing to accept the payment authorized by this section in lieu of the payment authorized by WAC 132F-20-040, such election to be filed with the college within ninety days after acquisition of the property is completed.

(3) Within sixty days of a written request therefor by the college the displaced person must make its income tax returns, financial statements, and accounting records available to the college at the college's principal place of business for the uses hereinabove described. In the event such information is not supplied within the specified time, the displaced person may be compensated under either of the other sections hereof at the college's sole discretion.

[Order 1970-2, § 132F-20-070, filed 3/27/70.]

WAC 132F-20-080 Utilization of other agencies.

In order to minimize expenses and avoid duplication of functions, the college may, at the discretion of the board of trustees, make relocation payments or provide relocation assistance or otherwise carry out the functions required by Washington Session Laws, chapter 236, Laws of 1969 ex. sess., by utilizing the facilities, personnel, and services of any other federal, state, or local government agency authorized by law and having an established organization for conducting relocation assistance programs.

[Order 1970-2, § 132F-20-080, filed 3/27/70.]

WAC 132F-20-090 Review of eligibility—Grievance.

Any person aggrieved by a determination as to eligibility for a payment or the amount of a payment authorized by Washington Session Laws, chapter 236, Laws of 1969 ex. sess., or these rules and regulations, may have such determination reviewed by the president of the college subject to and conditioned upon observance of the following procedures:

(1) Such aggrieved person shall, within twenty days of the receipt of a written notification of a determination made hereunder as to which a review is sought, file with the secretary of the board of trustees a written notice of appeal from administrative determination, which notice of appeal shall contain the following:

(a) The name, address, and telephone number of the aggrieved person and any legal representative thereof.

(b) An identification of the subject matter of the claim including any reference number or code assigned thereto by the staff of the college.

(c) Identification of the determination from which appeal is taken including specific identification of the portion or por-

tions thereof as to which the person feels aggrieved, together with a detailed statement of the grounds upon which such appeal is based.

(d) A declaration whether a hearing before the president is demanded. In the event no hearing is demanded it shall be deemed waived, in which case the matter shall be determined by the president on the basis of such affidavits, supporting data, and other written material as are submitted to him with such notice of appeal.

(2) The person aggrieved shall have the burden of proof as to any claim made by him.

(3) To the extent applicable, the hearing on the appeal shall be called, convened, conducted and the final disposition of the appeal made by the president in accordance with RCW 34.04.090, 34.04.100, 34.04.105, 34.04.115, and 34.04.120 as now or hereafter amended.

[Order 1970-2, § 132F-20-090, filed 3/27/70.]