

# Landlords

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*2012 AASHTO Subcommittee on Right of Way and Utilities Conference*

*Marriott Waterfront Hotel – Portland, Oregon  
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# Why are states required to acknowledge & provide relocation assistance to landlords?

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# Activity meets the definition of a business

- Any lawful activity, except a farm operation, that is conducted
  - Primarily for the purchase, sale, lease, and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property





# Examples of Landlord Activities

- Residential Units
- Mobile Home Parks
- Commercial Properties
- Farms & Ranches

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# Regulations & Procedures

## Federal

- 49 CFR 24.2(a)(4)
  - Definition of a Business
    - Landlord – primarily for the lease of personal and/or real property to others

## State

- WAC 468-100-002(4)
  - Definition of a Business
    - Landlord – primarily for the lease of personal and/or real property to others
- Chapter 12 R/W Manual
  - Eligibility & documentation requirements

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# How does your state handle landlords?

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# WSDOT's Process

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# Eligibility Requirements

## General

- Activity must fit the definition of a business
- Activity must be lawful
- Must claim income/loss on taxes
- Must provide documentation to agent for verification

## Landlords

- Must establish the leasing of space is a bona-fide business activity
- Must provide certified copy of tax return including appropriate schedules
- Documentation must be submitted to HQ for verification
- Agent must obtain copy of insurance policy and/or loan documents for the replacement location

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**Landlord  
Request for Reconsideration  
and Appeal**

Residential Landlord  
Single Family Dwelling  
Qualified as a Business

- **Facts**
  - Purchased a replacement tri-plex
  - Considered a “fixer upper”
- **Aggrieved**
  - Not in agreement with WSDOT’s decision to limit the level of reimbursement and deny costs associated with the rehabilitation of the three units

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# *Questions?*

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