

R.S. 20 : 4-1 et seq.

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February 9, 1973

LEGISLATIVE HISTORY OF R.S.20:4-1 et seq.
(Relocation Assistance Act)

L.1971 - Chap.362 - effective January 1, 1972
Chap.361(?) A2320 (2nd)CR)
Apr.1 - Introduced
May 10 - Passed Assembly, amended
Dec.6 - Passed Senate, amended
Dec.6 - Senate amendment passed Assembly
Dec.21 - Approved. Chapter 362

The bill had a Statement and it was amended once in the Assembly, twice in the Senate. [Original ACA, OCR, SCA to OCR, further SCA to OCR and 2nd OCR enclosed]

There was no Statement by the Governor, no hearings or reports.

This Act is separate from the "Relocation Assistance Law of 1967" L.1967, chap.79, R.S.52:31B-1 et seq.

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ASSEMBLY, No. 2320

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1971

By Assemblymen FORAN, LITTELL, DE KORTE and
HOLLENBECK

Referred to Committee on Revision and Amendment of Laws

AN ACT providing for relocation payments and relocation advisory assistance to persons displaced by certain activities of the ***[State or other agencies]*** *taking agencies and repealing certain parts of the statutory law*.*

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

1 1. This act shall be known and may be cited as the "Relocation
2 Assistance Act."

1 2. Declaration of policy. The purpose of this act is to establish
2 a uniform policy for the fair and equitable treatment of persons
3 displaced by the acquisition of real property by State and local
4 land acquisition programs, by building code enforcement activities,
5 or by a program of voluntary rehabilitation of buildings or other
6 improvements conducted pursuant to governmental supervision.
7 Such policy shall be uniform as to a. relocation payments, b. ad-
8 visory assistance, c. assurance of availability of standard housing,
9 and d. State reimbursement for local relocation payments under
10 State assisted and local programs.

1 3. Definitions. As used in this act the term:

2 a. "Taking agency" means the entity, public or private, includ-
3 ing the State of New Jersey, which is condemning private property
4 for a public purpose under the power of eminent domain.

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

7 c. "Displaced person" means any person who, on or after the
8 effective date of this act, moves from real property, or moves his
9 personal property from real property, as a result of the acquisition
10 of such real property, in whole or in part, or as the result of the
11 written order of the acquiring agency to vacate real property, for

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

12 a program or project undertaken by a taking agency; and solely
 13 for the purposes of sections 4 a. and b. and section 7 of this act,
 14 as a result of the acquisition of or as the result of the written order
 15 of the acquiring agency to vacate other real property, on which
 16 such person conducts a business or farm operation, for such pro-
 17 gram or project.

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

20 (1) for the purchase, sale, lease and rental of personal and real
 21 property, and for the manufacture, processing, or marketing of
 22 products, commodities, or any other personal property;

23 (2) for the sale of services to the public;

24 (3) by a nonprofit organization; or

25 (4) solely for the purposes of section 4 a. of this act for assist-
 26 ing in the purchase, sale, resale, manufacture, processing, or mar-
 27 keting of products, commodities, personal property, or services
 28 by the erection and maintenance of an outdoor advertising display
 29 or displays, whether or not such display or displays are located
 30 on the premises on which any of the above activities are conducted.

31 e. "Farm operation" means any activity conducted solely or
 32 primarily for the production of one or more agricultural products
 33 or commodities, including timber, for sale or home use, and cus-
 34 tomarily producing such products or commodities in sufficient
 35 quantity to be capable of contributing materially to the operator's
 36 support.

37 ***f. The term "commissioner" shall mean the Commissioner of*
 38 *the Department of Community Affairs.***

1 4. Moving and related expenses.

2 a. If a taking agency acquires real property for public use, it
 3 shall make fair and reasonable relocation payments to displaced
 4 persons and businesses as required by this act, for:

5 (1) actual reasonable expenses in moving himself, his family,
 6 business, farm operation, or other personal property;

7 (2) actual direct losses of tangible personal property as a result
 8 of moving or discontinuing a business or farm operation, but not
 9 to exceed an amount equal to the reasonable expenses that would
 10 have been required to relocate such property, as determined by
 11 the taking agency; and

12 (3) actual reasonable expenses in searching for a replacement
 13 business or farm.

14 b. Any displaced person eligible for payments under subsection
 15 a. of this section who is displaced from a dwelling and who elects
 16 to accept the payments authorized by this subsection in lieu of the

17 payments authorized by subsection a. of this section may receive
18 a moving expense allowance, determined according to a schedule
19 established by the taking agency, not to exceed \$300.00, and a dis-
20 location allowance of \$200.00.

21 c. Any displaced person eligible for payments under subsection
22 a. of this section who is displaced from his place of business or
23 from his farm operation and who elects to accept the payment
24 authorized by this subsection in lieu of the payment authorized
25 by subsection a. of this section, may receive a fixed payment in an
26 amount equal to the average annual net earnings of the business
27 or farm operation, except that such payment shall not be less than
28 \$2,500.00 nor more than \$10,000.00. In the case of a business no
29 payment shall be made under this subsection unless the taking
30 agency is satisfied that the business (1) cannot be relocated with-
31 out a substantial loss of its existing patronage, and (2) is not a
32 part of a commercial enterprise having at least one other estab-
33 lishment not being acquired by the taking agency, which is engaged
34 in the same or similar business. For purposes of this subsection,
35 the term "average annual net earnings," means $\frac{1}{2}$ of any net
36 earnings of the business or farm operation, before Federal, State,
37 and local income taxes, during the 2 taxable years immediately
38 preceding the taxable year in which such business or farm opera-
39 tion moves from the real property acquired for such project, or
40 during such other period as such agency determines to be more
41 equitable for establishing such earnings, and includes any com-
42 pensation paid by the business or farm operation to the owner, his
43 spouse, or his dependents during such period.

1 5. Replacement housing for homeowners.

2 a. In addition to payments otherwise authorized by this act, the
3 taking agency shall make an additional payment not in excess of
4 \$15,000.00 to any displaced person who is displaced from a dwelling
5 actually owned and occupied by such displaced person for not less
6 than 180 days prior to the initiation of negotiations for the acquisi-
7 tion of the property. Such additional payment shall include the
8 following elements:

9 (1) The amount, if any, which when added to the acquisition cost
10 of the dwelling acquired, equals the reasonable cost of a comparable
11 replacement dwelling which is a decent, safe, and sanitary dwelling
12 adequate to accommodate such displaced person, reasonably acces-
13 sible to public services and places of employment and available
14 on the private market. All determinations required to carry out
15 this subparagraph shall be determined by regulations issued pursu-
16 ant to section ****[9]**** ****10**** of this act.

17 (2) The amount, if any, which will compensate such displaced
 18 person for any increased interest costs which such person is
 19 required to pay for financing the acquisition of any such compa-
 20 rable replacement dwelling. Such amount shall be paid only if
 21 the dwelling acquired was encumbered by a bona fide mortgage
 22 which was a valid lien on such dwelling for not less than 180 days
 23 prior to the initiation of negotiations for the acquisition of such
 24 dwelling. Such amount shall be equal to the excess in the aggregate
 25 interest and other debt service costs of that amount of the principal
 26 of the mortgage on the replacement dwelling which is equal to
 27 the unpaid balance of the mortgage on the acquired dwelling, over
 28 the remainder term of the mortgage on the acquired dwelling,
 29 reduced to discounted present value. The discount rate shall be
 30 determined by regulations issued pursuant to section ****[9]****
 30A ****10**** of this act.

31 (3) Reasonable expenses incurred by such ****[displayed]**** *dis-*
 32 *placed*** person for evidence of title, recording fees, and other
 33 closing costs incident to the purchase of the replacement dwelling,
 34 but not including prepaid expenses.

34A **(4) Penalty costs for prepayment of any mortgage entered into*
 34B *in good faith encumbering such real property if such mortgage is on*
 34C *record or has been filed for record as provided by law on the date*
 34D *of approval by taking agency of the location of such project.*

34E *(5) The pro rata portion of real property taxes payable during*
 34F *the calendar year in which the property was acquired which are*
 34G *allocable to the period of the year subsequent to the date of vesting*
 34H *of title in the taking agency, or the effective date of the possession*
 34I *of such real property by the taking agency, whichever is earlier.**

35 b. The additional payment authorized by this section shall be
 36 made only to such a displaced person who purchases and occupies
 37 a replacement dwelling which is decent, safe, and sanitary not
 38 later than the end of the one year period beginning on the date
 39 on which he receives final payment of all costs of the acquired
 40 dwelling, or on the date on which he moves from the acquired
 41 dwelling, whichever is the later date.

1 6. Replacement housing for tenants and certain others. In addi-
 2 tion to amounts otherwise authorized by this act, a taking agency
 3 shall make a payment to or for any displaced person displaced
 4 from any dwelling not eligible to receive a payment under section
 5 5 which dwelling was actually and lawfully occupied by such
 6 displaced person for not less than 90 days prior to the initiation
 7 of negotiations for acquisition of such dwelling. Such payment
 8 shall be either:

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

15 b. the amount necessary to enable such person to make a down-
 16 payment (including incidental expenses described in section 5 a.
 17 (3)) on the purchase of a decent, safe, and sanitary dwelling of
 18 ****[standard]**** ***standards*** adequate to accommodate such per-
 19 son in areas not generally less desirable in regard to public utilities
 20 and public and commercial facilities, but not to exceed \$4,000.00,
 21 ****[except that if such amount exceeds \$2,000.00, in making the**
 22 **downpayment]**** ***the first \$2,000.00 of which is to be paid with-*
 23 *out contribution from the displaced person, but thereafter such*
 24 *payments will only be made on a matching dollar-for-dollar basis*
 25 *with the displaced person.***

1 7. Relocation assistance advisory programs.

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

12 b. Each relocation assistance program required by subsection a.
 13 shall include such measures, facilities, or services as may be neces-
 14 sary or appropriate in order (1) to determine the needs of displaced
 15 persons, business concerns, and nonprofit organizations for reloca-
 16 tion assistance; (2) to assist owners of displaced business and
 17 farm operations in obtaining and becoming established in suitable
 18 business locations or replacement farms; (3) to supply information
 19 concerning programs of the Federal, State and local governments
 20 offering assistance to displaced persons and business concerns;
 21 (4) to assist in minimizing hardships to displaced persons in adjust-
 22 ing to relocation; and (5) to secure, to the greatest extent prac-
 23 ticable, the coordination of relocation activities with other project
 24 activities and other planned or proposed governmental actions in
 25 the community or nearby areas which may affect the carrying out
 26 of the relocation program.

1 8. Assurance of availability of standard housing. Whenever the
 2 acquisition of real property for a program or project undertaken by
 3 a taking agency will result in the displacement of any person on or
 4 after the effective date of this section, such agency shall assure that,
 5 within a reasonable period of time, prior to displacement, there will
 6 be available, in areas not generally less desirable in regard to public
 7 utilities and public and commercial facilities and at rents or prices
 8 within the financial means of the families and individuals displaced,
 9 decent, safe and sanitary dwellings equal in number to the number
 10 of and available to such displaced persons who require such dwell-
 11 ings and reasonably accessible to their places of employment; except
 12 that regulations issued pursuant to section **[9]** **[10]** of this
 13 act may prescribe situations when these assurances may be waived.

1 **9. If a project cannot proceed to actual construction because com-
 2 parable replacement sale or rental housing is not available, and the
 3 head of the taking agency determines that such housing cannot
 4 otherwise be made available he may take such action as is necessary
 5 or appropriate to provide such housing by use of funds authorized
 6 for such project.**

1 **[9.]** **[10.]** Authority of the **[Attorney General]** *com-*
 1A *missioner*.

2 a. The **[Attorney General]** *commissioner* shall adopt
 3 such rules and regulations as may be necessary to assure:

4 (1) that the payments and assistance authorized by this act shall
 5 be administered in a manner which is fair and reasonable, and as
 6 uniform as practicable;

7 (2) that a displaced person who makes proper application for a
 8 payment authorized for such person by this act shall be paid
 9 promptly after a move or, in hardship cases, be paid in advance; and

10 (3) that any person aggrieved by a determination as to eligibility
 11 for a payment authorized by this act, or the amount of a payment,
 12 may have his application reviewed by the head of the taking agency
 13 or other appropriate officer.

14 b. The **[Attorney General]** *commissioner* may prescribe
 15 such other regulations and procedures, consistent with the pro-
 16 visions of this act, as he deems necessary or appropriate to carry
 17 out this act.

1 **[10.]** **[11.]** Administration. In order to prevent unnecessary ex-
 2 pense and duplication of functions, and to promote uniform and
 3 effective administration of relocation assistance programs for dis-
 4 placed persons, the **[Attorney General]** *commissioner*
 5 may authorize any taking agency to enter into contracts with any

6 individual, firm, association or corporation for services in connec-
 7 tion with such programs, or may carry out its functions under this
 8 act through any Federal or State agency or instrumentality having
 9 an established organization for conducting relocation assistance
 10 programs.

1 ***[11.]*** *12.* Fund availability. Funds appropriated or otherwise
 2 available to any taking agency for the acquisition of real property
 3 or any interest therein for a particular program or project shall be
 4 available also for obligation and expenditure to carry out the pro-
 5 visions of this act as applied to that program or project.

1 ***[12.]*** *13.* State participation in cost of local relocation pay-
 2 ments and services. If a unit of local government acquires real
 3 property, and State financial assistance is available to pay the cost,
 4 in whole or part, of the acquisition of such real property, or of the
 5 improvement for which such property is acquired, the cost to the
 6 unit of local government of providing the payments and services
 7 prescribed by this act shall be included as part of the costs of the
 8 project for which State financial assistance is available to such unit
 9 of local government, and shall be eligible for State financial assist-
 10 ance in the same manner and to the same extent as other project
 11 costs.

1 ***[13.]*** *14.* Displacement by code enforcement or voluntary rela-
 2 bilitation. A person who moves or discontinues his business or
 3 moves other personal property, or moves from his dwelling on or
 4 after the effective date of this act as the direct result of code en-
 5 forcement activities, or a program of rehabilitation of buildings
 6 conducted pursuant to a governmental program, is deemed to be a
 7 displaced person for the purposes of this act.

1 ***[14.]*** *15.* Payments not to be considered as income or re-
 2 sources. No payment received by a displaced person under this act
 3 shall be considered as income or resources for the purpose of de-
 4 termining the eligibility or extent of eligibility of any person for
 5 assistance under any State Law or for the purposes of determining
 6 the eligibility or extent of eligibility of any person for assistance
 7 under any State law or for the purposes of the State's corporation
 8 tax law or other tax laws. Such payments shall not be considered as
 9 income or resources of any recipient of public assistance and such
 10 payments shall not be deducted from the amount of aid to which the
 11 recipient would otherwise be entitled.

1 *16. No payment or assistance under this act shall be required
 2 or included as a program or project cost under this act if the dis-
 3 placed person receives a payment required by the State law of
 4 eminent domain which is determined by such taking agency head to

5 *have substantially the same purpose and effect as such payment*
6 *under this act, and to be part of the cost of the program or project*
7 *for which Federal or State assistance is available.*

1 *17. In order to encourage and facilitate the construction or reha-*
2 *ilitation of housing to meet the needs of displaced persons who*
3 *are displaced from dwellings because of any Federal or State or*
4 *Federal or State financially assisted project, the head of the Federal*
5 *or State agency administering such project is authorized to make*
6 *loans as a part of the cost of any such project, or to approve loans*
7 *as a part of the cost of any such project receiving Federal financial*
8 *assistance, to nonprofit, limited dividend, or cooperative organ-*
9 *izations or to public bodies, for necessary and reasonable expenses,*
10 *prior to construction, for planning and obtaining Federally insured*
11 *mortgage financing for the rehabilitation or construction of housing*
12 *for such displaced persons. Notwithstanding the preceding sent-*
13 *ence, or any other law, such loans shall be available for not to ex-*
14 *ceed 80% of the reasonable costs expected to be incurred in plan-*
15 *ning, and in obtaining financing for, such housing, prior to the*
16 *availability of such financing, including, but not limited to, pre-*
17 *liminary surveys and analysis of market needs, preliminary site*
18 *engineering, preliminary architectural fees, site acquisition, appli-*
19 *cation and mortgage commitment fees, and construction loan fees*
20 *and discounts. Loans to an organization established for profit shall*
21 *bear interest at a market rate established by the head of such*
22 *Federal or State agency. All other loans shall be without interest.*
23 *Such Federal or State agency head shall require repayment of loans*
24 *made under this act, under such terms and conditions as he may*
25 *require, upon completion of the project or sooner, and except in the*
26 *case of a loan to an organization established for profit, may cancel*
27 *any part or all of a loan if he determines that a permanent loan to*
28 *finance the rehabilitation or the construction of such housing cannot*
29 *be obtained in an amount adequate for repayment of such loan.*
30 *Upon repayment of any such loan, the Federal or State share of the*
31 *sum repaid shall be credited to the account from which such loan*
32 *was made, unless the Department of the Treasury determines that*
33 *such account is no longer in existence, in which case such sum shall*
34 *be returned to the treasury and credited to miscellaneous receipts.*

1 *18. The payments authorized in this act shall not be construed*
2 *as creating in any condemnation proceeding brought under the*
3 *power of eminent domain any element of damages not in existence*
4 *on the effective date of this act and such payments are to be in*
5 *addition to the just compensation established in the condemnation*

6 *proceedings but only to the extent they are not otherwise included*
7 *within the condemnation award.**

1 ***[15.] *19.*** Appeal procedure. Any person or business concern
2 aggrieved by final administrative determination, concerning eligi-
3 bility for relocation payments authorized by this act may appeal
4 such determination to the Superior Court.

1 ***[16.] *20.*** If any provision of this act or the application
2 thereof to any person or circumstances is held invalid, the remainder
3 of the act and the application of such provision to persons or cir-
4 cumstances other than those to which it is held invalid shall not be
5 affected thereby.

1 ***21.** *All acts and parts of acts inconsistent with any of the pro-*
2 *visions of this act are, to the extent of such inconsistency, hereby*
3 *repealed.**

1 ****22.** *The provisions of this act shall not apply to the State De-*
2 *partment of Transportation; provided, however, that the State*
3 *Department of Transportation shall supplement its existing re-*
4 *location assistance program designed to minimize the hardships of*
5 *persons and business concerns displaced as a result of the acquisi-*
6 *tion by said State Department of Transportation of any real prop-*
7 *erty for a public use, by July 1, 1972. Said supplemented program*
8 *shall be in compliance with the rules and regulations of the Federal*
9 *Highway Administration relating to relocation assistance so as to*
10 *fully qualify the Department of Transportation for Federal aid*
11 *reimbursement and to equal or exceed the requirements of this*
12 *statute. For purposes of coordinating and formulating uniform*
13 *relocation programs of the State, the Commissioner of Transpor-*
14 *tation shall consult with the Commissioner of the Department of*
15 *Community Affairs in order that said relocation assistance pro-*
16 *gram will be in general conformity with any rules and regulations*
17 *promulgated by the Commissioner of the Department of Com-*
18 *munity Affairs pursuant to P. L. 91-646, the Uniform Relocation*
19 *Assistance and Real Property Acquisition Policies Act of 1970,*
20 *and amendments thereto.***

1 ***[17.]**[*22.]* **23.**** Effective date. This act shall take
2 effect ***[immediately]* *January 1, 1972*.**

ASSEMBLY, No. 2320

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1971

By Assemblymen FORAN, LITTELL, De KORTE and
HOLLENBECK

Referred to Committee on Revision and Amendment of Laws

AN ACT providing for relocation payments and relocation advisory assistance to persons displaced by certain activities of the State or other agencies.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
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1 1. This act shall be known and may be cited as the "Relocation
2 Assistance Act."

1 2. Declaration of policy. The purpose of this act is to establish
2 a uniform policy for the fair and equitable treatment of persons
3 displaced by the acquisition of real property by State and local
4 land acquisition programs, by building code enforcement activities,
5 or by a program of voluntary rehabilitation of buildings or other
6 improvements conducted pursuant to governmental supervision.
7 Such policy shall be uniform as to a. relocation payments, b. ad-
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9 and d. State reimbursement for local relocation payments under
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6 association.

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8 effective date of this act, moves from real property, or moves his
9 personal property from real property, as a result of the acquisition
10 of such real property, in whole or in part, or as the result of the
11 written order of the acquiring agency to vacate real property, for
12 a program or project undertaken by a taking agency; and solely
13 for the purposes of sections 4 a. and b. and section 7 of this act,

14 as a result of the acquisition of or as the result of the written order
 15 of the acquiring agency to vacate other real property, on which
 16 such person conducts a business or farm operation, for such pro-
 17 gram or project.

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 19 operation, conducted primarily:

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 21 property, and for the manufacture, processing, or marketing of
 22 products, commodities, or any other personal property;

23 (2) for the sale of services to the public;

24 (3) by a nonprofit organization; or

25 (4) solely for the purposes of section 4 a. of this act for assist-
 26 ing in the purchase, sale, resale, manufacture, processing, or mar-
 27 keting of products, commodities, personal property, or services
 28 by the erection and maintenance of an outdoor advertising display
 29 or displays, whether or not such display or displays are located
 30 on the premises on which any of the above activities are conducted.

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 32 primarily for the production of one or more agricultural products
 33 or commodities, including timber, for sale or home use, and cus-
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 35 quantity to be capable of contributing materially to the operator's
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 8 of moving or discontinuing a business or farm operation, but not
 9 to exceed an amount equal to the reasonable expenses that would
 10 have been required to relocate such property, as determined by
 11 the taking agency; and

12 (3) actual reasonable expenses in searching for a replacement
 13 business or farm.

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 15 a. of this section who is displaced from a dwelling and who elects
 16 to accept the payments authorized by this subsection in lieu of the
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 27 or farm operation, except that such payment shall not be less than
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 29 payment shall be made under this subsection unless the taking
 30 agency is satisfied that the business (1) cannot be relocated with-
 31 out a substantial loss of its existing patronage, and (2) is not a
 32 part of a commercial enterprise having at least one other estab-
 33 lishment not being acquired by the taking agency, which is engaged
 34 in the same or similar business. For purposes of this subsection,
 35 the term "average annual net earnings," means $\frac{1}{2}$ of any net
 36 earnings of the business or farm operation, before Federal, State,
 37 and local income taxes, during the 2 taxable years immediately
 38 preceding the taxable year in which such business or farm opera-
 39 tion moves from the real property acquired for such project, or
 40 during such other period as such agency determines to be more
 41 equitable for establishing such earnings, and includes any com-
 42 pensation paid by the business or farm operation to the owner, his
 43 spouse, or his dependents during such period.

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 8 following elements:

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 10 of the dwelling acquired, equals the reasonable cost of a comparable
 11 replacement dwelling which is a decent, safe, and sanitary dwelling
 12 adequate to accommodate such displaced person, reasonably acces-
 13 sible to public services and places of employment and available
 14 on the private market. All determinations required to carry out
 15 this subparagraph shall be determined by regulations issued pursu-
 16 ant to section 9 of this act.

17 (2) The amount, if any, which will compensate such displaced
 18 person for any increased interest costs which such person is
 19 required to pay for financing the acquisition of any such compa-
 20 rable replacement dwelling. Such amount shall be paid only if

21 the dwelling acquired was encumbered by a bona fide mortgage
22 which was a valid lien on such dwelling for not less than 180 days
23 prior to the initiation of negotiations for the acquisition of such
24 dwelling. Such amount shall be equal to the excess in the aggregate
25 interest and other debt service costs of that amount of the principal
26 of the mortgage on the replacement dwelling which is equal to
27 the unpaid balance of the mortgage on the acquired dwelling, over
28 the remainder term of the mortgage on the acquired dwelling,
29 reduced to discounted present value. The discount rate shall be
30 determined by regulations issued pursuant to section 9 of this act.

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

35 b. The additional payment authorized by this section shall be
36 made only to such a displaced person who purchases and occupies
37 a replacement dwelling which is decent, safe, and sanitary not
38 later than the end of the one year period beginning on the date
39 on which he receives final payment of all costs of the acquired
40 dwelling, or on the date on which he moves from the acquired
41 dwelling, whichever is the later date.

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4 from any dwelling not eligible to receive a payment under section
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7 of negotiations for acquisition of such dwelling. Such payment
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9 a. the amount necessary to enable such displaced person to lease
10 or rent for a period not to exceed 4 years, a decent, safe, and
11 sanitary dwelling of standards adequate to accommodate such
12 person in areas not generally less desirable in regard to public
13 utilities and public and commercial facilities, and reasonably
14 accessible to his place of employment, but not to exceed \$4,000.00; or

15 b. the amount necessary to enable such person to make a down-
16 payment (including incidental expenses described in section 5 a.
17 (3)) on the purchase of a decent, safe, and sanitary dwelling of
18 standard adequate to accommodate such person in areas not
19 generally less desirable in regard to public utilities and public and
20 commercial facilities, but not to exceed \$4,000.00, except that if
21 such amount exceeds \$2,000.00, in making the downpayment.

1 7. Relocation assistance advisory programs.

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

12 b. Each relocation assistance program required by subsection a.
13 shall include such measures, facilities, or services as may be neces-
14 sary or appropriate in order (1) to determine the needs of displaced
15 persons, business concerns, and nonprofit organizations for reloca-
16 tion assistance; (2) to assist owners of displaced business and
17 farm operations in obtaining and becoming established in suitable
18 business locations or replacement farms; (3) to supply information
19 concerning programs of the Federal, State and local governments
20 offering assistance to displaced persons and business concerns;
21 (4) to assist in minimizing hardships to displaced persons in adjust-
22 ing to relocation; and (5) to secure, to the greatest extent prac-
23 ticable, the coordination of relocation activities with other project
24 activities and other planned or proposed governmental actions in
25 the community or nearby areas which may affect the carrying out
26 of the relocation program.

1 8. Assurance of availability of standard housing. Whenever the
2 acquisition of real property for a program or project undertaken by
3 a taking agency will result in the displacement of any person on or
4 after the effective date of this section, such agency shall assure that,
5 within a reasonable period of time, prior to displacement, there will
6 be available, in areas not generally less desirable in regard to public
7 utilities and public and commercial facilities and at rents or prices
8 within the financial means of the families and individuals displaced,
9 decent, safe and sanitary dwellings equal in number to the number
10 of and available to such displaced persons who require such dwell-
11 ings and reasonably accessible to their places of employment; except
12 that regulations issued pursuant to section 9 of this act may pre-
13 scribe situations when these assurances may be waived.

1 9. Authority of the Attorney General.

2 a. The Attorney General shall adopt such rules and regulations
3 as may be necessary to assure:

4 (1) that the payments and assistance authorized by this act shall
5 be administered in a manner which is fair and reasonable, and as
6 uniform as practicable;

7 (2) that a displaced person who makes proper application for a
8 payment authorized for such person by this act shall be paid
9 promptly after a move or, in hardship cases, be paid in advance; and

10 (3) that any person aggrieved by a determination as to eligibility
11 for a payment authorized by this act, or the amount of a payment,
12 may have his application reviewed by the head of the taking agency
13 or other appropriate officer.

14 b. The Attorney General may prescribe such other regulations
15 and procedures, consistent with the provisions of this act, as he
16 deems necessary or appropriate to carry out this act.

1 10. Administration. In order to prevent unnecessary expense
2 and duplication of functions, and to promote uniform and effective
3 administration of relocation assistance programs for displaced
4 persons, the Attorney General may authorize any taking agency to
5 enter into contracts with any individual, firm, association or corpo-
6 ration for services in connection with such programs, or may carry
7 out its functions under this act through any Federal or State agency
8 or instrumentality having an established organization for conduct-
9 ing relocation assistance programs.

1 11. Fund availability. Funds appropriated or otherwise avail-
2 able to any taking agency for the acquisition of real property or any
3 interest therein for a particular program or project shall be avail-
4 able also for obligation and expenditure to carry out the provisions
5 of this act as applied to that program or project.

1 12. State participation in cost of local relocation payments and
2 services. If a unit of local government acquires real property, and
3 State financial assistance is available to pay the cost, in whole or
4 part, of the acquisition of such real property, or of the improvement
5 for which such property is acquired, the cost to the unit of local
6 government of providing the payments and services prescribed by
7 this act shall be included as part of the costs of the project for which
8 State financial assistance is available to such unit of local govern-
9 ment, and shall be eligible for State financial assistance in the same
10 manner and to the same extent as other project costs.

1 13. Displacement by code enforcement or voluntary rehabilita-
2 tion. A person who moves or discontinues his business or moves
3 other personal property, or moves from his dwelling on or after the
4 effective date of this act as the direct result of code enforcement
5 activities, or a program of rehabilitation of buildings conducted
6 pursuant to a governmental program, is deemed to be a displaced
7 person for the purposes of this act.

1 14. Payments not to be considered as income or resources. No
2 payment received by a displaced person under this act shall be con-

3 sidered as income or resources for the purpose of determining the
 4 eligibility or extent of eligibility of any person for assistance under
 5 any State law or for the purposes of determining the eligibility or
 6 extent of eligibility of any person for assistance under any State
 7 law or for the purposes of the State's corporation tax law or other
 8 tax laws. Such payments shall not be considered as income or
 9 resources of any recipient of public assistance and such payments
 10 shall not be deducted from the amount of aid to which the recipient
 11 would otherwise be entitled.

1 15. Appeal procedure. Any person or business concern aggrieved
 2 by final administrative determination, concerning eligibility for
 3 relocation payments authorized by this act may appeal such determi-
 4 nation to the Superior Court.

1 16. If any provision of this act or the application thereof to any
 2 person or circumstances is held invalid, the remainder of the act
 3 and the application of such provision to persons or circumstances
 4 other than those to which it is held invalid shall not be affected
 5 thereby.

1 17. Effective date. This act shall take effect immediately.

Sponsor STATEMENT A2320 1971

The purpose of this bill is to permit New Jersey to comply with the provisions of the new Federal "Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970" (Public Law 91-646). The Federal act requires that states be able to offer substantially the same relocation benefits and advisory assistance as that required of the Federal agencies for persons displaced by federally assisted projects. This legislation would permit New Jersey to meet these requirements.

SENATE COMMITTEE AMENDMENTS TO
ASSEMBLY, No. 2320
[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED NOVEMBER 15, 1971

Amend page 2, section 3, line 36, after line 36, insert the following subsection: "f. The term 'Commissioner' shall mean the Commissioner of the Department of Community Affairs."

Amend page 3, section 5, line 16, omit "9", and insert "10".

Amend page 4, section 5, line 30, omit "9", and insert "10".

Amend page 4, section 5, line 31, omit "displayed", and insert "displaced".

Amend page 5, section 6, line 18, omit "standard", and insert "standards".

Amend page 5, section 6, lines 20 and 21, omit "except that if such amount exceeds \$2,000.00, in making the downpayment", and insert "the first \$2,000.00 of which is to be paid without contribution from the displaced person, but thereafter such payments will only be made on a matching dollar-for-dollar basis with the displaced person".

Amend page 6, section 8, line 12, omit "9", and insert "10".

Amend page 6, section 10, line 1, omit "Attorney General", and insert "Commissioner".

Amend page 6, section 10, line 2, omit "Attorney General", and insert "Commissioner".

Amend page 6, section 10, line 14, omit "Attorney General", and insert "Commissioner".

Amend page 6, section 11, line 4, omit "Attorney General", and insert "Commissioner".

[OFFICIAL COPY REPRINT]
ASSEMBLY, No. 2320

STATE OF NEW JERSEY

INTRODUCED APRIL 1, 1971

By Assemblymen FORAN, LITTELL, DE KORTE and
HOLLENBECK

Referred to Committee on Revision and Amendment of Laws

AN ACT providing for relocation payments and relocation advisory assistance to persons displaced by certain activities of the ***[State or other agencies]*** **taking agencies and repealing certain parts of the statutory law**.

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

1 1. This act shall be known and may be cited as the "Relocation
2 Assistance Act."

1 2. Declaration of policy. The purpose of this act is to establish
2 a uniform policy for the fair and equitable treatment of persons
3 displaced by the acquisition of real property by State and local
4 land acquisition programs, by building code enforcement activities,
5 or by a program of voluntary rehabilitation of buildings or other
6 improvements conducted pursuant to governmental supervision.
7 Such policy shall be uniform as to a. relocation payments, b. ad-
8 visory assistance, c. assurance of availability of standard housing,
9 and d. State reimbursement for local relocation payments under
10 State assisted and local programs.

1 3. Definitions. As used in this act the term:

2 a. "Taking agency" means the entity, public or private, includ-
3 ing the State of New Jersey, which is condemning private property
4 for a public purpose under the power of eminent domain.

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

7 c. "Displaced person" means any person who, on or after the
8 effective date of this act, moves from real property, or moves his
9 personal property from real property, as a result of the acquisition
10 of such real property, in whole or in part, or as the result of the
11 written order of the acquiring agency to vacate real property, for

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

12 a program or project undertaken by a taking agency; and solely
13 for the purposes of sections 4 a. and b. and section 7 of this act,
14 as a result of the acquisition of or as the result of the written order
15 of the acquiring agency to vacate other real property, on which
16 such person conducts a business or farm operation, for such pro-
17 gram or project.

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

20 (1) for the purchase, sale, lease and rental of personal and real
21 property, and for the manufacture, processing, or marketing of
22 products, commodities, or any other personal property;

23 (2) for the sale of services to the public;

24 (3) by a nonprofit organization; or

25 (4) solely for the purposes of section 4 a. of this act for assist-
26 ing in the purchase, sale, resale, manufacture, processing, or mar-
27 keting of products, commodities, personal property, or services
28 by the erection and maintenance of an outdoor advertising display
29 or displays, whether or not such display or displays are located
30 on the premises on which any of the above activities are conducted.

31 e. "Farm operation" means any activity conducted solely or
32 primarily for the production of one or more agricultural products
33 or commodities, including timber, for sale or home use, and cus-
34 tomarily producing such products or commodities in sufficient
35 quantity to be capable of contributing materially to the operator's
36 support.

1 4. Moving and related expenses.

2 a. If a taking agency acquires real property for public use, it
3 shall make fair and reasonable relocation payments to displaced
4 persons and businesses as required by this act, for:

5 (1) actual reasonable expenses in moving himself, his family,
6 business, farm operation, or other personal property;

7 (2) actual direct losses of tangible personal property as a result
8 of moving or discontinuing a business or farm operation, but not
9 to exceed an amount equal to the reasonable expenses that would
10 have been required to relocate such property, as determined by
11 the taking agency; and

12 (3) actual reasonable expenses in searching for a replacement
13 business or farm.

14 b. Any displaced person eligible for payments under subsection
15 a. of this section who is displaced from a dwelling and who elects
16 to accept the payments authorized by this subsection in lieu of the
17 payments authorized by subsection a. of this section may receive

18 a moving expense allowance, determined according to a schedule
19 established by the taking agency, not to exceed \$300.00, and a dis-
20 location allowance of \$200.00.

21 c. Any displaced person eligible for payments under subsection
22 a. of this section who is displaced from his place of business or
23 from his farm operation and who elects to accept the payment
24 authorized by this subsection in lieu of the payment authorized
25 by subsection a. of this section, may receive a fixed payment in an
26 amount equal to the average annual net earnings of the business
27 or farm operation, except that such payment shall not be less than
28 \$2,500.00 nor more than \$10,000.00. In the case of a business no
29 payment shall be made under this subsection unless the taking
30 agency is satisfied that the business (1) cannot be relocated with-
31 out a substantial loss of its existing patronage, and (2) is not a
32 part of a commercial enterprise having at least one other estab-
33 lishment not being acquired by the taking agency, which is engaged
34 in the same or similar business. For purposes of this subsection,
35 the term "average annual net earnings," means $\frac{1}{2}$ of any net
36 earnings of the business or farm operation, before Federal, State,
37 and local income taxes, during the 2 taxable years immediately
38 preceding the taxable year in which such business or farm opera-
39 tion moves from the real property acquired for such project, or
40 during such other period as such agency determines to be more
41 equitable for establishing such earnings, and includes any com-
42 pensation paid by the business or farm operation to the owner, his
43 spouse, or his dependents during such period.

1 5. Replacement housing for homeowners.

2 a. In addition to payments otherwise authorized by this act, the
3 taking agency shall make an additional payment not in excess of
4 \$15,000.00 to any displaced person who is displaced from a dwelling
5 actually owned and occupied by such displaced person for not less
6 than 180 days prior to the initiation of negotiations for the acqui-
7 sition of the property. Such additional payment shall include the
8 following elements:

9 (1) The amount, if any, which when added to the acquisition cost
10 of the dwelling acquired, equals the reasonable cost of a comparable
11 replacement dwelling which is a decent, safe, and sanitary dwelling
12 adequate to accommodate such displaced person, reasonably acces-
13 sible to public services and places of employment and available
14 on the private market. All determinations required to carry out
15 this subparagraph shall be determined by regulations issued pursu-
16 ant to section 9 of this act.

17 (2) The amount, if any, which will compensate such displaced
 18 person for any increased interest costs which such person is
 19 required to pay for financing the acquisition of any such compa-
 20 rable replacement dwelling. Such amount shall be paid only if
 21 the dwelling acquired was encumbered by a bona fide mortgage
 22 which was a valid lien on such dwelling for not less than 180 days
 23 prior to the initiation of negotiations for the acquisition of such
 24 dwelling. Such amount shall be equal to the excess in the aggregate
 25 interest and other debt service costs of that amount of the principal
 26 of the mortgage on the replacement dwelling which is equal to
 27 the unpaid balance of the mortgage on the acquired dwelling, over
 28 the remainder term of the mortgage on the acquired dwelling,
 29 reduced to discounted present value. The discount rate shall be
 30 determined by regulations issued pursuant to section 9 of this act.

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

34A **(4) Penalty costs for prepayment of any mortgage entered into*
 34B *in good faith encumbering such real property if such mortgage is on*
 34C *record or has been filed for record as provided by law on the date*
 34D *of approval by taking agency of the location of such project.*

34E (5) *The pro rata portion of real property taxes payable during*
 34F *the calendar year in which the property was acquired which are*
 34G *allocable to the period of the year subsequent to the date of vesting*
 34H *of title in the taking agency, or the effective date of the possession*
 34I *of such real property by the taking agency, whichever is earlier.**

35 b. The additional payment authorized by this section shall be
 36 made only to such a displaced person who purchases and occupies
 37 a replacement dwelling which is decent, safe, and sanitary not
 38 later than the end of the one year period beginning on the date
 39 on which he receives final payment of all costs of the acquired
 40 dwelling, or on the date on which he moves from the acquired
 41 dwelling, whichever is the later date.

1 6. Replacement housing for tenants and certain others. In addi-
 2 tion to amounts otherwise authorized by this act, a taking agency
 3 shall make a payment to or for any displaced person displaced
 4 from any dwelling not eligible to receive a payment under section
 5 5 which dwelling was actually and lawfully occupied by such
 6 displaced person for not less than 90 days prior to the initiation
 7 of negotiations for acquisition of such dwelling. Such payment
 8 shall be either:

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

15 b. the amount necessary to enable such person to make a down-
16 payment (including incidental expenses described in section 5 a.
17 (3)) on the purchase of a decent, safe, and sanitary dwelling of
18 standard adequate to accommodate such person in areas not
19 generally less desirable in regard to public utilities and public and
20 commercial facilities, but not to exceed \$4,000.00, except that if
21 such amount exceeds \$2,000.00, in making the downpayment.

1 7. Relocation assistance advisory programs.

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

12 b. Each relocation assistance program required by subsection a.
13 shall include such measures, facilities, or services as may be neces-
14 sary or appropriate in order (1) to determine the needs of displaced
15 persons, business concerns, and nonprofit organizations for reloca-
16 tion assistance; (2) to assist owners of displaced business and
17 farm operations in obtaining and becoming established in suitable
18 business locations or replacement farms; (3) to supply information
19 concerning programs of the Federal, State and local governments
20 offering assistance to displaced persons and business concerns;
21 (4) to assist in minimizing hardships to displaced persons in adjust-
22 ing to relocation; and (5) to secure, to the greatest extent prac-
23 ticable, the coordination of relocation activities with other project
24 activities and other planned or proposed governmental actions in
25 the community or nearby areas which may affect the carrying out
26 of the relocation program.

1 8. Assurance of availability of standard housing. Whenever the
2 acquisition of real property for a program or project undertaken by
3 a taking agency will result in the displacement of any person on or
4 after the effective date of this section, such agency shall assure that,

5 within a reasonable period of time, prior to displacement, there will
 6 be available, in areas not generally less desirable in regard to public
 7 utilities and public and commercial facilities and at rents or prices
 8 within the financial means of the families and individuals displaced,
 9 decent, safe and sanitary dwellings equal in number to the number
 10 of and available to such displaced persons who require such dwell-
 11 ings and reasonably accessible to their places of employment; except
 12 that regulations issued pursuant to section 9 of this act may pre-
 13 scribe situations when these assurances may be waived.

1 **9. If a project cannot proceed to actual construction because com-
 2 parable replacement sale or rental housing is not available, and the
 3 head of the taking agency determines that such housing cannot
 4 otherwise be made available he may take such action as is necessary
 5 or appropriate to provide such housing by use of funds authorized
 6 for such project.**

1 ***[9.]*** **10.** Authority of the Attorney General.

2 a. The Attorney General shall adopt such rules and regulations
 3 as may be necessary to assure:

4 (1) that the payments and assistance authorized by this act shall
 5 be administered in a manner which is fair and reasonable, and as
 6 uniform as practicable;

7 (2) that a displaced person who makes proper application for a
 8 payment authorized for such person by this act shall be paid
 9 promptly after a move or, in hardship cases, be paid in advance; and

10 (3) that any person aggrieved by a determination as to eligibility
 11 for a payment authorized by this act, or the amount of a payment,
 12 may have his application reviewed by the head of the taking agency
 13 or other appropriate officer.

14 b. The Attorney General may prescribe such other regulations
 15 and procedures, consistent with the provisions of this act, as he
 16 deems necessary or appropriate to carry out this act.

1 ***[10.]*** **11.** Administration. In order to prevent unnecessary ex-
 2 pense and duplication of functions, and to promote uniform and
 3 effective administration of relocation assistance programs for dis-
 4 placed persons, the Attorney General may authorize any taking
 5 agency to enter into contracts with any individual, firm, association
 6 or corporation for services in connection with such programs, or
 7 may carry out its functions under this act through any Federal or
 8 State agency or instrumentality having an established organization
 9 for conducting relocation assistance programs.

1 ***[11.]*** **12.** Fund availability. Funds appropriated or otherwise
 2 available to any taking agency for the acquisition of real property
 3 or any interest therein for a particular program or project shall be

4 available also for obligation and expenditure to carry out the pro-
5 visions of this act as applied to that program or project.

1 ***[12.]*** 13.* State participation in cost of local relocation pay-
2 ments and services. If a unit of local government acquires real
3 property, and State financial assistance is available to pay the cost,
4 in whole or part, of the acquisition of such real property, or of the
5 improvement for which such property is acquired, the cost to the
6 unit of local government of providing the payments and services
7 prescribed by this act shall be included as part of the costs of the
8 project for which State financial assistance is available to such unit
9 of local government, and shall be eligible for State financial assist-
10 ance in the same manner and to the same extent as other project
11 costs.

1 ***[13.]*** 14.* Displacement by code enforcement or voluntary reha-
2 bilitation. A person who moves or discontinues his business or
3 moves other personal property, or moves from his dwelling on or
4 after the effective date of this act as the direct result of code en-
5 forcement activities, or a program of rehabilitation of buildings
6 conducted pursuant to a governmental program, is deemed to be a
7 displaced person for the purposes of this act.

1 ***[14.]*** 15.* Payments not to be considered as income or re-
2 sources. No payment received by a displaced person under this act
3 shall be considered as income or resources for the purpose of de-
4 termining the eligibility or extent of eligibility of any person for
5 assistance under any State Law or for the purposes of determining
6 the eligibility or extent of eligibility of any person for assistance
7 under any State law or for the purposes of the State's corporation
8 tax law or other tax laws. Such payments shall not be considered as
9 income or resources of any recipient of public assistance and such
10 payments shall not be deducted from the amount of aid to which the
11 recipient would otherwise be entitled.

1 *16. No payment or assistance under this act shall be required
2 or included as a program or project cost under this act if the dis-
3 placed person receives a payment required by the State law of
4 eminent domain which is determined by such taking agency head to
5 have substantially the same purpose and effect as such payment
6 under this act, and to be part of the cost of the program or project
7 for which Federal or State assistance is available.

1 17. In order to encourage and facilitate the construction or reha-
2 bilitation of housing to meet the needs of displaced persons who
3 are displaced from dwellings because of any Federal or State or
4 Federal or State financially assisted project, the head of the Federal
5 or State agency administering such project is authorized to make

6 loans as a part of the cost of any such project, or to approve loans
 7 as a part of the cost of any such project receiving Federal financial
 8 assistance, to nonprofit, limited dividend, or cooperative organ-
 9 izations or to public bodies, for necessary and reasonable expenses,
 10 prior to construction, for planning and obtaining Federally insured
 11 mortgage financing for the rehabilitation or construction of housing
 12 for such displaced persons. Notwithstanding the preceding sent-
 13 ence, or any other law, such loans shall be available for not to ex-
 14 ceed 80% of the reasonable costs expected to be incurred in plan-
 15 ning, and in obtaining financing for, such housing, prior to the
 16 availability of such financing, including, but not limited to, pre-
 17 liminary surveys and analysis of market needs, preliminary site
 18 engineering, preliminary architectural fees, site acquisition, appli-
 19 cation and mortgage commitment fees, and construction loan fees
 20 and discounts. Loans to an organization established for profit shall
 21 bear interest at a market rate established by the head of such
 22 Federal or State agency. All other loans shall be without interest.
 23 Such Federal or State agency head shall require repayment of loans
 24 made under this act, under such terms and conditions as he may
 25 require, upon completion of the project or sooner, and except in the
 26 case of a loan to an organization established for profit, may cancel
 27 any part or all of a loan if he determines that a permanent loan to
 28 finance the rehabilitation or the construction of such housing cannot
 29 be obtained in an amount adequate for repayment of such loan.
 30 Upon repayment of any such loan, the Federal or State share of the
 31 sum repaid shall be credited to the account from which such loan
 32 was made, unless the Department of the Treasury determines that
 33 such account is no longer in existence, in which case such sum shall
 34 be returned to the treasury and credited to miscellaneous receipts.

1 18. The payments authorized in this act shall not be construed
 2 as creating in any condemnation proceeding brought under the
 3 power of eminent domain any element of damages not in existence
 4 on the effective date of this act and such payments are to be in
 5 addition to the just compensation established in the condemnation
 6 proceedings but only to the extent they are not otherwise included
 7 within the condemnation award.*

1 ***[15.]*** *19.* Appeal procedure. Any person or business concern
 2 aggrieved by final administrative determination, concerning eligi-
 3 bility for relocation payments authorized by this act may appeal
 4 such determination to the Superior Court.

1 ***[16.]*** *20.* If any provision of this act or the application
 2 thereof to any person or circumstances is held invalid, the remainder

3 of the act and the application of such provision to persons or cir-
4 cumstances other than those to which it is held invalid shall not be
5 affected thereby.

1 *21. All acts and parts of acts inconsistent with any of the pro-
2 visions of this act are, to the extent of such inconsistency, hereby
3 repealed.*

1 *~~17.~~* *22.* Effective date. This act shall take effect *~~immi-~~
2 mediately]* *January 1, 1972*.

ASSEMBLY AMENDMENTS TO
ASSEMBLY, No. 2320

STATE OF NEW JERSEY

ADOPTED APRIL 22, 1971

Amend page 1, title, line 2, omit "State".

Amend page 1, title, line 3, omit "or other agencies", insert "taking agencies and repealing certain parts of the statutory law".

Amend page 4, section 5, after line 34, add the following new subsections:

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

(5) The pro rata portion of real property taxes payable during the calendar year in which the property was acquired which are allocable to the period of the year subsequent to the date of vesting of title in the taking agency, or the effective date of the possession of such real property by the taking agency, whichever is earlier."

Amend page 5, section 8, after line 13, add a new section:

"9. If a project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the taking agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project."

Amend page 5, section 9, line 1, omit "9", insert "10".

Amend page 6, section 10, line 1, omit "10", insert "11".

Amend page 6, section 11, line 1, omit "11", insert "12".

Amend page 6, section 12, line 1, omit "12", insert "13".

Amend page 6, section 13, line 1, omit "13", insert "14".

Amend page 6, section 14, line 1, omit "14", insert "15".

Amend page 7, section 14, after line 11, add new sections:

"16. No payment or assistance under this act shall be required or included as a program or project cost under this act if the displaced person receives a payment required by the State law of eminent

domain which is determined by such taking agency head to have substantially the same purpose and effect as such payment under this act, and to be part of the cost of the program or project for which Federal or State assistance is available.

17. In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or State or Federal or State financially assisted project, the head of the Federal or State agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining Federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80% of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analysis of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal or State agency. All other loans shall be without interest. Such Federal or State agency head shall require repayment of loans made under this act, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, any cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal or State share of the sum repaid shall be credited to the account from which such loan was made, unless the Department of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the treasury and credited to miscellaneous receipts.

18. The payments authorized in this act shall not be construed as creating in any condemnation proceeding brought under the power of eminent domain any element of damages not in existence on the effective date of this act and such payments are to be in addition to the just compensation established in the condemnation proceedings but only to the

extent they are not otherwise included within the condemnation award.”.

Amend page 7, section 15, line 1, omit “15”, insert “19”.

Amend page 7, section 16, line 1, omit “16”, insert “20”.

Amend page 7, section 16, after line 5, add new section:

“21. All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.”.

Amend page 7, section 17, line 1, omit “17”, insert “22”.

Amend page 7, section 17, line 1, omit “immediately”, insert “January 1, 1972”.

FURTHER SENATE AMENDMENTS TO

ASSEMBLY, No. 2320

[OFFICIAL COPY REPRINT]

STATE OF NEW JERSEY

ADOPTED DECEMBER 2, 1971

Amend page 9, after section 21, insert a new section as follows:

“22. The provisions of this act shall not apply to the State Department of Transportation; provided, however, that the State Department of Transportation shall supplement its existing 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, by July 1, 1972. Said supplemented program shall be in compliance with the rules and regulations of the Federal Highway Administration relating to relocation assistance so as to fully qualify the Department of Transportation for Federal aid reimbursement and to equal or exceed the requirements of this statute. For purposes of coordinating and formulating uniform relocation programs of the State, the Commissioner of Transportation shall consult with the Commissioner of the Department of Community Affairs in order that said relocation assistance program will be in general conformity with any rules and regulations promulgated by the Commissioner of the Department of Community Affairs pursuant to P. L. 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amendments thereto.”.

Amend page 9, section 22, line 1, delete “22”, and insert “23”.