

WAC 468-100-203 Relocation notices. Written notices shall be furnished as required by WAC 468-100-005.

(1) **General information notice:** As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the agency's relocation program which does at least the following:

(a) Informs the person that the person may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s).

(b) Informs the person that the person will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the person successfully relocate.

(c) Informs the person that the person will not be required to move without at least ninety days' advance written notice (see subsection (3) of this section), and informs any person to be displaced from a dwelling that the person cannot be required to move permanently unless at least one comparable replacement dwelling has been made available.

(d) Describes the person's right to appeal the agency's determination as to eligibility for, or the amount of, any relocation payment for which the person may be eligible.

(2) **Notice of relocation eligibility:**

(a) Eligibility for relocation assistance shall begin on the date of a notice of intent to acquire (defined in WAC 468-100-203(4)), the initiation of negotiations (defined in WAC 468-100-002(15)), or actual acquisition, whichever occurs first. When this occurs, the agency shall promptly notify all occupants in writing of their eligibility for applicable relocation assistance in accordance with WAC 468-100-005.

(b) An occupant may subsequently be provided a notice of noneligibility if the agency determines the person will not be displaced. Such notice may be issued only if the person has not moved and the agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility.

(3) **Ninety-day notice:**

(a) **General:** No lawful occupant shall be required to move unless the occupant has received at least ninety days advance written notice of the earliest date by which he or she may be required to move.

(b) **Timing of notice:** The displacing agency may issue the notice ninety days before it expects the person to be displaced or earlier.

(c) **Content of notice:** The ninety-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least thirty days in advance, the specific date by which the occupant must move. If the ninety-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than ninety days after such a dwelling is made available. (See WAC 468-100-204(1).)

(d) Informs the person that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child, as defined in WAC 468-100-208(8).

(e) **Urgent need:** In unusual circumstances, an occupant may be required to vacate the property on less than ninety days advance written notice if the agency determines that a ninety-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A record of the agency's determination shall be included in the applicable case file.

(4) **Notice of intent to acquire:** A notice of intent to acquire is a displacing agency's written communication that is provided to a person to be displaced, including those to be displaced by rehabilitation or demolition activities from property acquired prior to the commitment of federal financial assistance to the activity, which clearly sets forth that the agency intends to acquire the property. A notice of intent to acquire establishes eligibility for relocation assistance prior to the initiation of negotiations and/or prior to the commitment of federal financial assistance.

[Statutory Authority: Chapter 8.26 RCW. WSR 06-02-068, § 468-100-203, filed 1/3/06, effective 2/3/06. Statutory Authority: Chapter 8.26 RCW and WSR 89-17-048 (Order 121). WSR 01-02-027, § 468-100-203, filed 12/22/00, effective 1/22/01. Statutory Authority: Chapter 8.26 RCW. WSR 89-17-048 (Order 121), § 468-100-203, filed 8/14/89, effective 9/14/89.]