

571—26.1(316) Definitions. The following terms when used in these rules shall have the following meanings:

“Acquisition cost of the dwelling acquired” means the price finally paid an owner for the residential portion of the real property acquired by contract, settlement, condemnation or condemnation appeal award.

The *“Act”* means Iowa Code chapter 316 plus the implementation of the governing federal cost-sharing agency’s relocation handbook (manual or rules) as directed by Iowa Code section 316.11.

“Agency” means the department of natural resources.

“Annual net earnings” are any net earnings of a business or farm operation before federal, state, and local income taxes.

“Claimant” means any displaced person filing a written claim with the agency for relocation assistance or a relocation assistance payment as provided by these regulations.

“Commission” means the natural resource commission.

“Comparable dwelling” means a dwelling in a location meeting the standards established in these regulations for comparable available replacement housing.

“Dwelling” means any single family house, a single family unit in a multifamily building, a unit of condominium or cooperative housing project, a mobile home, or any other residential unit.

“Family” means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of household, they shall be treated as one family for replacement housing purposes.

“Farm operation” means any activity conducted solely or primarily for production of one or more agricultural products or commodities, including timber for sale or home use and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator’s support. The term “contributing materially” used in this definition means that the farm operation contributes at least one-third of the operator’s income. In instances where the operation is obviously a farm operation it need not contribute one-third to the income of the operator to receive a moving cost payment under Iowa Code section 316.4(3).

“Habitable floor space” is that space used for sleeping, living, cooking or dining purposes, and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

“Initiation of negotiations for a parcel” means the date the acquiring agency makes the first personal contact with the owner or the owner’s representative and furnishes a written notice of the agency’s intent to acquire the property.

“Initiation of negotiations for the project” is the date the acquiring agency makes the first personal contact with the owner or the owner’s designated representative and furnishes a written offer to purchase, except where such contact is made solely for protective buying or because of hardship. The control date thus established shall be documented in the project file.

“Moving cost payments” means any actual, estimated, scheduled or statutory payments to relocatees for costs, losses and expenses the payment of which is authorized by section 316.4 and these rules.

“Nonprofit organization” means any corporation, partnership, individual or other public or private entity, engaged in a business, professional or institutional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, professional or institutional activity on the premises.

“Owner” means an individual (or individuals) owning, legally or equitably, the fee simple estate, a life estate, a 99-year lease or other proprietary interest in the subject property; the contract purchaser of any of the foregoing estates or interests; or any person who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the head of the agency, warrants consideration as ownership. In the event of acquisition or ownership by devise, bequest, inheritance or operation of law the tenure of ownership, not occupancy of the succeeding owner shall include the tenure of the preceding owner.

“Project” means any acquisition or development project on which federal funds are or will be utilized to plan, design, acquire real property, provide relocation assistance, construct or for any one or more of these purposes.

“Relocatee” means any person who is a displaced person as defined by Iowa Code chapter 316.

“Relocation assistance payment” means any or all of the payments authorized to displaced persons by Iowa Code chapter 316 and by these rules.

The *“relocation assistance supervisor”* is the agency employee responsible for carrying out the provisions of these rules and Iowa Code chapter 316.

“Subject dwelling or subject property” means the dwelling or property being acquired by or on behalf of the agency.

“Taxable year” is any 12-month period used by a business or farm operation in filing income tax returns.

“Willing seller” means any landowner that is willing to negotiate the sale of land with the agency, and where the agency does not intend to pursue the purchase under eminent domain procedures if the owner and the agency should fail to reach a mutually satisfactory agreement.