

§244-A. Replacement housing for home owner

1. Owner. In addition to payments otherwise authorized, the department shall make an additional payment not in excess of the amount allowed under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, as amended, to any displaced person who is displaced from a dwelling actually owned and occupied by the displaced person for not less than 90 days prior to the initiation of negotiations for the acquisition of the property. The additional payment must include the following elements:

A. The amount, if any, that when added to the acquisition cost of the dwelling acquired by the department equals the reasonable cost of a comparable replacement dwelling. All determinations required to carry out this paragraph must be made in accordance with standards established by the department; [PL 2017, c. 295, §2 (AMD).]

B. The amount, if any, that will compensate the displaced person for any increased interest costs and other debt service costs that person is required to pay for financing the acquisition of any such comparable replacement dwelling. The amount may be paid only if the dwelling acquired by the department was encumbered by a bona fide mortgage that was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of that dwelling. In calculating the amount to be paid under this section, increased interest costs and other debt service costs must be reduced to discounted present value. The payment must be an amount that will reduce the mortgage balance on the replacement dwelling to an amount that could be amortized with the same monthly payment for principal and interest as that for the mortgage on the displaced dwelling; and [PL 2017, c. 295, §2 (AMD).]

C. Reasonable expenses incurred by the displaced person for evidence of title, recording fees and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses. [PL 1989, c. 208, §§13, 21 (AMD).]

[PL 2017, c. 475, Pt. A, §39 (AMD).]

2. Replacement dwelling. The additional payment authorized by subsection 1 shall be made only to a displaced person who purchases and occupies a replacement dwelling which is decent, safe and sanitary not later than the end of the one-year period beginning on the date on which the displaced person receives from the department final payment of all costs of the acquired dwelling, or the date on which the department meets its obligation under section 244-C, whichever is later, except that the department may extend the period for good cause. If the period is extended, the payment under this section shall be based on the costs of relocating the person to a comparable replacement dwelling within one year of the date otherwise designated in this subsection.

[PL 1989, c. 208, §§14, 21 (AMD).]

3. Mortgage insurance. The department is authorized to negotiate with any federal agency for any mortgage insurance protection available to a displaced person to insure any mortgage on a comparable replacement dwelling executed by a displaced person assisted under this section.

[PL 1971, c. 593, §22 (AMD).]

4. Advance payments. The additional payment authorized by subsection 1 may be made to the displaced person while determination of the acquisition cost of the dwelling is either unsettled or is pending before the State Claims Commission or the Superior Court. Such a payment is not authorized until and unless an agreement between the Department of Transportation and the displaced person is signed which shall authorize withholding from any subsequent award by the State Claims Commission or judgment of the court any amount determined from the agreement to be refunded by the displacee to the department by reason of the award or judgment being in excess of the determined net damage and offering price paid pursuant to section 154. A copy of the agreement shall be filed with the State Claims Commission with the petition or within 10 days after it is signed if the petition is already filed and a copy shall be filed in any subsequent case appealed to the Superior Court with the complaint or answer,

or both. The State Claims Commission and court shall take judicial notice of the facts set forth in such agreement.

[PL 1987, c. 395, Pt. A, §103 (AMD).]

SECTION HISTORY

PL 1971, c. 333, §1 (NEW). PL 1971, c. 593, §22 (AMD). PL 1973, c. 22, §3 (AMD). PL 1981, c. 470, §§A134,A135 (AMD). PL 1987, c. 395, §A103 (AMD). PL 1989, c. 208, §§13,14,21 (AMD). PL 2017, c. 295, §2 (AMD). PL 2017, c. 475, Pt. A, §39 (AMD).

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