START\_STATUTE28-7141.  Definitions

In this article, unless the context otherwise requires:

1.  "Business" means a lawful activity, except a farm operation, that is conducted primarily by or for any of the following:

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

(b)  The sale of services to the public.

(c)  By a nonprofit corporation.

(d)  Solely for the purposes of section 28‑7143, 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 the display or displays are located on the premises on which any of the above activities are conducted.

2.  "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 that is not subject to unreasonably adverse environmental conditions.

(f)  In a location that 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.

3.  "Displaced person":

(a)  Means a person who moves from real property or moves the person's personal property from real property either:

(i)  As a direct result of a written notice of intent to acquire or the acquisition of the 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 or business tenant or conducts a small business, a farm operation or a business as a direct result of rehabilitation, demolition or any other displacing activity as the department may prescribe under a program or project undertaken by a displacing agency in a case in which the displacing agency determines that the displacement is permanent.

(b)  Solely for the purposes of sections 28‑7142 and 28‑7143, means a person who moves from real property or moves the person's 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 any other displacing activity as the department may prescribe 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.

(c)  Does not include either:

(i)  A person who has been determined either to be unlawfully occupying the displacement dwelling or to have occupied the dwelling for the purpose of obtaining assistance under this article.

(ii)  In a 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.

4.  "Displacing agency" means the department in carrying out a program or project with federal or state financial assistance that causes a person to be a displaced person.

5.  "Family" means two or more persons who are living together in the same dwelling unit and who are related to each other by blood, marriage, adoption or legal guardianship.

6.  "Farm operation" means an activity conducted primarily for the production of one or more agricultural products or commodities, including timber for sale and home use, and customarily producing the products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

7.  "Individual" means a person who is not a member of a family.

8.  "Initiation of negotiations" means the date the department first makes personal contact with the owner or the owner's personal representative of the property sought to be acquired if the price to be paid for the property is discussed.

9.  "Mortgage" means the 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 and the credit instruments, if any, secured thereby.

10.  "Person" means an individual, family, partnership, corporation or association. END\_STATUTE