

Relocation Assistance Program

Introduction

The Relocation Assistance Law of 1967 (N.J.S.A. 52:31B-1 et seq.) and the Relocation Assistance Act of 1971 (N.J.S.A. 20:3-1 et seq.) were enacted by the New Jersey State Legislature to ensure the equitable treatment of individuals, families, businesses (including non-profit organizations), and farm operations displaced by government action. Under the rules for relocation assistance, "government action" is defined as programs of building, housing, or health code enforcement, voluntary programs of rehabilitation, or the acquisition of land for a public use. The amended Eviction Law (N.J.S.A. 2A:18-61.1 et seq.) also requires relocation assistance pursuant to its "g" provisions.

The Relocation Assistance Program works as a partnership between the municipality and the State. There are times when a municipality causes a tenant, resident, business owner, or farm operation to leave their dwelling or place of business. This can be because the dwelling is unsafe or because the municipality is undertaking a development or redevelopment project.

When a municipality decides that a tenant, resident, business owner, or farm operation must leave their dwelling or place of business, the municipality must send a plan, called a Workable Relocation Assistance Plan (WRAP), to the Department of Community Affairs for review. The WRAP must show that the municipality knows the number of people, businesses, or farm operations impacted by the relocation plan and then must demonstrate that there are enough comparable replacement housing units or business sites in the area for the people to find new homes, apartments, or business locations. Each municipality must designate the individual who will carry out the obligation established by law. Departmental approval of WRAPs is required before relocation activities may commence.

Once the WRAP has been approved, the municipality informs the tenants, residents, business owners, or farms that they are being moved; the municipality must also tell the tenants, residents, business owners, or farms that the municipality will help them find another place to live or conduct business and that they have the right to appeal the municipality's actions. If a municipality has a grant agreement with the State for the approved WRAP, the municipality applies to the State for reimbursement of a portion of the relocation costs unless the municipality has made prior arrangements with a developer to assume the costs. The State works with the municipality as a reimbursement program and does not become involved in the identification of replacement housing or business sites. The program is not set up to help individuals who decide that they would like to move.

Eligibility and Assistance for Individuals, Families, and Businesses

Once the eligibility of displacees for relocation assistance has been established, a displacing agency must send written notices to the displacees explaining the eligibility

requirements for services and payments. The notice must include the reason for displacement.

The displacing agency is required to offer assistance to the displacees to expedite the relocation program and to ensure fulfillment of the requirements of the Relocation Assistance Program. The following are some examples of the types of assistance that should be made available to individuals and families who are being displaced:

1. Assistance with finding comparable replacement housing and with obtaining priority for subsidized housing units. Replacement housing must be decent, safe and sanitary, adequate in size, affordable, and convenient to work.
2. Assistance with negotiating with a landlord to expedite the move. The displacing agency is required to provide payments, including emergency payments, in a timely manner to avoid placing additional hardships on displacees.
3. Assistance for prospective homeowners with obtaining mortgage financing, such as help with the preparation and submission of purchase offers, obtaining credit reports, and making arrangements with lending institutions. The Relocation Officer, or a representative of the displacing agency, must be present at the closing with the displacing agency's payment to the claimant. Payment shall not be made unless the displacing agency has received assurances that the transaction has been completed.
4. Referrals to complementary social service agencies. Displacees may be eligible for counseling, financing, training, health, or employment services.
5. Inspection of a replacement housing unit to ensure that it meets the displacee's needs and complies with the applicable housing codes.
6. If a replacement unit is outside a displacing agency's jurisdiction and precludes inspection by local housing officers, the displacing agency should make every effort to have the dwelling inspected by an appropriate official in the municipality to which claimant is relocated.
7. In cases of acquisition or rehabilitation, advisory assistance and services should be offered to individuals occupying properties adjacent to the project area who will be affected by the acquisition or rehabilitation activities.

With regard to businesses that are being relocated, the following types of assistance should be made available:

1. Provide information on assistance or services offered by the Small Business Administration.
2. Provide information to business owners regarding property values, local zoning ordinances and restrictions, growth potentials in various areas, and general economic data.
3. Advise business owners of benefits, which include payments for searching for replacement commercial sites, payment for professional fees, and payments in lieu of moving.
4. Maintain advisory assistance until business has relocated or liquidated its assets.
5. Expedite payments to ensure successful relocation without serious interruption of business activities.

Appeals

Any person, business, non profit organization, or farm operation that disagrees with a displacing agency's decision as to their eligibility for relocation payments or assistance may appeal the decision to the Department of Community Affairs, which will refer the matter to the Office of Administrative Law (OAL). The OAL will then schedule a hearing. Attorneys are not required for these proceedings.

Appeals may be filed by sending a letter to:

Department of Community Affairs
Division of Codes and Standards
Relocation Assistance Program
Post Office Box 802
Trenton, New Jersey 08625

The displacing agency has fulfilled its obligation to displacees once they have been permanently relocated and all monetary claims have been satisfied. The Department requires that displacing agencies retain records on relocation activities for at least three years after final payment has been made. These records should contain pertinent information on claims and should be readily available to the Department's program review staff.