START\_STATUTE11-961.  Definitions

In this article, unless the context otherwise requires:

1.  "Acquiring agency" means the state, any department, agency, board or commission of the state, counties, school districts, cities, towns, all municipal corporations, any other political subdivision of the state and any other person or entity with the power of eminent domain.

2.  "Business" means any lawful activity, excepting a farm operation, conducted primarily by or for any of the following:

(a)  For the purchase, sale, lease and rental of personal and real property and for the manufacture, processing or marketing of products, commodities or any other personal property.

(b)  For the sale of services to the public.

(c)  By a nonprofit corporation.

(d)  Solely for the purposes of section 11‑963, for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

3.  "Comparable replacement dwelling" means a dwelling that is all of the following:

(a)  Decent, safe and sanitary.

(b)  Adequate in size to accommodate the occupants.

(c)  Within the financial means of the displaced person.

(d)  Functionally equivalent.

(e)  In an area which is not subject to unreasonably adverse environmental conditions.

(f)  In a location which is generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

4.  "Displaced person" means:

(a)  A person who moves from real property or moves his personal property from real property either:

(i)  As a direct result of a written notice of intent to acquire, the initiation of negotiations for or the acquisition of such real property in whole or in part for a program or project undertaken by a displacing agency.

(ii)  On which the person is a residential tenant or conducts a farm operation or a business, and the move is a direct result of rehabilitation, demolition or other displacing activity as the lead agency prescribes under a program or project undertaken by a displacing agency, if the displacing agency determines that the displacement is permanent.

(b)  Solely for the purposes of section 11‑962 and section 11‑963, subsections A and B, a person who moves from real property or moves his personal property from real property either:

(i)  As a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which the person conducts a business or farm operation, for a program or project undertaken by a displacing agency.

(ii)  As a direct result of rehabilitation, demolition or other displacing activity as the lead agency prescribes, of other real property on which the person conducts a business or a farm operation, under a program or project undertaken by a displacing agency, if the displacing agency determines that the displacement is permanent.

Displaced person does not include a person who has been determined, according to criteria established by the lead agency, as not having been displaced, including persons either unlawfully occupying the displacement property or occupying the property for the purpose of obtaining assistance under this article or, in any case in which the displacing agency acquires property for a program or project, a person, other than a person who was an occupant of the property at the time it was acquired, who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project.

5.  "Displacing agency" means the state or state agency and any political subdivision or person carrying out a program or project with federal financial assistance, or with the approval of the governing body of the acquiring agency, state or local financial assistance, which causes a person to be a displaced person.

6.  "Farm operation" means any activity conducted 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 sufficient quantity to be capable of contributing materially to the operator's support.

7.  "Federal financial assistance" means a grant, loan or contribution in any form whatsoever provided by the United States to an acquiring agency, except any federal guarantee or insurance, and any interest reduction payment to a person in connection with the purchase and occupancy of a residence by that person.

8.  "Initiation of negotiations" means the delivery of the initial written offer by the acquiring agency to the owner or the owner's representative to purchase real property for a project for the amount determined to be proper compensation or other actions to serve this purpose as determined by the lead agency.

9.  "Lead agency" means the acquiring agency except as required by federal law.

10.  "Mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the state in which the real property is located, together with the credit instruments, if any, secured thereby.

11.  "Person" means any individual, family, partnership, corporation or association.

12.  "Small business" means a business as defined in paragraph 2 of this section if the number of employees of the business at the affected site is five hundred or less. END\_STATUTE