

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
WATER RESOURCES BOARD

RULES AND REGULATIONS ADOPTED BY THE WATER RESOURCES BOARD PURSUANT TO CHAPTER 279 OF THE PUBLIC LAWS OF 1966, ENTITLED, "AN ACT IN AMENDMENT OF AND IN ADDITION TO CHAPTER 37-6.1 OF THE GENERAL LAWS ENTITLED, RELOCATION PAYMENTS" TO ELIGIBLE OWNER AND NON-OWNER PERSONS, FAMILIES, BUSINESS CONCERNS AND NON-PROFIT ORGANIZATIONS FOR THEIR REASONABLE MOVING EXPENSES CAUSED BY THEIR DISPLACEMENT FROM REAL PROPERTY ACQUIRED BY THE STATE IN CONJUNCTION WITH ANY FEDERAL OR STATE RESERVOIR PROGRAM.

1. DEFINITIONS

(a) For the purposes of these regulations, "Residential Relocation Payment" shall mean any fixed payment made to eligible persons or families hereunder under the provisions of Section 3 of these rules and regulations.

(b) For the purposes of these regulations, "Commercial Relocation Payment" shall mean any payment made to eligible business concerns (including farms) and non-profit organizations hereunder for their reasonable and necessary expenses for moving personal property, owned or leased by such eligible party, including costs of dismantling, crating, loading, insuring, temporary storage, transporting, unloading and reinstalling of personal property, exclusive of the cost of any additions, improvements, or other physical changes in or to any structure in effecting such installation and shall not include any loss or losses due to negligence, accident or tortuous conduct during such removal or relations. In no circumstances shall payments be made for the removal of trade fixtures affixed to the realty for which such fixtures compensation has been made in the acquisition of the real estate or for the cost of the liquidation or disposal of personal property which cannot be utilized in the new location.

(c) For the purposes of these regulations "Business Concern" shall mean a corporation, partnership, individual or other private entity engaged in a business or professional activity necessitating fixtures, equipment, stock and trade, or other tangible property for the carrying on of the business or profession on the premises. The term "Business Concern" shall not, however, include activities carried on by a municipal corporation, governmental agency, or public authority.

(d) For the purposes of these regulations "Non-Profit Organization" shall mean a corporation, partnership, individual or other private entity engaged in a business, professional or institutional activity on a non-profit basis necessitating fixtures, equipment, stock and trade, or other tangible property for the carrying on of the business, profession or institution on the premises. The term "Non-Profit Organization" shall not, include activities carried on by a municipal corporation, governmental agency or public authority.

(e) For the purposes of these regulations "Farm" shall mean the operation of a parcel of land (or parcels operated as a single unit) which is used for the production of one or more agricultural commodities for sale and home use and which customarily produces or is capable of producing such commodities to contribute materially to the operator's support including the operation of stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges and greenhouses or other similar structures used primarily for raising agricultural or horticulture commodities.

## 2. ELIGIBILITY DATE

Relocation payments shall be made only to eligible owner and non-owner persons, families, business concerns (including farms) and non-profit organizations who are displaced from real property acquired by the State in conjunction with Federal or State Reservoir Programs provided that such real property has been acquired by the State therefore subsequent to November 24, 1965.

## 3. RESIDENTIAL RELOCATION PAYMENTS

(a) Residential relocation payments hereunder shall be made to eligible persons or families obliged to relocate from their owned or rented residences in fixed amounts according to the following schedule, provided, however, that:

1. Such parties shall own substantially all of the furniture and furnishings, in one (1) or more rooms within the premises from which they are being displaced; and
2. Such parties shall have occupied said premises on the date of the acquisition of the same by the State.
3. Where two or more unrelated parties shall share in the occupancy of one residential dwelling unit, the total amount of payments to such parties shall not exceed the fixed payments as contained in the following schedule:

Schedule of fixed moving expenses – residential

(Furniture and Fixtures substantially owned by claimant)

1 Room	Substantially furnished by claimant	\$ 40.00
2 Rooms	Substantially furnished by claimant	\$ 55.00
3 Rooms	Substantially furnished by claimant	\$ 70.00
4 Rooms	Substantially furnished by claimant	\$ 85.00
5 Rooms	Substantially furnished by claimant	\$100.00
6 Rooms	Substantially furnished by claimant	\$115.00
7 Rooms	Substantially furnished by claimant	\$130.00
8 Rooms	Substantially furnished by claimant	\$145.00
9 Rooms	Substantially furnished by claimant	\$160.00
10 Rooms	Substantially furnished by claimant	\$175.00
11 Rooms	Substantially furnished by claimant	\$190.00
12 Rooms	Substantially furnished by claimant	\$200.00

(b) Residential relocation payments hereunder shall be made to eligible persons or families obliged to relocate from their rented residences which have been substantially furnished by the owners or operators thereof and which contain no rooms substantially furnished by the claimant in fixed amounts according to the following schedule, provided, however, that such parties shall have occupied said premises on the date of the acquisition of the same by the State.

Schedule of fixed moving expenses – residential

(Furniture and Fixtures substantially owned by landlord)

Individual householders in furnished rooms – total payment to such individual \$5.00 (without regard to number of rooms occupied).

Two or more individuals in furnished rooms – Total payment to all such individuals \$10.00 (without regard to number of rooms occupied).

#### 4. COMMERCIAL RELOCATION PAYMENTS

Commercial relocation payments made hereunder to eligible business concerns (including farmr) and non-profit organizations shall be in the amount of the actual cost of removal and shall not exceed Three Thousand (\$3,000.00) Dollars. The allowable costs of transportation shall not exceed the cost of moving more than fifty (50) miles from the point from which such business or organization is being displaced.

#### 5. RENTAL PROPERTIES

(a) Each residential structure no partially occupied by the owner or operator thereof, such structure being maintained entirely for rental purposes, shall be considered one (1) business and shall entitle the operator or owner thereof to one (1) commercial relocation payment hereunder for removal of the furniture, furnishings and equipment located therein and owned by such owner or operator thereof.

(b) Each residential structure partially occupied by the owner or operator thereof, containing three (3) or more rental units (whether such units be multiple or single room rental units) in addition to the premises occupied by such owner or operator, shall be considered one (1) business and shall entitle the owner or operator thereof to one (1) commercial relocation hereunder for removal of the furniture, furnishings and equipment located therein and owned by such owner or operator thereof, including such personal property contained within such premises occupied by the owner or operator thereof.

(c) Each residential structure partially occupied by the owner or operator thereof and containing two (2) or less rented units (whether such units be multiple or single room rental units) in addition to the premises occupied by the owner or operator shall be considered non-business premises and shall entitle the owner or operator thereof to a fixed residential relocation payment, as provided in paragraph 3 herein.

#### 6. MIXED BUSINESS AND COMMERCIAL USE

Where a dwelling unit is utilized by the occupant thereof both for residential and business or professional use therein, such occupant shall be entitled to either a commercial relocation payment or a residential relocation payment as to be determined by the predominant use of such premises. Such occupant, however, in such case, shall not be entitled to both commercial and residential payments therefor.

7. NO FURTHER RELOCATION PAYMENTS WITH RESPECT TO SAME PREMISES

After an eligible person, family business concern or non-profit organization has vacated the premises concerned, no relocation payments shall thereafter be made to any party with respect to the subsequent occupancy of the same premises.

8. FAILURE TO REMOVE FROM PREMISES OR TO LEAVE PREMISES IN A CLEAN CONDITION

No relocation payments shall be made hereunder to any person, family, business concern or non-profit organization who or which shall to remove from any premises occupied by such party within such time or times for removal as may be specified by the Water Resources Board or who or which shall fail to leave said premises in a clean condition with all personal property removed therefrom to the satisfaction of the State or local relocation agency.

9. DEDUCTION FROM CLAIMS OF RENTS DUE TO THE STATE

There shall be deducted from the amounts payable to eligible parties hereunder all monies owed to the State by such parties for rent or use and occupancy charges in connection with the premises from which such parties are being or have been displaced.

10. CLAIMS PROCEDURES

(a) In order to obtain a relocation payment hereunder, an eligible party shall file a written claim with the Water Resources Board on a form to be provided by the Water Resources Board, supported by receipted bills or other evidence of expenses incurred in the case of commercial relocation claims.

(b) Claims for all removals made between November 24, 1965 and the effective date of these rules and regulations must be presented within ninety (90) days of the effective date of these rules and regulations or within sixty (60) days of the date of actual removal.

(c) In addition, as a condition precedent to the processing of their commercial relocation payment claims, business concerns or non-profit organization shall, at least two (2) weeks prior to vacating any premises, submit in writing to the Water Resources Board, an itemized list in duplicate of the personal property to be removed and the estimated cost of such removal, so that field representatives of the Water Resources Board may physically substantiate that such items, as claimed, shall be so removed.

(d) All commercial relocation payment claims of business concerns or non-profit organizations shall be accompanied by the estimates of three (3) reputable riggers or movers. Commercial relocation payment claims of

business concerns or non-profit organizations will be honored for self-moves upon proper documentation of payroll and other expenses incurred in connection therewith accompanied by the estimate of one (1) reputable mover or rigger. Payroll expenses for self-moves, however, shall not exceed the prevailing local rate being paid by movers or riggers for helpers.

11. EFFECTIVE DATE

These rules and regulations shall take effect at 12:01 A.M. on November 12, 1968.

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William I. McDonald  
General Manager  
Water Resources Board  
STATE OF RHODE ISLAND