

LEGISLATIVE HISTORY OF R.S. 52:31B-1
(Land for public use--Relocation aid)

L.1967 - chap.79 - A 767
Mar.13 - Introduced by A Brown.
Apr.17 - Passed in Assembly, amended.
May 1 - Passed in Senate.
May 31 - Approved, chap.79.
No statement on Bill.
Governor's message on Bill. (copy enclosed)

Hearings

974.90 New Jersey. Legislature.
H842
1967 Assembly, committee on county and
municipal government.

Public hearings on Assembly Bills nos.
757,763,765,766,767,768,770, and 804
(Community Affairs)

Newspaper Clippings

"State to Push Middle-Income Housing"	Sun.T.A.	2/26/67
"State Legislature to Get Bill Today on Urban Affairs"	P.I.	3/6/67
"New State Housing Agencies Proposed With Wide Power"	T.E.T.	3/7/67
"Industrial Aid is Sought in Urban Revival"	C.P.	3/7/67
"Pronged Attack on Slum Housing Launched in Legislature By Hughes"	P.I.	3/7/67
"A Bold Program"	T.E.T.	3/9/67
"State-sponsored Housing Seen in New Jersey by 68"	T.E.T	3/9/67
"6-Bill Package Set on Urban"	NEN	3/12/67

Several other clippings also enclosed.

GVB/EH
Encl.

CHAPTER 79 LAWS OF N. J. 1967
APPROVED 5-31-67
[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 767

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1967

By Assemblymen A. E. BROWN, DODD, ADDONIZIO, GAVAN,
HORN, BIBER, HIGGINS, WILENTZ, FRIEDLAND,
HAMER and CARLTON

Referred to Committee on County and Municipal Government

AN ACT concerning the displacement of persons, businesses and
nonprofit corporations and providing for the uniform, fair and
equitable relocation of such persons, businesses and nonprofit
corporations.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

3 1. This act shall be known as, and may be cited as, the "Reloca-
4 tion Assistance Law of 1967."

5 2. This act being deemed and hereby declared necessary for the
6 protection of the health and welfare of the residents of this State
7 in order to assure the uniform, fair and equitable relocation of
8 persons, businesses and nonprofit organizations displaced by State
9 and local activities, programs or projects, shall be liberally con-
10 strued to effectuate the purposes and intent thereof.

11 3. The following terms whenever used or referred to in this act
12 shall have the following respective meanings for the purposes of
13 this act, unless the context clearly indicates otherwise:

14 (a) The term "act" shall mean this act, any amendments or
15 supplements thereto, and any rules and regulations promulgated
16 thereunder.

17 (b) The term "business concern" means any person, association,
18 corporation or nonprofit organization not engaged in the business
19 of acquiring, retaining and selling property for the production of
20 income.

21 (c) The term "commissioner" shall mean the Commissioner of
22 the Department of Community Affairs.

23 (d) The term "department" shall mean the Department of
24 Community Affairs.

25 (e) The term "displaced" shall mean ***[any necessary movement**

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill
is not enacted and is intended to be omitted in the law.**

1 from real property as a result of the acquisition, or imminence of
2 acquisition, of such property for a public improvement con-
3 structed or developed, or to be constructed or developed, by or with
4 funds provided, in whole or in part, by this State or any local unit
5 of government, or pursuant to a program of law enforcement, or
6 pursuant to a program or project for the voluntary rehabilitation
7 of dwelling units.]* *required to vacate any real property, or any
8 tenancy therein, pursuant to any lawful order or notice of any State
9 agency or unit of local government on account of the acquisition
10 of any real property for a public use, or on account of a program
11 of law enforcement, or on account of a program or project for the
12 voluntary rehabilitation of dwelling units.*

13 (f) The term "farm operation" shall mean any activity con-
14 ducted, whether in whole or in part, for the production of one or
15 more agricultural products or commodities for sale or home use,
16 and customarily producing such products or commodities in
17 sufficient quantity to contribute materially to the support of the
18 person, association or corporation so conducting such activity.

19 (g) The term "nonprofit organization" shall mean any associa-
20 tion or corporation organized not for profit pursuant to the
21 provisions of Title 15 of the Revised Statutes, Corporations and
22 Associations Not for Profit.

23 (h) The term "person" shall mean any individual or family or
24 owner of a business concern or farm operation.

25 (i) The term "real property *or any tenancy therein"* shall
26 mean any real property, and any building, structures, or fixtures
27 appurtenant thereto, and any housing, dwelling or working space
28 therein.

29 (j) The term "State agency" shall mean any department, divi-
30 sion, office, agency or bureau of this State, or any authority or
31 instrumentality created or chartered thereby.

32 (k) The term "unit of local government" shall mean any political
33 subdivision of this State, or any 2 or more such political subdivi-
34 sions acting jointly pursuant to law, and any department, division,
35 office, agency or bureau thereof or any authority or instrumentality
36 created or chartered thereby.

37 4. (a) Whenever any State agency or any unit of local govern-
38 ment displaces, or causes to be displaced, any person or business
39 concern from any real property on account of the acquisition of
40 real property for a public use, or on account of a program of law
41 enforcement, or on account of a program or project for the
42 voluntary rehabilitation of dwelling units, any such State agency
43 or unit of local government shall make fair and reasonable reloca-

1 tion assistance payments to any such displaced person or business
2 concern as hereinafter provided in this section.

3 (b) Any relocation assistance payment to a displaced person or
4 business concern shall be (1) a payment for the actual and reason-
5 able expenses of moving said person, his family, business concern,
6 farm operation, or other personal property; provided, that in the
7 case of a farm operation, such payment ***[shall]*** *may* include
8 the actual and reasonable expenses incurred by said person in
9 searching for a replacement farm; or (2) a fixed payment in ac-
10 cordance with a schedule of fixed amounts approved by the com-
11 missioner.

12 (c) No relocation assistance payment made pursuant to this
13 section shall exceed \$200.00 in the case of any individual or family,
14 \$3,000.00 in the case of a business concern or nonprofit organization,
15 or \$4,000.00 in the case of a farm operation.

16 **(d) No relocation assistance payment pursuant to this section
17 shall be made to any displaced person or business concern which
18 has received, or is entitled to receive, payment for the actual and
19 reasonable expenses of moving said person, his family, business
20 concern, farm operation, or other personal property, pursuant to
21 any other law of this State or of the United States.**

22 5. (a) Whenever any State agency or any unit of local govern-
23 ment acquires or seeks to acquire any real property for public use,
24 or implements or intends to implement a program of law enforce-
25 ment, or initiates or intends to initiate a program or project for
26 the voluntary rehabilitation of dwelling units, the chief executive
27 officer of any such State agency or unit of local government shall
28 certify to the commissioner that a workable relocation assistance
29 program for displaced persons and business concerns, offering the
30 services prescribed by subsection (b) of this section, is available
31 to reduce hardship to those affected. If the commissioner or the
32 chief executive officer of any such State agency or unit of local
33 government shall determine, in the exercise of their discretion,
34 that the acquisition of real property for a public use or implementa-
35 tion of a program of law enforcement or the initiation of a program
36 or project for the voluntary rehabilitation of dwelling units by
37 any such State agency or unit of local government will cause sub-
38 stantial economic injury to persons and business concerns other
39 than those persons or business concerns actually displaced, then
40 any such State agency or unit of local government ***[shall]*** *may*
41 provide such other persons or business concerns with relocation
42 services pursuant to a workable relocation assistance program.

43 (b) Every workable relocation assistance program required by

1 subsection (a) of this section shall include such measures, facilities,
2 techniques or services as the commissioner may prescribe by rules
3 and regulations issued and promulgated pursuant to this act, in-
4 cluding, but not limited to, such measures, facilities, techniques or
5 services as may be necessary or appropriate (1) to determine the
6 needs of displaced persons and business concerns for relocation
7 assistance **to supply information concerning programs offering*
8 *assistance to displaced persons and business concerns and to assist*
9 *in minimizing hardships to displaced persons in adjusting to relo-*
10 *cation**; (2) to assist **each** displaced **[persons]* *person** to
11 secure decent, safe and sanitary dwelling units at prices or rents
12 within **[their]* *his** means and in areas reasonably accessible
13 to **[their places]* *his place** of employment **and not generally*
14 *less desirable in regard to public utilities and public and commer-*
15 *cial facilities**; (3) to assist owners of displaced business concerns
16 in obtaining and becoming established in suitable business loca-
17 tions; (4) **[to supply information concerning programs offering*
18 *assistance to displaced persons and business concerns;]* *to pro-*
19 *vide any displaced person or business concern a reasonable time*
20 *from the date of displacement within which to apply for a reloca-*
21 *tion assistance payment required by section 4 of this act, and to*
22 *encourage the prompt transmittal of any such relocation assistance*
23 *payment upon proper application therefor;** (5) **[to assist in mini-*
24 *mizing hardships to displaced persons in adjusting to relocation;*
25 *and]* *and to provide for fair and reasonable relocation assistance*
26 *payments pursuant to section 4 of this act;** (6) to secure to the
27 greatest extent practicable, the co-ordination of relocation activi-
28 ties with other project activities and other planned or proposed
29 governmental actions in the community or nearby areas which may
30 affect the execution of the workable relocation program.

31 (c) Within 60 days of the effective date of this act, any State
32 agency or unit of local government which reasonably contemplates
33 that any person or business concern may be displaced by the
34 acquisition of real property for public use or the implementation
35 of a program of law enforcement or the initiation of a program
36 or project for the voluntary rehabilitation of dwelling units, shall
37 designate or appoint an officer or employee thereof who shall be
38 charged with the formulation and execution of any workable reloca-
39 tion assistance program required by section (a) of this section.
40 Any such State agency or unit of local government, acting through
41 the officer or employee so designated or appointed, may utilize the
42 facilities, personnel or services of any other officer or employee
43 of said State agency or unit of local government, or may enter into

1 appropriate contracts or agreements with any officer of the United
2 States or any other State agency or unit of local government, or
3 with any nonprofit organization, for the purpose of implementing
4 any workable relocation assistance program.

5 6. **(a)** No State agency or unit of local government shall,
6 except in the case of an emergency or an imminent hazard to the
7 health, safety and welfare of the public, displace or remove, or
8 cause to be displaced or removed, any person or business concern on
9 account of the acquisition of any real property for public use or
10 on account of a program of law enforcement or on account of a
11 program or project for the voluntary rehabilitation of dwelling
12 units, unless (1) any workable relocation assistance program
13 required by subsection (a) of section 5 of this act shall have been
14 submitted to, and approved by, the commissioner; (2) the chief
15 executive officer of said State agency or unit of local government
16 shall have filed with the commissioner the certification required
17 by subsection (a) of section 5 of this act; (3) an alternate dwelling
18 unit as described in **[subsection (a) of]** section **[9]* *5(b) (2)**
19 of this act is available for each person displaced or removed, or
20 caused to be displaced or removed; and (4) the commissioner shall
21 have certified to the chief executive officer of said State agency or
22 unit of local government that the provisions of this act have been
23 complied with.

24 **(b) Any State agency or unit of local government which, in the*
25 *case of an emergency or an imminent hazard to the health, safety*
26 *and welfare of the public, displaces or removes, or causes to be*
27 *displaced or removed, any person or business concern on account*
28 *of the acquisition of any real property for public use or on account*
29 *of a program of law enforcement or on account of a program or*
30 *project for the voluntary rehabilitation of dwelling units, shall do*
31 *any and all things necessary and appropriate to provide, that, as*
32 *soon after the displacement or removal of any such person or busi-*
33 *ness concern as possible, (1) any workable relocation assistance*
34 *program required by subsection (a) of section 5 of this act will*
35 *be submitted to the commissioner for his approval; (2) the chief*
36 *executive officer of said State agency or unit of local government*
37 *will file with the commissioner the certification required by subsec-*
38 *tion (a) of section 5 of this act; (3) an alternate dwelling unit as*
40 *described in subsection (b) (2) of section 5 of this act is available*
41 *for each person displaced or removed, or caused to be displaced*
42 *or removed; and (4) the commissioner will certify to the chief*
43 *executive officer of said State agency or unit of local government*
44 *that the provisions of this act have been complied with.**

1 7. (a) Notwithstanding the provisions of any law of this State
1A to the contrary, any funds appropriated or otherwise made avail-
1B able to any State agency or unit of local government for the acquisi-
2 tion of real property, or any interest therein, for a particular pro-
3 gram or project, or for the conduct and administration of any
4 program of building or housing code enforcement or the voluntary
5 rehabilitation of housing units, shall be available also for obliga-
6 tion and expenditure to carry out the provisions of this act as
7 applied to that acquisition, program or project.

8 (b) If any State financial assistance in any manner whatsoever
9 is available to pay the cost, in whole or part, to any unit of local
10 government of the acquisition of real property for public use or
11 the implementation of a program of law enforcement or the
12 initiation of a program or project for the voluntary rehabilitation
13 of dwelling units, then the cost to any such unit of local government
14 of providing the payments and services prescribed by this act
15 shall be included as part of the costs of any such acquisition, pro-
16 gram or project for which State financial assistance is available
17 to any such unit of local government, and shall be eligible for State
18 financial assistance in the same manner and to the same extent as
19 any other cost of any such acquisition, program or project.

20 8. Any person or business concern aggrieved by any final action,
21 ruling, notice or order of any State agency or unit of local govern-
22 ment in the discharge of any duty imposed by this act on any such
23 State agency or unit of local government, shall be entitled to a
24 hearing before the commissioner. The application for such hearing
25 must be filed with the commissioner within 15 days of the receipt
26 by the applicant therefor of notice of the action, ruling, notice or
27 order complained of. No such hearing shall be held except upon
28 7 days' written notice to all interested parties, and each such hear-
29 ing shall be held within 15 days of the receipt of the application
30 therefor. Within 10 days after the completion of such hearing,
31 the commissioner shall issue an appropriate order approving,
32 modifying, and approving as so modified, or setting aside in whole
33 or in part the action, ruling, notice or order complained of, a copy
34 of which order shall be served on all interested parties. Pending
35 the determination by the commissioner, and upon application there-
36 for, the commissioner may grant a stay of the action, ruling, notice
37 or order complained of; provided, that no such stay shall be granted
38 except upon such terms and conditions as will insure compliance
39 with the provisions of this act.

40 *9. Within 90 days of the effective date of this act, the commis-
41 sioner shall issue and promulgate such rules and regulations as
42 may be necessary and appropriate to assure:

1 (a) that each displaced person shall be relocated, whether
1A temporarily or indefinitely, in areas not generally less desirable
2 in regard to public utilities and public and commercial facilities,
3 and at rents or prices within the financial means of the person
4 displaced, and in decent, safe and sanitary dwelling units equal
5 in number to the number of, and available to, such displaced
6 individuals and families, and reasonably accessible to his place of
7 employment;

8 (b) that relocation assistance payments pursuant to section 4
9 of this act are fair and reasonable;

10 (c) that, upon proper application for a relocation assistance
11 payment pursuant to section 4 of this act, a displaced person or
12 business concern is paid, if any personal property of said person
13 or business concern is disposed of and replaced for use at the
14 location, an amount equal to the reasonable expenses that would
15 have been required to move such personal property to the new
16 location;

17 (d) that, upon proper application for a relocation assistance
18 payment and approval thereof, a displaced person or business
19 concern is paid such payment promptly after relocation; and

20 (e) that any displaced person or business concern has a reason-
21 able time from the date of displacement within which to apply for
22 a relocation assistance payment required by section 4 of this act.]*

23 *9. *The provisions of this act shall not apply to the State Depart-*
24 *ment of Transportation; provided, however, that the State Depart-*
25 *ment of Transportation shall formulate and implement a relocation*
26 *assistance program designed to minimize the hardships of persons*
27 *and business concerns displaced as a result of the acquisition by*
28 *said State Department of Transportation of any real property for*
29 *a public use. For the purpose of formulating the relocation assist-*
30 *ance program of the State Department of Transportation, the*
31 *Commissioner of Transportation shall consult with the commis-*
32 *sioner in order that said relocation assistance program will be in*
33 *general conformity with any rules and regulations promulgated*
34 *by the commissioner pursuant to section 5 of this act.**

35 10. The commissioner shall issue and promulgate such rules and
36 regulations as are necessary and appropriate to carry out the
37 provisions of this act, and may revise, repeal or amend said rules
38 and regulations from time to time as the commissioner may deem
39 necessary. *Any rules and regulations issued and promulgated
40 pursuant to this act shall be filed with the Secretary of State.*

41 11. All acts or parts of acts inconsistent herewith are hereby
42 superseded.

1 12. If any section, subsection, paragraph, sentence or other part
 2 of this act is adjudged unconstitutional or invalid, such judgment
 3 shall not affect, impair or invalidate the remainder of this act, but
 4 shall be confined in the effect to the section, subsection, paragraph,
 5 sentence or other part of this act directly involved in the con-
 6 troversy in which said judgment shall have been rendered.

7 13. This act shall take effect immediately.

ASSEMBLY, No. 767

STATE OF NEW JERSEY

INTRODUCED MARCH 13, 1967

By Assemblymen A. E. BROWN, DODD, ADDONIZIO, GAVAN,
HORN, BIBER, HIGGINS, WILENTZ, FRIEDLAND,
HAMER and CARLTON

Referred to Committee on County and Municipal Government

AN ACT concerning the displacement of persons, businesses and
nonprofit corporations and providing for the uniform, fair and
equitable relocation of such persons, businesses and nonprofit
corporations.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

3 1. This act shall be known as, and may be cited as, the "Reloca-
4 tion Assistance Law of 1967."

5 2. This act being deemed and hereby declared necessary for the
6 protection of the health and welfare of the residents of this State
7 in order to assure the uniform, fair and equitable relocation of
8 persons, businesses and nonprofit organizations displaced by State
9 and local activities, programs or projects, shall be liberally con-
10: strued to effectuate the purposes and intent thereof.

11 3. The following terms whenever used or referred to in this act
12 shall have the following respective meanings for the purposes of
13 this act, unless the context clearly indicates otherwise:

14 (a) The term "act" shall mean this act, any amendments or
15 supplements thereto, and any rules and regulations promulgated
16 thereunder.

17 (b) The term "business concern" means any person, association,
18 corporation or nonprofit organization not engaged in the business
19 of acquiring, retaining and selling property for the production of
20: income.

21 (c) The term "commissioner" shall mean the Commissioner of
22 the Department of Community Affairs.

23 (d) The term "department" shall mean the Department of
24: Community Affairs.

25 (e) The term "displaced" shall mean any necessary movement

1 from real property as a result of the acquisition, or imminence of
2 acquisition, of such property for a public improvement con-
3 structed or developed, or to be constructed or developed, by or with
4 funds provided, in whole or in part, by this State or any local unit
5 of government, or pursuant to a program of law enforcement, or
6 pursuant to a program or project for the voluntary rehabilitation
7 of dwelling units.

8 (f) The term "farm operation" shall mean any activity con-
9 ducted, whether in whole or in part, for the production of one or
10 more agricultural products or commodities for sale or home use,
11 and customarily producing such products or commodities in
12 sufficient quantity to contribute materially to the support of the
13 person, association or corporation so conducting such activity.

14 (g) The term "nonprofit organization" shall mean any associa-
15 tion or corporation organized not for profit pursuant to the
16 provisions of Title 15 of the Revised Statutes, Corporations and
17 Associations Not for Profit.

18 (h) The term "person" shall mean any individual or family or
19 owner of a business concern or farm operation.

20 (i) The term "real property" shall mean any real property, and
21 any building, structures, or fixtures appurtenant thereto, and any
22 housing, dwelling or working space therein.

23 (j) The term "State agency" shall mean any department, divi-
24 sion, office, agency or bureau of this State, or any authority or
25 instrumentality created or chartered thereby.

26 (k) The term "unit of local government" shall mean any political
27 subdivision of this State, or any 2 or more such political subdivi-
28 sions acting jointly pursuant to law, and any department, division,
29 office, agency or bureau thereof or any authority or instrumentality
30 created or chartered thereby.

31 4. (a) Whenever any State agency or any unit of local govern-
32 ment displaces, or causes to be displaced, any person or business
33 concern from any real property on account of the acquisition of
34 real property for a public use, or on account of a program of law
35 enforcement, or on account of a program or project for the
36 voluntary rehabilitation of dwelling units, any such State agency
37 or unit of local government shall make fair and reasonable reloca-
38 tion assistance payments to any such displaced person or business
39 concern as hereinafter provided in this section.

40 (b) Any relocation assistance payment to a displaced person or
41 business concern shall be (1) a payment for the actual and reason-
42 able expenses of moving said person, his family, business concern,
43 farm operation, or other personal property; provided, that in the

1 case of a farm operation, such payment shall include the actual
2 and reasonable expenses incurred by said person in searching for
3 a replacement farm; or (2) a fixed payment in accordance with a
4 schedule of fixed amounts approved by the commissioner.

5 (c) No relocation assistance payment made pursuant to this
6 section shall exceed \$200.00 in the case of any individual or family,
7 \$3,000.00 in the case of a business concern or nonprofit organization,
8 or \$4,000.00 in the case of a farm operation.

9 5. (a) Whenever any State agency or any unit of local govern-
10 ment acquires or seeks to acquire any real property for public use,
11 or implements or intends to implement a program of law enforce-
12 ment, or initiates or intends to initiate a program or project for
13 the voluntary rehabilitation of dwelling units, the chief executive
14 officer of any such State agency or unit of local government shall
15 certify to the commissioner that a workable relocation assistance
16 program for displaced persons and business concerns, offering the
17 services prescribed by subsection (b) of this section, is available
18 to reduce hardship to those affected. If the commissioner or the
19 chief executive officer of any such State agency or unit of local
20 government shall determine, in the exercise of their discretion,
21 that the acquisition of real property for a public use or implementa-
22 tion of a program of law enforcement or the initiation of a program
23 or project for the voluntary rehabilitation of dwelling units by
24 any such State agency or unit of local government will cause sub-
25 stantial economic injury to persons and business concerns other
26 than those persons or business concerns actually displaced, then
27 any such State agency or unit of local government shall provide
28 such other persons or business concerns with relocation services
29 pursuant to a workable relocation assistance program.

30 (b) Every workable relocation assistance program required by
31 subsection (a) of this section shall include such measures, facilities,
32 techniques or services as the commissioner may prescribe by rules
33 and regulations issued and promulgated pursuant to this act, includ-
34 ing, but not limited to, such measures, facilities, techniques or
35 services as may be necessary or appropriate (1) to determine the
36 needs of displaced persons and business concerns for relocation
37 assistance; (2) to assist displaced persons to secure decent, safe
38 and sanitary dwelling units at prices or rents within their means
39 and in areas reasonably accessible to their places of employment;
40 (3) to assist owners of displaced business concerns in obtaining
41 and becoming established in suitable business locations; (4) to
42 supply information concerning programs offering assistance to
43 displaced persons and business concerns; (5) to assist in minimiz-

1 ing hardships to displaced persons in adjusting to relocation; and
2 (6) to secure to the greatest extent practicable, the co-ordination
3 of relocation activities with other project activities and other
4 planned or proposed governmental actions in the community or
5 nearby areas which may affect the execution of the workable
6 relocation program.

7 (c) Within 60 days of the effective date of this act, any State
8 agency or unit of local government which reasonably contemplates
9 that any person or business concern may be displaced by the
10 acquisition of real property for public use or the implementation
11 of a program of law enforcement or the initiation of a program
12 or project for the voluntary rehabilitation of dwelling units, shall
13 designate or appoint an officer or employee thereof who shall be
14 charged with the formulation and execution of any workable reloca-
15 tion assistance program required by section (a) of this section.
16 Any such State agency or unit of local government, acting through
17 the officer or employee so designated or appointed, may utilize the
18 facilities, personnel or services of any other officer or employee
19 of said State agency or unit of local government, or may enter into
20 appropriate contracts or agreements with any officer of the United
21 States or any other State agency or unit of local government, or
22 with any nonprofit organization, for the purpose of implementing
23 any workable relocation assistance program.

24 6. No State agency or unit of local government shall, except in
25 the case of an emergency or an imminent hazard to the health,
26 safety and welfare of the public, displace or remove, or cause
27 to be displaced or removed, any person or business concern on
28 account of the acquisition of any real property for public use or
29 on account of a program of law enforcement or on account of a
30 program or project for the voluntary rehabilitation of dwelling
31 units, unless (1) any workable relocation assistance program
32 required by subsection (a) of section 5 of this act shall have been
33 submitted to, and approved by, the commissioner; (2) the chief
34 executive officer of said State agency or unit of local government
35 shall have filed with the commissioner the certification required
36 by subsection (a) of section 5 of this act; (3) an alternate dwelling
37 unit as described in subsection (a) of section 9 of this act is
38 available for each person displaced or removed, or caused to be
39 displaced or removed; and (4) the commissioner shall have certified
40 to the chief executive officer of said State agency or unit of local
41 government that the provisions of this act have been complied with.

42 7. (a) Notwithstanding the provisions of any law of this State
43 to the contrary, any funds appropriated or otherwise made avail-

1 able to any State agency or unit of local government for the acquisi-
2 tion of real property, or any interest therein, for a particular pro-
3 gram or project, or for the conduct and administration of any
4 program of building or housing code enforcement or the voluntary
5 rehabilitation of housing units, shall be available also for obliga-
6 tion and expenditure to carry out the provisions of this act as
7 applied to that acquisition, program or project.

8 (b) If any State financial assistance in any manner whatsoever
9 is available to pay the cost, in whole or part, to any unit of local
10 government of the acquisition of real property for public use or
11 the implementation of a program of law enforcement or the
12 initiation of a program or project for the voluntary rehabilitation
13 of dwelling units, then the cost to any such unit of local government
14 of providing the payments and services prescribed by this act
15 shall be included as part of the costs of any such acquisition, pro-
16 gram or project for which State financial assistance is available
17 to any such unit of local government, and shall be eligible for State
18 financial assistance in the same manner and to the same extent as
19 any other cost of any such acquisition, program or project.

20 8. Any person or business concern aggrieved by any final action,
21 ruling, notice or order of any State agency or unit of local govern-
22 ment in the discharge of any duty imposed by this act on any such
23 State agency or unit of local government, shall be entitled to a
24 hearing before the commissioner. The application for such hearing
25 must be filed with the commissioner within 15 days of the receipt
26 by the applicant therefor of notice of the action, ruling, notice or
27 order complained of. No such hearing shall be held except upon
28 7 days' written notice to all interested parties, and each such hear-
29 ing shall be held within 15 days of the receipt of the application
30 therefor. Within 10 days after the completion of such hearing,
31 the commissioner shall issue an appropriate order approving,
32 modifying, and approving as so modified, or setting aside in whole
33 or in part the action, ruling, notice or order complained of, a copy
34 of which order shall be served on all interested parties. Pending
35 the determination by the commissioner, and upon application there-
36 for, the commissioner may grant a stay of the action, ruling, notice
37 or order complained of; provided, that no such stay shall be granted
38 except upon such terms and conditions as will insure compliance
39 with the provisions of this act.

40 9. Within 90 days of the effective date of this act, the commis-
41 sioner shall issue and promulgate such rules and regulations as
42 may be necessary and appropriate to assure:

43 (a) that each displaced person shall be relocated, whether

1 temporarily or indefinitely, in areas not generally less desirable
2 in regard to public utilities and public and commercial facilities,
3 and at rents or prices within the financial means of the person
4 displaced, and in decent, safe and sanitary dwelling units equal
5 in number to the number of, and available to, such displaced
6 individuals and families, and reasonably accessible to his place of
7 employment;

8 (b) that relocation assistance payments pursuant to section 4
9 of this act are fair and reasonable;

10 (c) that, upon proper application for a relocation assistance
11 payment pursuant to section 4 of this act, a displaced person or
12 business concern is paid, if any personal property of said person
13 or business concern is disposed of and replaced for use at the
14 location, an amount equal to the reasonable expenses that would
15 have been required to move such personal property to the new
16 location;

17 (d) that, upon proper application for a relocation assistance
18 payment and approval thereof, a displaced person or business
19 concern is paid such payment promptly after relocation; and

20 (e) that any displaced person or business concern has a reason-
21 able time from the date of displacement within which to apply for
22 a relocation assistance payment required by section 4 of this act.

23 10. The commissioner shall issue and promulgate such rules and
24 regulations as are necessary and appropriate to carry out the
25 provisions of this act, and may revise, repeal or amend said rules
26 and regulations from time to time as the commissioner may deem
27 necessary.

28 11. All acts or parts of acts inconsistent herewith are hereby
29 superseded.

30 12. If any section, subsection, paragraph, sentence or other part
31 of this act is adjudged unconstitutional or invalid, such judgment
32 shall not affect, impair or invalidate the remainder of this act, but
33 shall be confined in the effect to the section, subsection, paragraph,
34 sentence or other part of this act directly involved in the con-
35 troversy in which said judgment shall have been rendered.

36 13. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 767

STATE OF NEW JERSEY

ADOPTED APRIL 10, 1967

Amend page 1, section 3, line 25, delete "any necessary movement".

Amend page 2, section 3, lines 1 to 7, omit lines 1 to 7 and insert in lieu thereof "required to vacate any real property, or any tenancy therein, pursuant to any lawful order or notice of any State agency or unit of local government on account of the acquisition of any real property for a public use, or on account of a program of law enforcement, or on account of a program or project for the voluntary rehabilitation of dwelling units."

Amend page 2, section 3, line 20, after the word "property", insert "or any tenancy therein".

Amend page 3, section 4, line 1, delete "shall", and insert in lieu thereof "may".

Amend page 3, section 4, line 8, after line 8 insert the following new subsection "d": "(d) No relocation assistance payment pursuant to this section shall be made to any displaced person or business concern which has received, or is entitled to receive, payment for the actual and reasonable expenses of moving said person, his family, business concern, farm operation, or other personal property, pursuant to any other law of this State or of the United States."

Amend page 3, section 5, line 27, delete "shall", and insert in lieu thereof "may".

Amend page 3, section 5, line 37, after "assistance", insert ", to supply information concerning programs offering assistance to displaced persons and business concerns and to assist in minimizing hardships to displaced persons in adjusting to relocation".

Amend page 3, section 5, line 37, after "assist", insert "each".

Amend page 3, section 5, line 37, delete "persons", and insert in lieu thereof "person".

Amend page 3, section 5, line 38, delete "their", and insert in lieu thereof "his".

Amend page 3, section 5, line 39, delete "their places", and insert in lieu thereof "his place".

Amend page 3, section 5, line 39, after "employment", insert "and not generally less desirable in regard to public utilities and public and commercial facilities".

Amend page 3, section 5, line 41, after "(4)" omit "to".

Amend page 3, section 5, line 42, omit line 42.

Amend page 3, section 5, line 43, delete "displaced persons and business concerns;", and insert in lieu thereof "to provide any displaced person or business concern a reasonable time from the date of displacement within which to apply for a relocation assistance payment required by section 4 of this act, and to encourage the prompt transmittal of any such relocation assistance payment upon proper application therefor;"

Amend page 3, section 5, line 43, delete "to assist in minimiz-".

Amend page 4, section 5, line 1, omit and insert "and to provide for fair and reasonable relocation assistance payments pursuant to section 4 of this act;"

Amend page 4, section 6, line 24, after "6.", insert "(a)".

Amend page 4, section 6, line 37, before "section" delete "subsection (a) of".

Amend page 4, section 6, line 37, after "section" delete "9" and insert in lieu thereof "5 (b) (2)".

Amend page 4, section 6, line 41, after line 41 insert the following new subsection "(b)":

"(b) Any State agency or unit of local government which, in the case of an emergency or an imminent hazard to the health, safety and welfare of the public, displaces or removes, or causes to be displaced or removed, any person or business concern on account of the acquisition of any real property for public use or on account of a program of law enforcement or on account of a program or project for the voluntary rehabilitation of dwelling units, shall do any and all things necessary and appropriate to provide, that, as soon after the displacement or removal of any such person or business concern as possible, (1) any workable relocation assistance program required by subsection (a) of section 5 of this act will be submitted to the commissioner for his approval; (2) the chief executive officer of said State agency or unit of local government will file with the commissioner the certification required by subsection (a) of section 5 of this act; (3) an alternate dwelling unit as described in subsection (b) (2) of section 5 of this act is available for each person displaced or removed, or caused to be displaced or removed; and (4) the commissioner will certify to the chief executive officer of said State agency or unit of local government that the provisions of this act have been complied with."

Amend page 5, section 9, line 40, delete section "9" in its entirety and insert in lieu thereof the following new section "9":

“9. The provisions of this act shall not apply to the State Department of Transportation; provided, however, that the State Department of Transportation shall formulate and implement a relocation assistance program designed to minimize the hardships of persons and business concerns displaced as a result of the acquisition by said State Department of Transportation of any real property for a public use. For the purpose of formulating the relocation assistance program of the State Department of Transportation, the Commissioner of Transportation shall consult with the commissioner in order that said relocation assistance program will be in general conformity with any rules and regulations promulgated by the commissioner pursuant to section 5 of this act.”

Amend page 6, section 10, line 27, after “necessary.” insert “Any rules and regulations issued and promulgated pursuant to this act shall be filed with the Secretary of State.”.

EXECUTIVE OFFICE



INTER-COMMUNICATION

Governor Richard J. Hughes

To: Members of the Legislature
of the State of New Jersey

(Institution or Department)

March 6, 1967

A.B. 767

Re: Package of proposed Department of Community Affairs legislation

I am happy to transmit to you today the enclosed package of proposed legislation which I hope you will subject to close study during the coming week. Subject to necessary technical changes, and changes that may be necessary as a result of your comments, I propose to have these bills introduced in the Legislature on Monday, March 13, 1967.

The package consists of six major pieces of substantive legislation and two proposed bills which would effect necessary technical changes in existing law so that the existing law will dovetail with the six major proposals. These six major proposals are:

- (1) The Government Employee Exchange Act of 1967; C. 777 (A.763)
- (2) The Hotel and Multiple Dwelling Health and Safety Act of 1967; C. 76 (A.757)
- (3) The State Aid for Urban Renewal Projects Law of 1967; C. 80 (A.768)
- (4) The Relocation Assistance Law of 1967; C. 79 (A.767)
- (5) The Department of Community Affairs Demonstration Grant Law of 1967; C. 82 (A.804)
- (6) The New Jersey Housing Finance Agency Act of 1967; C. 81 (A.770)

These proposals are not, as I am sure you will realize, exhaustive panaceas for the problems of the people of this State or the problems of State and local government. Nevertheless, these proposals, if enacted, will constitute a gigantic step forward towards the solution of those problems. I hope that your inspection of these proposals during the coming week will enable you to completely support the components of this package of proposed legislation.

R.J.H.

MESSAGE OF GOVERNOR RICHARD J. HUGHES
ACCOMPANYING HIS LEGISLATIVE PROGRAM
FOR THE DEPARTMENT OF COMMUNITY AFFAIRS

Last week, New Jersey's Department of Community Affairs became a reality. Today, I am happy to transmit to the members of the Legislature a legislative program which will give that Department some basic tools in its massive job of assisting the communities in this most urban state of the nation. I am under no illusions that there are easy and dramatic solutions to the pressing problems of our communities today, but I know that the members of the Legislature agree with me that New Jersey must take a role of leadership among the states in helping to solve community problems.

The partnership between federal, state and local governments which is implied by the phrase "creative federalism" is becoming more a reality every day. In recent years, New Jersey has begun to meet its obligations through increased state aid to municipalities and by acting as a partner with the Federal Government, counties and municipalities. We have served as a model state in the implementation of the Economic Opportunity Act and we are today fulfilling that leadership role with respect to the model cities program. All of us want the new Department to set an example for our sister states of how a willing state government can assist its communities and its citizens to solve their problems.

The six pieces of legislation which I offer you today are the beginning of this creative state response. They will not in and of themselves provide dramatic and quick solutions, but they will indicate that building on the experience of others, New Jersey has turned the corner and has started in the direction of lending an important hand to communities large and small. This legislation will enable the state to play a major role in the encouragement

of private initiative in the restoration of our cities, will help to meet the pressing housing needs of our communities, will support the training of municipal personnel and the ability of local governments to staff and organize themselves to serve the public in a more efficient way, and will modernize the state's archaic Tenement House Law to provide for better standards of health and safety in multi-family dwellings.

I. Middle Income Housing Program.

It is estimated that there is today a shortage of more than 100,000 units of middle-income housing units in New Jersey. The need for a state program to encourage and support the construction and rehabilitation of such housing is apparent. We propose that through the issuance of revenue bonds, the state assist the private market to meet this demand. These bonds will not pledge the credit of the state but would be backed by the value of the property involved. The program would include not only new construction but would be available for what is probably the greatest unmet need: the rehabilitation of existing housing stock. In fact, rehabilitation would be our priority. This legislation has been drawn with the advice and assistance of some of the leading housing experts in our own state and in the nation. It is based on the available experience of other states who have pioneered in this field. This program is designed to encourage the participation and expand the markets of the private sector and at a time when a stimulus to the construction of housing is badly needed.

II. Revolving and Demonstration Grant Fund

I am also transmitting legislation which will permit the Department of Community Affairs to engage in new innovative housing demonstration programs designed to attract private business participation and to assist non-profit associations to organize and finance corporations which seek to build or rehabilitate housing for low and moderate income families.

It is apparent today at all levels of government that there must be a deep involvement of private enterprise in solving our urban problems. This is the message of recent Congressional hearings and it is a bi-partisan message. This is the spirit which has prevailed in the few cities in our nation which have sparked dynamic rebirth and it is the kind of approach we must employ in New Jersey. Private enterprise has a major stake in the well-being of our communities.

The legislation permits the Commissioner to make advances from a revolving and demonstration grant fund to assist limited profit, non-profit and mutual housing associations to organize and finance corporations which seek to build or rehabilitate housing for low and moderate income families.

The State can play a role by assisting these associations through loans for property acquisition, legal and organizational expenses, feasibility studies and planning advances and for tenant surveys and market analyses.

It is my belief, and that of Commissioner Ylvisaker, that such a revolving fund will attract participation by private business, foundations and other sources. This fund of money for repayable interest-free loans will, I believe, stimulate the construction of needed low and moderate income housing facilities.

The amendment also permits state support of demonstration programs, conducted by the Department of Community Affairs, designed to try out new ideas and techniques to provide better, faster and more economical methods of constructing low and moderate income housing and to remove blighted slums in our urban and non-farm rural areas.

These demonstrations will provide a wealth of new ideas and approaches which will benefit many New Jersey communities as well as private builders.

New Jersey is presently in the forefront of the States in assisting municipalities competing for participation in the Federal Model Cities Program. We expect that several New Jersey cities will be designated as Model Cities and thus become eligible for large amounts of Federal money

with which to carry out a locally-designed plan for social and physical renewal and rehabilitation.

Not all the cities which submit applications under this program will be designated as Model Cities. I feel that cities that undertake to analyze themselves and develop programs to solve their problems deserve assistance from the State, even though they are not selected as Model Cities. I feel that the State can assist these cities in improving and expanding their Model Cities programs so that they will be in the running for a possible second round of designations, and more important, so that they will be equipped on a continuing basis to handle the community problems of 20th Century America and the emerging pattern of federal and state financial assistance.

These funds will also permit a second generation of New Jersey communities to undertake model cities planning, even though they presently lack the staff or financial resources to undertake it on their own.

I believe that this kind of approach by the State is essential to true creative Federalism.

The Government Employees Exchange Act

A serious problem facing governments, particularly at the local and state levels, is the lack of sufficient expertise by employees.

The Government Employees Exchange Act which I am proposing is an initial step toward countering this deficiency. The legislation permits the State and its political subdivisions to participate in personnel exchange programs, not only at the local, county and State level but with other states and the Federal government as well.

By permitting personnel to work with various governmental agencies at different levels, they will gain new insights into inter-governmental cooperation and the need for such cooperation in solving problems.

In addition, by spending time at different agencies, these officials will bring back to their own level of government a greater knowledge of the workings and procedures of other Federal, State and local agencies.

The legislation we propose gives the employee free choice whether to participate or not. Those who do may be assigned for periods not exceeding 12 months during any three-year period. During this period, he would be paid his normal salary by the sending agency. He also would be entitled to all other rights and benefits he normally would receive at his permanent agency. During the period of assignment, the sending agency may pay a per diem allowance to the employee on assignment.

In terms of cost, the program would add no significant cost to the participating agencies since a sending agency would also be a receiving agency for personnel who are being paid by other sending agencies.

In short, we believe that the Government Employees Exchange Act is a very inexpensive way of improving the quality of personnel at all levels of government.

URBAN RENEWAL

The Federal urban renewal programs of recent years have begun to change the faces of our cities, large and small, and to abolish urban blight. These programs, however, have often raised many problems for the local communities.

Most urban renewal programs require the local municipality to raise one third of the total cost of the program. It is too often the case that the communities which need these programs the most do not have the financial resources to raise their one-third local share. I believe the State can play an important and useful role by encouraging municipalities to initiate and expand urban renewal programs.

I therefore propose that the Legislature adopt the State Aid for Urban Renewal and Redevelopment Projects Law of 1967, which would provide direct capital grants of up to 50% of the local share of such programs. This local share is either one third or one fourth of the total project cost of an urban renewal project.

Basically, this legislation permits the Commissioner of the Department of Community Affairs to establish an urban renewal assistance fund through which capital grants of up to 50% of the local share can be offered by the State. Such grants would be made to communities with a project already approved by the Federal government. In certain instances, the Commissioner of Community Affairs would be empowered to make grants of up to 100% of the local share for such projects as schools, parks, open space and neighborhood centers. In addition, grants of 50% and loans of 50% could be made for nonprofit moderate income housing.

In making the grants, the Commissioner would take into account the degree of financial need of the municipality, its tax rate and revenue resources, the extent of blight and the community's commitment to curtailing such blight.

as well as the degree to which a program will have a beneficial effect on the overall economy and needs of the area.

Two other important features of the legislation empower the Commissioner of Community Affairs to make temporary advances to municipalities to assist them in preparing urban renewal plans and to permit them to acquire land in an urban renewal area in advance of the signing of a capital grant contract with the Federal government.

These are attempts to reduce the number of stumbling blocks in the initiation and execution of successful urban renewal programs. For example, this approach would make possible immediate visible results in an urban renewal area. Land needed for public improvement could be acquired with a minimum of delay. Property owners could be compensated almost immediately and have funds to buy a home elsewhere. The advances would be paid back to the State out of the State's capital grant allocation to the city.

There will be no appropriation requested for the coming year.

RELOCATION

A troubling by-product of most public improvements in an urban area -- chiefly road construction, urban renewal, school or park construction -- is the problem of relocating the residents of the area.

The legislation I am proposing today will supplement present laws governing the displacement and relocation of families and individuals by tightening up existing regulations.

The legislation requires that an alternate standard dwelling unit be available for any person or family to be displaced by government action.

In addition, the legislation empowers the Commissioner of Community Affairs to establish rules and regulations concerning the manner in which the relocation should take place. This will assure equitable and uniform treatment throughout the state to those persons who must be relocated.

Finally, the legislation requires the Commissioner of Community Affairs to approve the workable relocation plan of the governmental agency before that agency can displace any individual or family.

Legislation such as this is desperately needed if we are to avoid the hardships resulting from poorly conceived or inadequate relocation plans.

TENEMENT HOUSE LAW REVISION

Also proposed here today in this legislative package is a Hotel and Multiple Dwelling Health and Safety Act of 1967.

The legislation is aimed at updating and strengthening laws regulating hotels and multiple dwelling units to insure that all meet modern standards of health and safety.

In considering this legislation it was felt that an entirely new approach to the problems of hotel inspection and safety as well as multiple family dwellings was needed, similar to the changes recently proposed in water and air pollution controls.

This legislation combines the Hotel Fire Protection Law with the Tenement House Act, neither of which has been significantly renovated since 1904.

Under these outdated laws any proposed changes had to be accomplished through statutory revision, a long and costly process. Under the new legis-

lation, changes by statute will be eliminated and the Commissioner of the Department of Community Affairs would be vested with broad regulatory powers.

Rulings made pursuant to these powers would, of course, be subject to legal safeguards such as public hearings and judicial review.

The legislation also contemplates an improved enforcement program for hotel and multiple dwelling inspections as well as increases in fines for violators of the act.

In addition to this package of legislative proposals designed to meet some of the problems facing this State, I hope to forward to the Legislature within five or six weeks a package of recommendations for development of the most precious land asset this State holds, the Hackensack Meadowlands.

I believe that these programs, like the Department of Community Affairs itself, provide a good first step toward enlightened State assistance in solving the manifold problems of this most urban State.

Our slums will not be rebuilt overnight. All our people will not have adequate housing in a matter of months. Our communities will not solve the problems of taxation and demands for services in a year. But the creative assistance of the State through the kinds of programs I have outlined to you today will set us on the road toward new solutions and a better life for all the citizens of New Jersey, and will create the mood of a people who are on their way.