

“Decent, safe and sanitary housing” means housing that is in sound, clean and weathertight condition and is in conformity with local and state housing and health codes.

“Department” means the Department of Community Affairs.

“Displaced” means required to vacate any real property lawfully occupied pursuant to any order or notice of any displacing agency on account of a program of acquisition, code enforcement proceedings or voluntary rehabilitation of buildings.

“Displacing agency” means any State Agency, unit of local government or publicly funded entity as herein defined.

“Dwelling” means the house, apartment or other residential unit that is the permanent place of principal lawful residence of a person or family and to which such person or family whenever absent has the intention of returning.

“Economic rent” means the fair market rental of the property on the open market.

“Emergency relocation” means when a lawful occupant of a dwelling unit is required to immediately vacate due to the enforcement of any applicable code.

“Family” means two or more individuals, regardless of blood or legal ties, who live together as a family unit.

“Farm operation” means any activity which is conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily, produces commodities in sufficient quantity to be capable of contributing materially to the operator’s support. The term “contributing materially” used in this definition means that the farm operation contributes at least one-third of the operator’s income.

“Incidental expenses” means the amount of actual costs incurred in the purchase of a replacement dwelling by a person who is displaced including but not limited to fees for legal services, title search, title insurance, recording of title instruments, mortgage applications, payment for loss of favorable financing, and credit reports. Prepaid expenses are not considered “incidental expenses”.

“Lawful occupant” means a person whose occupancy of a dwelling unit or property is recognized by the owner and is not the result of a trespass or unauthorized sublease or assignment.

“Person” means any individual or family, owner of a business concern or farm operation, partnership, corporation or association.

“Personal property (tangible personal property)” means:

1. Tangible property which is situated on the real property vacated or to be vacated by a displaced person and

which is considered personal property and is non-compensable (other than for moving expenses) under the state law of eminent domain; and

2. In the case of a tenant, fixtures and equipment and other property which may be characterized as real property under state or local law, but which the tenant may lawfully, and at his election determines to move and for which the tenant is not compensated in the real property acquisition. In the case of an owner of real property, the determination as to whether an item of property is personal or real shall depend upon how it is identified in the acquisition appraisals and the closing or settlement statement with respect to the real property acquisitions: provided, that no item of property which is compensable under state law to the owner of real property in the real property acquisition may be treated as tangible personal property in computing actual direct losses of tangible personal property.

“Publicly funded entity” means a private entity that receives public funds from any municipal, county, state or federal program for use in a project that causes displacement.

“State Agency” means any department, division, office, agency or bureau of this state or any authority or instrumentality created or chartered thereby.

“Temporary relocation” means when a lawful tenant is required to move from a dwelling that is undergoing rehabilitation and, upon completion of the rehabilitation, may return.

“Unit of local government” means any political subdivision of this State, or any two or more such political subdivisions acting jointly pursuant to law, and any department, division, office, agency or bureau thereof or any authority of instrumentality created or chartered thereby.

“WRAP” means the Workable Relocation Assistance Plan required to be submitted to the Department for approval prior to the undertaking of any relocation activities.

Amended by R.1984 d.127, effective April 16, 1984.
See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

Definitions of “Commissioner” and “Displaced” modified; “WRAP” added.

Amended by R.1987 d.518, effective December 21, 1987.
See: 19 N.J.R. 1596(a), 19 N.J.R. 2388(c).

Added definition “lawful occupant”.
Amended by R.1990 d.113, effective February 5, 1990.
See: 21 N.J.R. 3694(a), 22 N.J.R. 336(a).

Added statutory references and amended “unit of local government”.
Amended by R.1994 d.174, effective April 4, 1994.
See: 26 N.J.R. 289(a), 26 N.J.R. 1493(b).

Law Review And Journal Commentaries

Relocation Assistance. Judith Nallin, 136 N.J.L.J. No. 10, 59 (1994).

Case Notes

Former N.J.A.C. 5:40-1.7 definition of displaced person valid; assistance award determination. *McNally v. Middletown Twp.*, 182 N.J.Super. 622, 442 A.2d 1075 (App.Div.1982).

Replacement housing must be open in accordance with Civil Rights Act of 1968 (citing former N.J.A.C. 5:40-2.3); no evidence of civil rights violation. *Rowe v. Pittsgrove Twp.*, 172 N.J.Super. 209, 411 A.2d 720 (App.Div.1980).

Where tenant seeking relocation assistance had resided in a basement apartment since 2003 and in 2006 the apartment was inspected and determined to be an illegal second apartment in a legally zoned one-family home, the tenant's rental occupancy was not unlawful according to the definition of "lawful occupant" in N.J.A.C. 5:11-1.2. *Friend v. Borough of Lodi*, OAL Dkt. No. CAF 09330-06, 2006 N.J. AGEN LEXIS 949, Final Decision (November 13, 2006).

Tenant in resort-only zone ordered to vacate is displaced so as to qualify for relocation assistance; dwelling defined. *Moran v. Randolph Twp.*, 6 N.J.A.R. 58 (1980).

Tenant occupancy in single family residence zone not lawful occupancy to permit relocation assistance. *Hickey v. Park Ridge*, 5 N.J.A.R. 291 (1983).

No relocation benefits due fire displaces under former regulation. *Wright v. City of Hoboken*, 1 N.J.A.R. 203 (1980).

SUBCHAPTER 2. ELIGIBILITY

5:11-2.1 Building, housing, and health code enforcement

(a) Whenever a State Agency or unit of local government undertakes a program of building code enforcement, housing code enforcement or health code enforcement that causes the displacement of any person, the said State Agency or unit of local government shall provide relocation payments and assistance to all lawful occupants who are displaced, as provided in N.J.A.C. 5:11-3 and 4. The date of eligibility shall be the date occupants received formal written notice to vacate from the State Agency or unit of local government. Said written notice shall include the information required pursuant to N.J.A.C. 5:11-4.2.

(b) An order to vacate issued by a State Agency or unit of local government, pursuant to the State Uniform Construction Code Act (N.J.S.A. 52:27D-119 et seq.) and N.J.A.C. 5:23-2.32(b)1, because a building has become unsafe or uninhabitable as a direct result of a natural disaster, soil subsidence, fire, a latent defect or other sudden and unforeseeable occurrence is not displacement within the meaning of these rules and no relocation benefits shall be due any occupants or former occupants of such a building. However, a municipality may, pursuant to N.J.S.A. 20:4-3.1, voluntarily provide relocation benefits to such displacees but shall receive no reimbursement through any State grant-in-aid for the cost of doing so.

(c) An owner-occupant who is displaced by health, building or housing code enforcement shall not be entitled to relocation benefits if the code violation which resulted in displacement was caused by factors for which the owner is liable. Any such owner-occupant who is entitled to benefits shall be entitled to the benefits applicable to tenants only.

(d) No tenant displaced by code enforcement shall be eligible for benefits if the code violation which resulted in displacement was primarily caused by that tenant's own conduct and not by factors for which the owner is liable under N.J.S.A. 20:4-4.1.

1. In the event that there has been no prosecution of the owner under N.J.S.A. 20:4-4.1, a displaced lawful occupant shall be presumed to be eligible for relocation benefits unless it is established by agreement or by administrative hearing that the code violation was primarily attributable to conduct of the displaced person.

Amended by R.1983 d.59, effective March 7, 1983.

See: 15 N.J.R. 6(b), 15 N.J.R. 330(b).

Added "municipality may provide benefits but shall not be reimbursed by the State".

Amended by R.1984 d.127, effective April 16, 1984.

See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

(b) "Act of God" deleted; disaster and imminent hazard substituted.

Amended by R.1987 d.518, effective December 21, 1987.

See: 19 N.J.R. 1596(a), 19 N.J.R. 2388(c).

Added (d).

Amended by R.1989 d.188, effective April 3, 1989.

See: 21 N.J.R. 231(b), 21 N.J.R. 891(a).

In (d), cite to "N.J.A.C." changed to "N.J.S.A.".

Amended by R.1994 d.174, effective April 4, 1994.

See: 26 N.J.R. 289(a), 26 N.J.R. 1493(b).

Amended by R.1995 d.386, effective July 17, 1995.

See: 27 N.J.R. 1844(a), 27 N.J.R. 2714(a).

Amended by R.2004 d.222, effective June 21, 2004.

See: 36 N.J.R. 1264(b), 36 N.J.R. 3055(c).

In (a), amended N.J.A.C. references throughout.

Law Review and Journal Commentaries

Relocation Assistance. *Judith Nallin*, 136 N.J.L.J. No. 10, 59 (1994).

Case Notes

Tenant waived any entitlement to relocation assistance by entering into settlement in dispossession action. *Herrera v. Township of South Orange Village*, 270 N.J.Super. 417, 637 A.2d 526 (A.D.1993), certification denied 136 N.J. 28, 641 A.2d 1039.

Landlord may enforce occupancy limits in renewal leases even if tenants would then be in violation of those limits; landlord through lease renewal, which will force the tenant to relocate, may be liable for relocation assistance comparable to what the tenant would have received under N.J.S.A. 2A:18-61.1(g)(3). *M.C. Associates v. Shab*, 226 N.J.Super. 173, 543 A.2d 1006 (App.Div.1988).

Relocation assistance benefits available to tenants whose occupancy was lawful under N.J.S.A. 20:4-4.1 unless it is established by agreement or by administrative hearing that the code violation was primarily attributable to conduct of the tenant. *Haddock v. Passaic, Community Development Dep't, City of Passaic*, 217 N.J.Super. 592, 526 A.2d 725 (App.Div.1987) certification denied 108 N.J. 645, 532 A.2d 228 (1987).

Petitioners, tenants displaced by building code enforcement activities, entitled to relocation assistance. *Haddock v. Passaic*, 10 N.J.A.R. 52 (1985) adopted—Dep't of Community Affairs, affirmed in part, reversed on other grounds and remanded 217 N.J.Super. 592, 526 A.2d 725 (App.Div.1987) certification denied 108 N.J. 645, 532 A.2d 228.

Tenant not entitled to relocation assistance without showing uninhabitable premises. *Kern v. Borough of Belmar*, 97 N.J.A.R.2d (CAF) 20.

Where tenant seeking relocation assistance had resided in a basement apartment since 2003 and in 2006 the apartment was inspected and

determined to be an illegal second apartment in a legally zoned one-family home, the tenant's rental occupancy was not unlawful according to the definition of "lawful occupant" in N.J.A.C. 5:11-1.2. *Friend v. Borough of Lodi*, OAL Dkt. No. CAF 09330-06, 2006 N.J. AGEN LEXIS 949, Final Decision (November 13, 2006).

Tenant of basement apartment that was inspected and determined to be an illegal second apartment in a legally zoned one-family home was not eligible for assistance under the Relocation Assistance Law of 1967, N.J.S.A. 52:31B-1 et seq., or the Relocation Assistance Act, N.J.S.A. 20:4-1 et seq., because the displacement was the result of an order issued to the landlord to correct a zoning violation; the fire official's statement that occupancy of the unit was also a fire code violation did not create an entitlement to assistance that did not otherwise exist. Tenant shall not be precluded by this decision from obtaining relocation assistance under either N.J.S.A. 2A:18-61.1g or 2A:18A-61.1h. *Friend v. Borough of Lodi*, OAL Dkt. No. CAF 09330-06, 2006 N.J. AGEN LEXIS 949, Final Decision (November 13, 2006).

Loss of housing which occurred when premises was evacuated for safety of tenants upon broken water main was a natural disaster that precluded payment of relocation benefits. *Union Gardens' v. Township of Montclair*, 95 N.J.A.R.2d (CAF) 85.

Tenants constructively discharged due to health hazards; relocation assistance. *Travers v. The Township of Old Bridge*, 94 N.J.A.R.2d (CAF) 96.

Eviction for nonpayment of rent; relocation assistance. *Varca v. Department of Community Affairs*, 94 N.J.A.R.2d (CAF) 95.

Relocation assistance; illegal sublease. *Sanchez v. City of Paterson*, 94 N.J.A.R.2d (CAF) 51.

Termination of relocation assistance occurred on determination that repairs ordered by the Bureau of Local Construction Code Enforcement were completed. *Tilton v. Department of Community Affairs*, 93 N.J.A.R.2d (CAF) 51.

Application for relocation assistance was denied for failure to comply with the rental agreement and by willful destruction of the rented property. *McCaskill v. Pennsauken Township*, 93 N.J.A.R.2d (CAF) 12.

Occupant of apartment who received improperly addressed violation notice and who immediately vacated was not entitled to relocation assistance. *Moore v. City of Camden*, 92 N.J.A.R.2d (CAF) 113.

Tenant displaced from premises as result of actions by the township to enforce its zoning ordinance was not entitled to relocation assistance. *Herrera v. Township of South Orange Village*, 92 N.J.A.R.2d (CAF) 85.

Tenant occupying premises in violation of resort-only zoning eligible for relocation assistance as a lawful occupant. *Moran v. Randolph Twp.*, 6 N.J.A.R. 58 (1980).

Determination of landlord-tenant relationship; relocation assistance denied to tenant as not lawful occupant in single family residence zone. *Hickey v. Park Ridge*, 5 N.J.A.R. 291 (1983).

5:11-2.2 Programs of acquisition

(a) Whenever any State Agency (except the New Jersey Department of Transportation), unit of local government or publicly funded entity acquires real property that causes the displacement of people, businesses, or farm operations, the said State Agency, unit of local government or publicly funded entity shall provide relocation payments and assistance as provided in N.J.A.C. 5:11-3 and 4; provided,

however, that if any acquisition of real property is made using funds provided by any Federal agency, all relocation payments shall be made in accordance with any applicable Federal regulations that provide for a higher level of benefits.

(b) The State Agency, unit of local government or publicly funded entity shall not be relieved of its obligation of providing payments and benefits as provided hereinafter by requiring the owner of a building to cause it to be vacated prior to the acquisition.

(c) The eligibility date for this section shall be the date of the first written offer to purchase the property.

Amended by R.1989 d.188, effective April 3, 1989.
See: 21 N.J.R. 231(b), 21 N.J.R. 891(a).

In (a), language added regarding acquisition of property and concomitant relocation payments with use of Federal funds and Federal benefit levels.

Amended by R.2004 d.222, effective June 21, 2004.
See: 36 N.J.R. 1264(b), 36 N.J.R. 3055(c).

In (a), amended the N.J.A.C. reference.

Case Notes

Condemnees whose land was taken for a new school were not entitled to relocation assistance. N.J.S.A. 20:4-1 et seq., 20:4-5. *Carlucci v. Jersey City Bd. of Educ.*, 92 N.J.A.R.2d (CAF) 1.

5:11-2.3 Evictions under N.J.S.A. 2A:18-61.1(g)

(a) Whenever an eviction is sought under the provisions of N.J.S.A. 2A:18-61.1(g) by an owner, whether said owner is a person, State Agency or unit of local government, the tenant shall be provided with the relocation payments and benefits as provided in subchapters 3 and 4 of this chapter. The date of eligibility shall be the date the tenant received a formal notice to vacate from the landlord as provided in N.J.S.A. 2A:18-61.2 and the displacing agency shall be deemed to be the State Agency or unit of local government that issues the notice of violation.

(b) The landlord shall provide the Department with the information required in subchapter 7 of this chapter.

(c) In cases where a landlord is to be cited for a violation pursuant to an illegal occupancy which could potentially result in a (g)3 eviction, the following shall be included as an insert sent with the violation notice:

IF, IN SEEKING TO CORRECT THE ILLEGAL OCCUPANCY FOR WHICH YOU HAVE BEEN CITED, IT IS NECESSARY FOR YOU TO EVICT ONE OR MORE TENANTS TO COMPLY, YOU MUST NOTIFY THOSE TENANTS OF THEIR POTENTIAL ELIGIBILITY FOR RELOCATION ASSISTANCE. FURTHER INFORMATION REGARDING YOUR RESPONSIBILITIES AS OWNER PURSUANT TO REGULATIONS CONCERNING EVICTION AND RELOCATION MAY BE OBTAINED BY CONTACTING THE FOLLOWING:

DEPARTMENT OF COMMUNITY AFFAIRS
 DIVISION OF CODES AND STANDARDS
 OFFICE OF LANDLORD-TENANT INFORMATION
 PO BOX 805
 TRENTON, NEW JERSEY 08625-0805
 TELEPHONE: 609-633-6606

Amended by R.1984 d.127, effective April 16, 1984.

See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

(c): address changed.

Amended by R.1994 d.174, effective April 4, 1994.

See: 26 N.J.R. 289(a), 26 N.J.R. 1493(b).

Amended by R.2004 d.222, effective June 21, 2004.

See: 36 N.J.R. 1264(b), 36 N.J.R. 3055(c).

In (c), amended the address.

5:11-2.4 Displacement caused by public utilities

Whenever a public utility acquires real property that causes the displacement of persons, businesses or farm operations the public utility shall provide relocation payments and assistance as provided in subchapter 3 of this chapter. The date of eligibility shall be the date of initiation of negotiations.

5:11-2.5 Programs of rehabilitation

(a) Whenever a displacing agency undertakes a program of voluntary rehabilitation that causes displacement of persons, businesses or farm operations, the displacing agency shall provide relocation payments and assistance as provided in N.J.A.C. 5:11-3 and 4. The date of eligibility shall be the date the residents are informed by the displacing agency that they must vacate the premises.

(b) In this instance only, the displacing agency shall be deemed to be the person or corporation who is receiving public funds for the rehabilitation and the public agency providing those funds. The public agency shall be responsible for submitting the WRAP (see N.J.A.C. 5:11-6.1(b)) and for complying with N.J.A.C. 5:11-4.

(c) In any case in which a Federal agency is providing funding for a rehabilitation program, relocation payments and assistance shall be made in compliance with applicable Federal requirements, any provisions of subchapters 3 and 4 of this chapter imposing different requirements notwithstanding.

(d) The WRAP submitted by the public agency shall be on standard forms required by the Department as well as in such format as may be required by the funding agency.

Amended by R.1984 d.127, effective April 16, 1984.

See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

(c) and (d) added.

Amended by R.2004 d.222, effective June 21, 2004.

See: 36 N.J.R. 1264(b), 36 N.J.R. 3055(c).

In (b), amended the N.J.A.C. references throughout.

Administrative correction.

See: 37 N.J.R. 3637(a).

SUBCHAPTER 3. RELOCATION PAYMENTS

5:11-3.1 Relocation payments generally

(a) Whenever a displacing agency causes the displacement of persons, businesses or farm operations and those persons, businesses or farm operations payments shall be as described in this subchapter.

(b) Claims for relocation assistance must be filed within 12 months of the date of permanent resettlement.

Amended by R.1984 d.127, effective April 16, 1984.

See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

(b) added.

Amended by R.1989 d.188, effective April 3, 1989.

See: 21 N.J.R. 231(b), 21 N.J.R. 891(a).

At (b), "receipt by claimant of the notice to vacate ...", deleted; "the date of permanent resettlement", added.

Case Notes

Trespassing tenant not entitled to relocation assistance when notice to vacate served. *Decree v. City of Newark*, 97 N.J.A.R.2d (CAF) 49.

5:11-3.2 Moving expenses; residential

(a) An eligible person who is displaced from a dwelling unit and moves his or her personal property therefrom shall receive either:

1. The actual reasonable moving expenses incurred; or
2. A fixed payment, based on the number of rooms in the unit, not to exceed \$300.00 and a \$200.00 dislocation allowance.

(b) Moving expenses shall not be considered unreasonable due to distance if the distance is 50 miles or less. For good cause, a move of more than 50 miles may be deemed reasonable by the displacing agency.

R.1984 d.127, effective April 16, 1984.

See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

Recodified from N.J.A.C. 5:11-3.5.

Amended by R.1994 d.174, effective April 4, 1994.

See: 26 N.J.R. 289(a), 26 N.J.R. 1493(b).

Case Notes

Moving expense assistance and dislocation allowance awarded (under former codification N.J.A.C. 5:40-3.5). *Moran v. Randolph Twp.*, 6 N.J.A.R. 58 (1980).

Unlawful tenant not entitled to moving expense assistance and dislocation allowance (under former codification N.J.A.C. 5:40-3.5). *Hickey v. Park Ridge*, 5 N.J.A.R. 291 (1983).

5:11-3.3 Emergency relocation

In the event a displacing agency causes a displacement that requires emergency relocation, the displacing agency shall provide a payment of such amount as may be needed so that the displacee may obtain living quarters until permanently

relocated. This payment shall be available immediately upon the displacement and shall be charged against the total relocation assistance amount payable in accordance with the statute.

Amended by R.1984 d.127, effective April 16, 1984.

See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

Recodified from N.J.A.C. 5:11-3.11.

Lump sum limited to \$500.00.

Amended by R.1989 d.188, effective April 3, 1989.

See: 21 N.J.R. 231(b), 21 N.J.R. 891(a).

\$500.00 limitation on emergency relocation assistance removed.

Amended by R.1994 d.174, effective April 4, 1994.

See: 26 N.J.R. 289(a), 26 N.J.R. 1493(b).

5:11-3.4 Temporary relocation

(a) In the event permanent replacement housing is unavailable or in the instance of rehabilitation of housing wherein the displacee may return to his dwelling, the displacing agency may provide temporary replacement housing with the prior approval of the Department.

(b) Prior to approval of temporary relocation the displacing agency shall assure the Department that:

Cross References

Payments to businesses, see N.J.A.C. 5:40-3.8.

Case Notes

No recovery of attorney's fees incurred trying to obtain relocation assistance. *Middleton v. City of Newark*, 94 N.J.A.R.2d (CAF) 89.

SUBCHAPTER 4. RELOCATION ASSISTANCE

5:11-4.1 Relocation assistance generally

Whenever a displacing agency causes the displacement of an individual or business and that individual is eligible for relocation assistance the nature and extent of that assistance shall be as described in this subchapter.

Case Notes

Neither statute nor regulations require relocation within same municipality (citing former regulations). *Rowe v. Pittsgrove Twp.*, 172 N.J.Super. 209, 411 A.2d 720 (App.Div.1980).

Relocation assistance in business condemnation under former regulations; procedure; award; administrative exhaustion requirement. *Paterson Redevelopment Agency v. Schulman*, 78 N.J. 378, 396 A.2d 573 (1979) certiorari denied 100 S.Ct. 210, 444 U.S. 900, 62 L.Ed.2d 136.

Tenants unlawfully occupying premises were not entitled to relocation assistance benefits. *Little v. City of Paterson*, 96 N.J.A.R.2d (CAF) 46.

5:11-4.2 Notification

Whenever a displacing agency determines that their activities shall cause a displacement of individuals or businesses that are eligible for relocation payments and assistance, the displacing agency shall notify those individuals and businesses, in writing, at the earliest possible date of the benefits and obligations of the Act and this chapter. Said notice shall be issued immediately upon the determination of the displacing agency that displacement shall occur. The notice shall contain the nature and types of payments and assistance available, the eligibility criteria, and a notice that the displacee should not vacate the property prior to being authorized to do so in order to remain eligible for payment and assistance and that they should continue to pay rent to the landlord, as provided by the law.

Case Notes

Failure of Casino Reinvestment Development Authority to send tenants requisite notice that they should not vacate property before being authorized, so as to remain eligible for relocation assistance, and that tenants should continue to pay rent to landlord as provided by law, was insufficient to create liability on part of the authority. *214 Corp. v. Casino Reinvestment Development Authority*, 280 N.J.Super. 624, 656 A.2d 70 (L.1994).

5:11-4.3 Assistance in obtaining housing

(a) Whenever an individual requires assistance in locating replacement housing the displacing agency shall:

1. Provide a list of decent, safe and sanitary replacement housing units that are available for sale or lease.

2. Assist in establishing the displaced individual's priority in subsidized housing and in applying therefor.

3. Provide information necessary for the displacee to obtain mortgage financing; and

4. Provide the name and address of other agencies that provide housing assistance to individuals.

5:11-4.4 Providing housing

(a) Whenever an individual is eligible for relocation payments and assistance, a displacing agency may, at its discretion, directly provide decent, safe and sanitary units, whether subsidized or not, that are not less desirable than the unit from which the displacee is displaced. In the event the displacee unreasonably rejects the housing so offered, the duty of the displacing agency to provide assistance is ended.

(b) Any displacing agency that terminates assistance pursuant to (a) above shall notify the displacee in writing of its intention to terminate assistance and the reasons therefor and shall advise the displacee of his or her right of appeal in accordance with N.J.A.C. 5:11-9.2.

Amended by R.1989 d.188, effective April 3, 1989.

See: 21 N.J.R. 231(b), 21 N.J.R. 891(a).

In (b), added requiring notification of termination of assistance.

Amended by R.2004 d.222, effective June 21, 2004.

See: 36 N.J.R. 1264(b), 36 N.J.R. 3055(c).

In (b), amended the N.J.A.C. reference.

5:11-4.5 Housing construction

Whenever there is insufficient housing available to accommodate all individuals requiring relocation, the displacing agency may construct, own, operate and maintain housing necessary to accommodate the displacees.

5:11-4.6 Equal opportunity

In carrying out relocation activities, the displacing agency shall take affirmative actions to provide displaced families and individuals maximum opportunities of selecting replacement housing within the community's total housing supply; lessen racial, ethnic, and economic concentrations; and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

5:11-4.7 Housing discrimination complaints

(a) Whenever an individual is refused replacement housing due to discrimination on the basis of race, color, religion, age, sex, marital or handicapped status, or national origin, the displacing agency shall:

1. Assist such individual in completing the necessary forms in order to file a complaint with the proper Federal and State agencies, unless such individual refuses such aid.

2. File the necessary forms with the proper Federal and State agencies on behalf of such individual unless such aid is refused by the individual.

3. Advise such individual that a complaint may be filed by said individual with proper Federal or State agencies, when such individual refuses said aid.

4. Keep proper records of all complaints filed on behalf of such individuals.

5:11-4.8 Self relocation and inspections

(a) The displacing agency shall inspect the dwellings of self-relocated families and individuals prior to the move if at all possible. When the agency does not have prior knowledge of the move, the family or individual must be traced.

(b) If a dwelling is found to be substandard, the agency must offer assistance in securing standard accommodations.

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. RELOCATION PLAN

5:11-6.1 Workable Relocation Assistance Plan (WRAP)

(a) In order to ensure that the relocation benefits required by statute, as well as by N.J.A.C. 5:11-3 and 4, are administered in a uniform manner, the displacing agency shall submit a Workable Relocation Assistance Plan (WRAP) to the Department for approval. Except as otherwise indicated in (d) below, no displacement may take place until the WRAP is approved.

(b) The WRAP shall be submitted by the displacing agency a reasonable time prior to the eligibility date for benefits as contained in subchapter 2 hereof. In the case of programs of rehabilitation, it is the responsibility of the public agency to submit the WRAP.

(c) The WRAP shall include such measures, facilities or services as are necessary in order to:

1. Determine the needs of displacees;
2. Assist displacees in obtaining replacement housing and business locations;
3. Secure the coordination of relocation activities with other displacing agencies;
4. Assist in minimizing hardships to displacees;
5. Determine the extent of the need of each displacee for relocation assistance;
6. Assure the availability of decent, safe and sanitary replacement housing;
7. Determine the source, amount and availability of funds necessary to complete relocation; and

8. Provide any other information deemed necessary by the Department to insure the provisions of the Act are carried out.

(d) In any case involving displacement from housing solely as a result of unanticipated conditions determined by a code enforcement agency to be an imminent hazard, the municipality shall, as a precondition to displacement, give notice to the Department of the impending displacement. Such notice may be given by telephone to (609) 292-7899, sent by facsimile to (609) 633-6729 or mailed to the following address:

Code Assistance Unit
Division of Codes and Standards
PO Box 802
Trenton, New Jersey 08625-0802

1. Such notice shall state the reason for displacement, the number of buildings and dwelling units from which displacement is necessary, and the number of individuals and families being displaced.

2. No displacement shall occur without the approval of the Department unless the nature of the hazard is such that and any delay in displacement until the Department's business hours would endanger any of the displacees, in which case the municipality shall contact the Department immediately at the beginning of the next business day.

3. Notice to the Department shall not be required in any case in which all persons being displaced are ineligible for relocation assistance, in accordance with N.J.A.C. 5:11-2.1.

4. If possible prior to, and in any event not later than 10 days following, any displacement pursuant to this subsection, and as a precondition to any commitment of funds for reimbursement in accordance with N.J.A.C. 5:11-8.1, the municipality shall submit the following information, which shall be deemed to constitute an emergency WRAP, to the Department:

- i. The address(es), name(s), and contact information of the owner of each building vacated, or to be vacated;
- ii. The address, including block and lot, of each building vacated or to be vacated.
 - (1) Where one or more residential units, but not all units in the building, are vacated or to be vacated, the number(s) of the units being vacated shall be provided;
- iii. The names and total number of persons to be relocated;
- iv. The specific reason(s) for displacement;
- v. A statement as to whether relocation is to be permanent or temporary;

vi. The actual costs, if known, or estimated costs of relocation of each individual or family being relocated;

vii. The amount of reimbursement sought, together with justification for any amount requested in excess of 50 percent of actual and/or estimated costs of relocation; and

viii. Copies of any informational documents provided to residents, which shall, in the case of any case involving relocation due to illegal occupancy, include information concerning N.J.S.A. 2A:18-61.1g or 61.1h, as may be applicable.

(e) Submittal of Reimbursement Request for Emergency Relocation: In order to obtain reimbursement in any case subject to this section, the municipality shall submit the following information to the Department:

1. A list of individuals and families relocated;

2. Copies of bills for services provided to eligible residents or evidence, such as copies of checks, of payment for specific services for eligible residents, and copies of any informational documents provided to residents that were not previously submitted;

3. If placement is temporary, a detailed description of the plans for effecting permanent relocation, including a description of services provided, shall be submitted. If the resident is to reoccupy the vacated building, a description of the work required to allow reoccupancy and an approximate date of reoccupancy shall be provided;

4. If the governmental entity contracted for the provision of relocation assistance, the name and contact information of the provider and a detailed description of the services provided; and

5. The address(es) of temporary housing to which residents were relocated with a statement attesting that the replacement housing is decent, safe, and sanitary, as required by N.J.A.C. 5:11-4.3.

As amended, R.1984 d.127, effective April 16, 1984.

See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

(a): Changed "Program" to "Plan".

(a)3: Deleted "Provide an analysis of Federal, State and local program affecting the availability of housing" and inserted new (a)3.

Amended by R.1985 d.623, effective December 16, 1985.

See: 17 N.J.R. 2321(a), 17 N.J.R. 2971(a).

Added text in (a) "except in cases ... imminent hazard situations," and "where required."

Administrative correction.

See: 37 N.J.R. 3637(b).

Amended by R.2006 d.162, effective May 1, 2006.

See: 38 N.J.R. 28(a), 38 N.J.R. 1823(c).

Rewrote(a); and added (d) and (e).

5:11-6.2 Joint exercise

(a) A displacing agency may contract with another agency in order to provide the benefits required in subchapters 3 and 4 of this chapter and two or more displacing agencies may agree to provide the benefits jointly; provided that the Department gives prior approval. In the event of a displacing agency contracting with another or in the event of joint exercise, the ultimate responsibility for relocation assistance and benefits remains with the displacing agency.

(b) In any case in which displacement is being undertaken by a "unit of local government" that is a chartered private entity, responsibility for the filing of the WRAP shall rest with the political subdivision by which the private entity was chartered to exercise governmental powers and, unless otherwise agreed between the political subdivision and the private entity, primary responsibility for providing relocation assistance shall rest with the political subdivision.

Amended by R.1990 d.113, effective February 5, 1990.

See: 21 N.J.R. 3694(a), 22 N.J.R. 336(a).

Adds (b) clearly setting out responsibility rests with political subdivision by which private entity was chartered.

5:11-6.3 Relocation records and reports

(a) The displacing agency is responsible for keeping up-to-date records on the relocation of all site displacees. These records shall be retained for the Department's inspection and audit for a period of three years following completion of the project or program or the completion of the making of relocation payments, whichever is later.

1. Relocation record: The displacing agency shall develop and maintain a relocation record, beginning with the information secured during the first interview to assess the needs of the displaced person. A separate record shall be prepared for each family, even though the family may not be maintaining a separate household, each individual maintaining a self-contained unit, or a non-housekeeping unit; and each business concern, non-profit organization and farm operation. The record shall contain all data relating to relocation of the displaced person, including the nature and dates of services that are provided, the type and amount of relocation payments made, and the location to which those displaced are relocated, including a description of the accommodation.