

27:7-73

LEGISLATIVE HISTORY CHECKLIST

NJSA: 27:7-73

(Highway
projects--relocation
aid)

LAWS OF: 1989

CHAPTER: 50

Bill No: S3282

Sponsor(s): Rand

Date Introduced: January 30, 1989

Committee: Assembly: -----

Senate: Transportation & Communications

Amended during passage: Yes Amendments during passage
denoted by asterisks.

Date of Passage: Assembly: March 2, 1989

Senate: February 9, 1989

Date of Approval: March 14, 1989

Following statements are attached if available:

Sponsor statement: Yes

Committee Statement: Assembly: No

Senate: Yes

Fiscal Note: No

Veto Message: No

Message on signing: No

Following were printed:

Reports: No

Hearings: No

See newspaper clipping--attached:

"Relocation aid enacted," 3-16-89 Star Ledger

[FIRST REPRINT]
SENATE, No. 3282

STATE OF NEW JERSEY

INTRODUCED JANUARY 30, 1989

By Senator RAND

1 AN ACT concerning relocation assistance to persons displaced by
certain activities of the Department of Transportation or other
3 entities, amending P.L.1971, c.361, and amending and
supplementing P.L.1972, c.47.

5

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

1. Section 2 of P.L.1972, c.47 (C.27:7-73) is amended to read
9 as follows:

2. The purpose of this act is to establish a uniform program for
11 the fair and equitable treatment of persons displaced by the
acquisition of real property by the Department of Transportation
13 and by local governmental units utilizing funds of the Department
of Transportation, State of New Jersey. This program shall
15 comply with the rules and regulations of the Federal Highway
Administration and the United States Department of
17 Transportation relating to relocation assistance so as to fully
qualify the New Jersey Department of Transportation for Federal
19 Aid Reimbursement under the Uniform Relocation Assistance and
Real Property Acquisition Policies Act of 1970, as amended,
21 including the "Surface Transportation and Uniform Relocation
Assistance Act of 1987," Pub.L.100-17 (23 U.S.C. §101 et al.),
23 and any successor or supplementary federal law. This program
shall be uniform as to (a) relocation payments, (b) advisory
25 assistance, (c) assurance of availability of standard housing and
(d) State reimbursement for local relocation payments under
27 State assisted and local programs.

(cf: P.L.1972, c.47, s.2)

29 2. Section 3 of P.L.1972, c.47 (C.27:7-74) is amended to read
as follows:

31 3. As used in this act:

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
Senate STC committee amendments adopted February 6, 1989.

1 a. ["Taking agency"] "Agency" means the entity public or
private, including the State of New Jersey, Department of
3 Transportation [or local governmental units] , counties,
municipalities, and other public entities utilizing State or Federal
5 funds under an aid program administered by the State of New
Jersey, Department of Transportation, which is condemning
7 private property for a public purpose under the power of eminent
domain. The Department of Transportation may exercise, on
9 behalf of any county, municipality, or other public entity, as the
case may be, the powers granted to these entities under P.L.1972,
11 c.47 (C.27:7-72 et seq.) or this 1989 amendatory and
supplementary act.

13 b. "Person" means any individual, partnership, corporation, or
association.

15 c. "Displaced person" means [any person who on or after the
effective date of this act, moves from real property or moves his
17 personal property from real property as a result of the acquisition
of such real property, in whole or in part, or as the result of the
19 written order of the taking agency to vacate real property, for a
program or project undertaken by a taking agency; and solely for
21 the purposes of sections 4 a. and 7 of this act, as a result of the
written order of the taking agency to vacate other real property
23 on which such person conducts a business or farm operation, for
such program or project.] , except as otherwise provided in this
25 section, the following:

27 (1) A person who moves from real property, or moves his
personal property from real property:

29 (a) as a direct result of a written notice of intent to acquire,
or the acquisition of, the real property, in whole or part, for a
program or project undertaken by an agency; or

31 (b) on which the person is a residential tenant or conducts a
small business, a farm operation, or a business, as defined in
33 paragraph (4) of subsection d. of this section, as a direct result of
rehabilitation, demolition, or such other displacing activity as the
35 agency may prescribe, under a program or project undertaken by
the agency after determining that the displacement is permanent;
37 and

39 (2) Solely for the purposes of subsections a. and b. of section 4
and section 7 of P.L.1972, c.47 (C.27:7-75 and C.27:7-78), any

1 person who moves from real property or moves his personal
2 property from real property:

3 (a) as a direct result of a written notice of intent to acquire,
4 or the acquisition of, other real property, in whole or in part, on
5 which the person conducts a business or farm operation, for a
6 program or project undertaken by an agency; or

7 (b) as a direct result of rehabilitation, demolition, or such
8 other displacing activity as the agency may prescribe, or other
9 real property on which the person conducts a business or a farm
10 operation, under a program undertaken by an agency where the
11 agency determines that such displacement is permanent.

12 The term "displaced person" does not mean: a person who has
13 been determined, according to criteria established by the
14 commissioner, to be either in unlawful occupancy of the
15 displacement property or to have occupied the property for the
16 purpose of obtaining assistance under this chapter; or in any case
17 in which the agency acquires property for a program or project,
18 any person, other than a person who was an occupant of the
19 property at the time it was acquired, who occupies the property
20 on a rental basis for a short term or a period subject to
21 termination when the property is needed for the program or
22 project.

23 d. "Business" means any lawful activity, excepting a farm
24 operation, conducted primarily:

25 (1) For the purchase, sale, lease, and rental of personal and
26 real property and for the manufacture, processing, or marketing
27 of products, commodities, or any other personal property;

28 (2) For the sale of services to the public;

29 (3) By a nonprofit organization;

30 (4) For the purposes of section 4 ¹[a.]¹ of this act for assisting
31 in the purchase, sale, resale, manufacturing, processing or
32 marketing of products, commodities, personal property or
33 services by the erection and maintenance of an outdoor
34 advertising display or displays, whether or not such display or
35 displays are located on the premises on which any of the above
36 activities are conducted.

37 e. "Farm operation" means any activity conducted solely or
38 primarily for the production of one or more agricultural products
39 or commodities, including timber, for sale or home use, and

1 customarily producing such products or commodities in sufficient
2 quantity to be capable of contributing materially to the
3 operator's support.

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

8 g. "Commissioner" [shall mean] means the Commissioner of
9 Transportation of the State of New Jersey.

10 h. "Department" means the New Jersey Department of
11 Transportation.

12 i. "Comparable replacement dwelling" means any dwelling
13 that meets the criteria established by the commissioner in
14 accordance with federal standards with respect to safety,
15 sanitation, size, affordability, functionality, environmental
16 conditions, and location.

17 j. "Dwelling" means a structure, or portion thereof, which
18 serves primarily as a residence for one or more persons.

19 (cf: P.L.1972, c.47, s.3)

20 3. Section 4 of P.L.1972, c.47 (C.27:7-75) is amended to read
21 as follows:

22 4. a. [If a taking agency acquires real property for public use,
23 it shall make fair and reasonable relocation payments to the
24 displaced persons and businesses as required by this act for:]

25 Whenever a program or project to be undertaken by an agency
26 will result in the displacement of any person, the agency shall
27 provide for the payment to the displaced person of:

28 (1) Actual reasonable expenses in moving himself, his family,
29 business, farm operation, or other personal property;

30 (2) Actual direct losses of tangible personal property as a
31 result of moving or discontinuing a business or farm operation,
32 but not to exceed an amount equal to the reasonable expenses
33 that would have been required to relocate such property, as
34 determined by the [taking] agency; [and]

35 (3) Actual reasonable expenses in searching for a replacement
36 business or farm[.]; and

37 (4) Actual reasonable expenses necessary to reestablish a
38 displaced farm, nonprofit organization, or small business at its
39 new site, in an amount to be determined according to criteria and

1 limits as established by the commissioner in accordance with
2 federal standards.

3 b. Any displaced person eligible for payments under subsection
4 a. of this section who is displaced from a dwelling and who elects
5 to accept the payments authorized by this subsection in lieu of
6 payments authorized by subsection a. of this section may receive
7 [a moving expense allowance, determined according to a schedule
8 established by the Department of Transportation, not to exceed
9 \$300.00 and a dislocation allowance of \$200.00] an expense and
10 dislocation allowance, which shall be determined according to a
11 schedule established by the commissioner.

12 c. Any displaced person eligible for payments under subsection
13 a. of this section who is displaced from his place of business or
14 [from his] farm operation and who [elects to accept the payment
15 authorized by subsection a. of this section, may receive a fixed
16 payment in an amount equal to the average annual net earnings of
17 the business or farm operation, except that such payment shall
18 not be less than \$2,500.00 nor more than \$10,000.00. In the case
19 of a business no payment shall be made under this subsection
20 unless the taking agency is satisfied that the business

21 (1) Cannot be relocated without a substantial loss of its
22 existing patronage; and

23 (2) Is not a part of a commercial enterprise having at least one
24 other establishment not being acquired by the taking agency
25 which is engaged in the same or similar business. For purposes of
26 this subsection, the term "average annual net earnings" mean 1/2
27 of any net earnings of the business or farm operation, before
28 Federal, State and local income taxes, during the 2 taxable years
29 immediately preceding the taxable year in which such business or
30 farm operation moves from the real property acquired for such
31 project, or during such other period as such agency determines to
32 be more equitable for establishing such earnings, and includes any
33 compensation paid by the business or farm operation to the
34 owner, his spouse or his dependent during such period] is eligible
35 under criteria established by the commissioner may elect to
36 accept a payment authorized by this subsection in lieu of the
37 payment authorized by subsection a. of this section. Such
38 payment shall consist of a fixed payment in an amount to be
39 determined according to criteria and limits established by the

1 commissioner. A person whose sole business at the displacement
2 dwelling is the rental of such property to others shall not qualify
3 for a payment under this subsection. All criteria and
4 determinations made pursuant to this section shall be in
5 accordance with applicable federal standards.

(cf: P.L.1972, c.47, s.4)

7 4. Section 5 of P.L.1972, c.47 (C.27:7-76) is amended to read
as follows:

9 5. a. In addition to payments otherwise authorized by this act,
the [taking] agency shall make an additional payment [not in
11 excess of \$15,000.00] , within limits as established by regulations
12 of the commissioner, in accordance with federal standards, to any
13 displaced person who is displaced from a dwelling actually owned
and occupied by such displaced person for [not less than 180 days
15 prior to the initiation of negotiations of the acquisition of the
property] a period as established by regulations of the
16 commissioner, in accordance with federal standards. Such
17 additional payment shall include the following elements:

19 (1) The amount, if any, which when added to the acquisition
cost of the dwelling acquired by the agency, equals the
21 reasonable cost of a comparable replacement dwelling [which is a
decent, safe, and sanitary dwelling adequate to accommodate
23 such displaced person, reasonably accessible to public services
and places of employment and available on the private market.
25 All determinations]. Determinations required to carry out this
[subparagraph shall be determined by regulations issued pursuant
27 to this act] paragraph shall be made pursuant to regulations of
the commissioner, in accordance with federal standards.

29 (2) The amount, if any, which will compensate such displaced
person for any increased interest costs and other debt service
30 costs which such person is required to pay for financing the
acquisition of any such comparable replacement dwelling. Such
31 amount shall be paid only if the dwelling acquired by the agency
32 was encumbered by a bona fide mortgage which was a valid lien
33 on such dwelling for [not less than 180 days prior to the initiation
of negotiations for the acquisition of such dwelling. Such amount
35 shall be equal to the excess in the aggregate interest and other
debt service costs of that amount of the principal of the
37 mortgage on the replacement dwelling which is equal to the
39

1 unpaid balance of the mortgage on the acquired dwelling, over
the remainder term of the mortgage on the acquired dwelling,
3 reduced to discounted present value. The discount rate shall be
the prevailing rate of interest paid on passbook savings account
5 deposits by commercial banks in the general area in which the
replacement dwelling is located] a period as established by
7 regulations of the commissioner, in accordance with federal
standards.

9 (3) Reasonable expenses incurred by such displaced person for
evidence of title, recording fees, and other closing costs incident
11 to the purchase of the replacement dwelling, but not including
prepaid expenses.

13 [(4) Penalty costs for prepayment of any mortgage entered
into in good faith encumbering such real property if such
15 mortgage is on record or has been filed for record as provided by
law on the date of approval by the taking agency of the location
17 of the project.

(5) The pro rata portion of real property taxes payable during
19 the calendar year in which the property was acquired which are
allocable to the period of the year subsequent to date of vesting
21 of title in the taking agency or the effective date of the
possession of such real property by the taking agency, whichever
23 is earlier to the extent that the displaced person has either paid
the said taxes or is legally responsible therefor.]

25 b. The additional payment authorized by this section shall be
made only to such a displaced person who purchases and occupies
27 a replacement dwelling which is decent, safe, and sanitary, [not
later than the end of the 1-year period beginning on the date on
29 which he receives final payment of all costs of the acquired
dwelling, or on the date on which he moves from the acquired
31 dwelling, whichever is the later date] within one year after the
date on which the person receives final payment from the
33 displacing agency for the acquired dwelling or the date on which
the displacing agency's obligation under section 8 of P.L.1972,
35 c.47 (C.27:7-79) is met, whichever is later, except that the
displacing agency may extend the period for good cause. If the
37 period is extended, the payment under this section shall be based
on the costs of relocating the person to a comparable
39 replacement dwelling within one year of the extended date.

(cf: P.L.1972, c.47, s.5)

1 5. Section 6 of P.L.1972, c.47 (C.27:7-77) is amended to read
as follows:

3 6. a. In addition to amounts otherwise authorized by this act,
[a taking] an agency shall make a payment to or for any person
5 displaced from any dwelling not eligible to receive a payment
under section 5 of P.L.1972, c.47 (C.27:7-76), which dwelling was
7 actually lawfully occupied by such displaced person for [not less
than 90 days prior to the initiation of negotiations for acquisition
9 of such dwelling] a period of time and under such circumstances
as prescribed by regulations of the commissioner, in accordance
11 with federal standards. Such payment shall be [either:

a. The amount necessary to enable such displaced person to
13 lease or rent for a period not to exceed 4 years, a decent, safe
and sanitary dwelling of standards adequate to accommodate such
15 person in areas not generally less desirable in regard to public
utilities and public and commercial facilities, and reasonably
17 accessible to his place of employment, but not to exceed
\$4,000.00; or

19 b. The amount necessary to enable such person to make a down
payment, including incidental expenses described in section 5 a.
21 (3) on the purchase of a decent, safe, and sanitary dwelling of
standards adequate to accommodate such person in areas not
23 generally less desirable in regard to public utilities and public and
commercial facilities, but not to exceed \$4,000.00, except that if
25 such amount exceeds \$2,000.00 such person must equally match
any such amount in excess of \$2,000.00 in making the down
27 payment] consistent with the computation of amounts, periods of
time, and accommodation of income as set forth in those
29 regulations. At the discretion of the agency, a payment under
this subsection may be made in periodic installments.

31 b. Any person eligible for a payment under subsection a. of
this section may elect to apply the payment to a down payment
33 on, and other incidental expenses pursuant to, the purchase of a
decent, safe, and sanitary replacement dwelling. This person
35 may, at the discretion of the agency, be eligible under this
subsection for maximum amounts established, and under
37 conditions specified, by regulations of the commissioner, in
accordance with federal standards.

39 (cf: P.L.1972, c.47, s.6).

1 6. Section 7 of P.L.1972, c.47 (C.27:7-78) is amended to read
as follows:

3 7. a. Whenever the acquisition of real property for a program
or project undertaken by the [taking] agency will result in
5 displacement [on or after the effective date of this section,
such], the agency shall provide a relocation assistance advisory
7 program for displaced persons which shall offer the services
prescribed herein. If the [taking] agency determines that any
9 person occupying property immediately adjacent to the real
property acquired is caused substantial economic injury because
11 of the acquisition, it may offer such person relocation advisory
services under such program.

13 b. Each relocation assistance program required by subsection
a. shall include such measures, facilities, or services [as may be
15 necessary or appropriate in order (1) to determine the needs of
displaced persons, business concerns, and nonprofit organizations
17 for relocation assistance; (2) to assist owners of displaced
business and farm operations in obtaining and becoming
19 established in suitable business locations or replacement farms;
(3) to supply information concerning programs of the Federal,
21 State and local governments offering assistance to displaced
persons and business concerns; (4) to assist in minimizing
23 hardships to displaced persons in adjusting to relocation; and (5)
to secure, to the greatest extent practicable, the coordination of
25 relocation activities with other project activities and other
planned or proposed governmental actions in the community or
27 nearby areas which may affect the carrying out of the relocation
program] that are consistent with regulations of the
29 commissioner, in accordance with federal standards.

31 c. The agency shall coordinate its relocation activities with
other federal, State or local governmental actions in the
community which could affect the efficient and effective
33 delivery of relocation assistance and related services.

35 d. Notwithstanding subsection c. of section 3 of P.L.1972, c.47
(C.27:7-74), in any case in which an agency acquires property for
a program or project, any person who occupies the property on a
37 rental basis for a short term or a period subject to termination
when the property is needed for the program or project shall be

1 eligible for advisory services to the extent determined by the
2 agency.

3 (cf: P.L.1972, c.47, s.7)

4 7. Section 8 of P.L.1972, c.47 (C.27:7-79) is amended to read
5 **as follows:**

6 8. Whenever the acquisition of [real property] a dwelling for a
7 program or project undertaken by [a taking] an agency will result
8 in the displacement of any person on or after the effective date
9 of this section, the [taking] agency shall assure that, within a
10 reasonable amount of time, prior to displacement there will be
11 available [in areas not generally less desirable in regard to public
12 utilities and public and commercial facilities, and at rents or
13 prices within the financial means of the families and individuals
14 displaced, decent, safe and sanitary dwellings, as defined by the
15 commissioner equal in number to the number of and available to
16 such displaced persons who require such dwellings and reasonably
17 accessible to their places of employment] a comparable
18 replacement dwelling, except that the commissioner may
19 prescribe by regulation[,] situations where such assurances may
20 be waived.

21 (cf: P.L.1972, c.47, s.8)

22 8. Section 9 of P.L.1972, c.47 (C.27:7-80) is amended to read
23 **as follows:**

24 9. a. If a project cannot proceed to [actual construction] on a
25 timely basis because comparable replacement [sale or rental
26 housing is] dwellings are not available, and the [commissioner]
27 agency determines that such [housing] dwelling cannot otherwise
28 be made available [he], the agency may take such action as is
29 necessary or appropriate to provide such housing by use of funds
30 authorized for such project. This shall be done on a case-by-case
31 basis for good cause as determined in accordance with such
32 regulations as the commissioner may issue. The regulations shall
33 be consistent with applicable federal program requirements.

34 b. No person shall be required to move from his dwelling on [or
35 after the effective date of this act on] account of any program or
36 project undertaken by any [taking] agency, unless the
37 [commissioner] agency is satisfied that [the] a comparable
38 replacement [housing, in accordance with section 8,] dwelling is
39 available to such person.

(cf: P.L.1972, c.47, s.9)

1 9. Section 10 of P.L.1972, c.47 (C.27:7-81) is amended to read
as follows:

3 10. No payment received by a displaced person under this act
shall be considered as income or resources for the purpose of
5 determining the eligibility or extent of eligibility of any person
for assistance under any State law or for the purposes of the
7 State's corporation tax law, State income tax or other tax laws.
Such payment shall not be considered as income or resources of
9 any recipient of public assistance and such payment shall not be
deducted from the amount of aid to which the recipient would
11 otherwise be entitled.

(cf: P.L.1972, c.47, s.10)

13 10. Section 11 of P.L.1972, c.47 (C.27:7-82) is amended to
read as follows:

15 11. The payments authorized in this act shall not be construed
as creating in any condemnation proceeding brought under the
17 power of eminent domain any element of damages not in
existence on the effective date of this act and such payments are
19 to be in addition to the just compensation established in the
condemnation proceedings but only to the extent that they are
21 not otherwise included within the condemnation award. No
payment or assistance shall be required to be made to any person
23 or included as a program or project cost under P.L.1972, c.47
(C.27:7-72 et seq.) if the person receives a payment required by
25 federal or State law, or local ordinance, which is determined to
have substantially the same purpose and effect as the payments
27 authorized under this act.

(cf: P.L.1972, c.47, s.11)

29 11. Section 13 of P.L.1972, c.47 (C.27:7-84) is amended to
read as follows:

31 13. a. To carry into effect the provisions of this act and to
fully qualify the Department of Transportation for Federal aid
33 reimbursement under the Uniform Relocation Assistance and
Real Property Acquisitions Policies Act of 1970, as amended,
35 including the "Surface Transportation and Uniform Relocation
Assistance Act of 1987," Pub.L.100-17 (23 U.S.C. §101 et al.),
37 and any successor or supplementary federal law, the
commissioner is authorized to make such rules and regulations as
39 he may determine to be necessary to assure (1) that the payments

1 and assistance authorized by this act shall be fair and reasonable
and as uniform as practicable; (2) a displaced person who makes
3 proper application for a payment authorized for such person by
this act shall be paid promptly after a move or in hardship cases,
5 be paid in advance; and (3) that any person aggrieved by a
determination as to eligibility for a payment authorized by this
7 act, or the amount of the payment, may have his application
reviewed by the commissioner or his designated appointee.

9 b. The commissioner may make such other rules and
regulations consistent with the provisions of this act as he deems
11 necessary or appropriate to carry out this act.

c. The commissioner to achieve a uniform administration of
13 related Federal and State laws, may adopt all or any part of
applicable Federal law, rules and regulations.

15 d. In so far as is consistent with other provisions of this act,
the commissioner shall adopt the same standards, rules and
17 regulations with regard to relocation assistance and relocation
payments for all transportation projects whether or not such
19 transportation projects are subject to standards, rules and
regulations of relocation assistance and relocation payments
21 required by the Federal Highway Administration or the United
States Department of Transportation as a condition of receiving
23 Federal aid funds.

(cf: P.L.1972, c.47, s.13)

25 12. (New Section) The regulations of the commissioner
adopted prior to the effective date of this 1989 amendatory and
27 supplementary act shall continue in effect until new regulations
are adopted by the commissioner pursuant to this 1989
29 amendatory and supplementary act.

31 13. Section 26 of P.L.1971, c.361 (C.20:3-26) is amended to
read as follows:

33 26. a. The condemnor, as soon as practicable after the date of
payment of the acquisition price or the date of deposit in court of
funds to satisfy the award of compensation, whichever is earlier,
35 shall reimburse the owner for actual expenses he necessarily
incurred for

37 (1) recording fees, transfer taxes and similar expenses
incidental to conveying such real property to the condemnor; and

1 (2) the pro rata portion of real property taxes paid which are
allocable to a period subsequent to the date of vesting title in the
3 condemnor, or the effective date of possession of such real
property by the condemnor, whichever is earlier; and

5 (3) Penalty costs for prepayment of any mortgage entered into
in good faith encumbering real property if the mortgage is on
7 record or has been filed for record as provided by law on the date
of approval by the taking agency of the location of the project.

9 ¹As used in this subsection "taking agency" means an "agency" as
defined under section 3 of P.L.1972, c.47 (C.27:7-4).¹

11 b. If the court renders final judgment that the condemnor
cannot acquire the real property by condemnation or, if the
13 condemnation action is abandoned by the condemnor, then the
court shall award the owner of any right, or title to, or interest in
15 such real property, such sum as will reimburse
such owner for his reasonable costs, disbursements and expenses
17 actually incurred, including reasonable attorney, appraisal, and
engineering fees.

19 c. When a plaintiff shall have brought an action to compel
condemnation against a defendant having the power to condemn,
21 the court or representative of the defendant in case of
settlement shall, in its discretion, award such plaintiff his
23 reasonable costs, disbursements, and expenses, including
reasonable appraisal, attorney and engineering fees actually
25 incurred regardless of whether the action is terminated by
judgment or amicable agreement of the parties.

27 (cf: P.L.1971, c.361, s.26)

14. This act shall take effect immediately.

31 TRANSPORTATION
Highways and Roads

33 Changes law concerning relocation assistance to persons
35 displaced by certain highway projects.

1 condemnor, or the effective date of possession of such real
property by the condemnor, whichever is earlier; and

3 (3) Penalty costs for prepayment of any mortgage entered into
4 in good faith encumbering real property if the mortgage is on
5 record or has been filed for record as provided by law on the date
6 of approval by the taking agency of the location of the project.

7 b. If the court renders final judgment that the condemnor
cannot acquire the real property by condemnation or, if the
9 condemnation action is abandoned by the condemnor, then the
court shall award the owner of any right, or title to, or interest in
11 such real property, such real property, such sum as will reimburse
such owner for his reasonable costs, disbursements and expenses
13 actually incurred, including reasonable attorney, appraisal, and
engineering fees.

15 c. When a plaintiff shall have brought an action to compel
condemnation against a defendant having the power to condemn,
17 the court or representative of the defendant in case of
settlement shall, in its discretion, award such plaintiff his
19 reasonable costs, disbursements, and expenses, including
reasonable appraisal, attorney and engineering fees actually
21 incurred regardless of whether the action is terminated by
judgment or amicable agreement of the parties.

23 (cf: P.L.1971, c.361, s.26)

25 14. This act shall take effect immediately.

27 *SPONSOR'S* STATEMENT

29 This bill would make various changes to State law to reflect
recent changes to federal law with respect to relocation
31 assistance for persons displaced by certain transportation
projects. This bill includes provisions that would: change the
33 definition of "displaced person;" provide for a schedule, to be set
up by the Commissioner of the Department of Transportation,
35 establishing expense and dislocation allowances for displaced
persons; provide for advisory assistance for displaced persons who
37 rent property; provide for condemnors to pay penalty costs for
prepayment of mortgage interest caused by the condemnation
39 proceeding; and mandate that the condemnor coordinate his

1 relocation activities with other federal, State and local programs
which could affect the efficient and effective delivery of
3 relocation assistance and related services. This bill also would
give the commissioner flexibility to adopt regulations consistent
5 with the standards required under the new federal law, the
"Surface Transportation and Uniform Relocation Assistance Act
7 of 1987," Pub.L.100-17 (23 U.S.C. §101 et al.). It is necessary to
amend the State's relocation assistance laws to be consistent
9 with the new federal law, so that the State may continue to
qualify for funding under the federal-aid highway program and
11 other federal assistance programs.

13

TRANSPORTATION

15

Highways and Roads

17 Changes law concerning relocation assistance to persons
displaced by certain highway projects.

SENATE TRANSPORTATION AND
COMMUNICATIONS COMMITTEE

STATEMENT TO

SENATE, No. 3282

with Senate committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 6, 1989

The Senate Transportation and Communications Committee favorably reports Senate Bill No. 3282 with committee amendments.

This amended bill would make various changes to State law to reflect recent changes to federal law with respect to relocation assistance for persons displaced by certain transportation projects. This bill includes provisions that would: change the definition of "displaced person"; provide for a schedule, to be set up by the Commissioner of the Department of Transportation, establishing expense and dislocation allowances for displaced persons; provide for advisory assistance for displaced persons who rent property; provide for certain condemnors to pay penalty costs for prepayment of mortgages caused by the condemnation proceeding; and mandate that the condemnor coordinate his relocation activities with other federal, State and local programs which could affect the efficient and effective delivery of relocation assistance and related services. This bill also would give the commissioner flexibility to adopt regulations consistent with the standards required under the new federal law, the "Surface Transportation and Uniform Relocation Assistance Act of 1987," Pub.L. 100-17 (23 U.S.C. §101 et al.). It is necessary to amend the State's relocation assistance laws to be consistent with the new federal law, so that the State may continue to qualify for funding under the federal-aid highway program and other federal assistance programs.

The committee amended the bill to limit its application in Title 20 only to those agencies whose definition is amended in section 2 of this bill rather than to any taking agency, such as a toll road authority, and made other technical amendments.