

57-12-4 Federal funds -- Direct assistance.

- (1) When federal funds are available for payment of direct financial assistance to a person displaced by acquisition of real property by any agency, the displacing agency may use those federal funds with state or local funds to the extent provided by federal law and may provide direct financial assistance in the instances and on the conditions set forth by federal law and regulations.
- (2)
 - (a) When federal funds are not available or used for payment of direct financial assistance to a person displaced by the acquisition of real property by an agency, the displacing agency may provide direct financial assistance to the person.
 - (b) Except as provided in Subsection (3), financial assistance authorized by this Subsection (2) may not exceed the total amount that would have been payable under Subsection (1) if federal funds had been available or used.
- (3)
 - (a) The amount of direct financial assistance provided to a person displaced by acquisition of real property by any agency includes actual reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or business at a new site, in accordance with criteria established by the agency by rule, but not exceeding \$50,000.
 - (b) The \$50,000 limit on direct financial assistance established in Subsection (3)(a):
 - (i) applies despite any lower limit established by federal statute or regulation or agency rule; and
 - (ii) does not apply if a higher limit is established by federal statute or regulation.
- (4)
 - (a) A displaced person eligible for payments under this chapter who is displaced from the person's place of business or farm may accept payment under this Subsection (4) in lieu of any payment under the displacing agency's rules if the person is eligible under the agency's criteria.
 - (b) A payment under this Subsection (4) is a fixed payment of at least \$1,000 but not more than \$75,000.
 - (c) A person whose sole business at the site from which the person is displaced is the rental of property to others does not qualify for payment under this Subsection (4).
- (5) Assistance under this section may not be provided to a person who is ineligible to receive relocation assistance under a federal statute or regulation.

Amended by Chapter 261, 2008 General Session