

CHAPTER 11

RELOCATION ASSISTANCE AND EVICTION

Authority

N.J.S.A. 2A:18-61.1, 20:4-10 and 52:31B-10.

Source and Effective Date

R.2009 d.358, effective November 4, 2009.
See: 41 N.J.R. 9(a), 41 N.J.R. 4433(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 11, Relocation Assistance and Eviction, expires on November 4, 2016. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 11, Relocation Assistance Program, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 11, Relocation Assistance and Eviction, was readopted as R.1984 d.127, effective March 28, 1984. See: 16 N.J.R. 175(a), 16 N.J.R. 870(b).

The expiration date of Chapter 11, Relocation Assistance and Eviction, was extended by gubernatorial directive from March 1, 1989 to April 1, 1989. See: 21 N.J.R. 592(a).

Pursuant to Executive Order No. 66(1978), Chapter 11, Relocation Assistance and Eviction, was readopted as R.1989 d.188, effective March 10, 1989. See: 21 N.J.R. 231(b), 21 N.J.R. 891(a).

Pursuant to Executive Order No. 66(1978), Chapter 11, Relocation Assistance and Eviction, was readopted as R.1994 d.174, effective March 9, 1994. See: 26 N.J.R. 289(a), 26 N.J.R. 1493(a).

Pursuant to Reorganization Plan No. 002-1998, Chapter 11, Relocation Assistance and Eviction, was recodified as N.J.A.C. 5:40, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Pursuant to Executive Order No. 66(1978), Chapter 40, Relocation Assistance and Eviction, expired on March 9, 1999.

Chapter 40, Relocation Assistance and Eviction, was adopted as new rules by R.1999 d.135, effective May 3, 1999. See: 31 N.J.R. 508(a), 31 N.J.R. 1186(b).

Pursuant to Reorganization Plan 002-1998, Chapter 90 of Title 12, Boilers, Pressure Vessels and Refrigeration, was recodified as N.J.A.C. 5:11, effective July 1, 1998. See: 30 N.J.R. 1347(a), 30 N.J.R. 2644(a).

Administrative change: Office of Boiler and Pressure Vessel Compliance changed to Bureau of Boiler and Pressure Vessel Compliance. See: 31 N.J.R. 1061(b).

Subchapter 7, Pressure Relief Valves, was adopted as new rules, and former Subchapter 7, Licensing of Operating Engineers and Boiler Operators, former Subchapter 8, Violations and Penalties, and former Subchapter 9, Standards and Publications Referred to in this Chapter, were recodified as Subchapters 8 through 10 by R.1999 d.304, effective September 7, 1999. See: 31 N.J.R. 1556(a), 31 N.J.R. 2604(b).

Pursuant to Executive Order No. 66(1978), Chapter 11, Boilers, Pressure Vessels and Refrigeration, was readopted as R.1999 d.394, effective October 21, 1999. See: 31 N.J.R. 2024(a), 31 N.J.R. 3626(a).

Pursuant to Reorganization Plan No. 002-2002, Chapter 11, Boilers, Pressure Vessels and Refrigeration, was recodified as N.J.A.C. 12:90, effective February 5, 2003. See: 34 N.J.R. 4245(a), 35 N.J.R. 1275(b).

Chapter 40 of Title 5, Relocation Assistance and Eviction, was recodified as N.J.A.C. 5:11 and readopted as R.2004 d.222, effective May 20, 2004. See: 36 N.J.R. 1264(b), 36 N.J.R. 3055(c).

Chapter 11, Relocation Assistance and Eviction, was readopted as R.2009 d.358, effective November 4, 2009. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

5:11-1.1 Introduction

The Relocation Assistance Law of 1967 (P.L. 1967, c.79, N.J.S.A. 52:31B-1 et seq.), the Relocation Assistance Act (P.L. 1971, c.362, N.J.S.A. 20:4-1 et seq.) and the Eviction Law (P.L. 1974, c.49, N.J.S.A. 2A:18-61.1 et seq.) were passed by the legislature in order to establish and assure the uniform, fair and equitable treatment of persons displaced due to state and local programs of acquisition, code enforcement and voluntary rehabilitation of buildings. These regulations are promulgated so that the Department of Community Affairs may carry out the provisions of the Act.

Case Notes

Citation. Hickey v. Park Ridge, 5 N.J.A.R. 291 (1983).

5:11-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context or any definition set forth in P.L. 1967, c.79 (N.J.S.A. 52:31B-1 et seq.) or P.L. 1971, c.362 (N.J.S.A. 20:4-1 et seq.) clearly indicates otherwise.

“Business” means any lawful activity, except a farm operation, conducted primarily:

1. For the purchase, sale, lease and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities or any other personal property;
2. For the sale of services to the public;
3. By a non-profit organization; or
4. Solely for the purpose of qualifying for moving and related expenses, for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, (personal property) or services by the erection and maintenance of an outdoor advertising display or displays. Such displays do not necessarily have to be located on the premises on which any of the cited activities are conducted.

“Commissioner” means the Commissioner of the Department of Community Affairs.

“Comparable replacement dwelling” means a dwelling which is:

1. Decent, safe and sanitary;

2. Functionally equivalent and substantially the same as the former dwelling with respect to number of rooms, areas of living space, age and state of repair, provided that it is standard and adequate in size to accommodate the family or individual;

3. In an area not subjected to unreasonable adverse environmental conditions from either natural or man-made sources;

4. In an area not generally less desirable than the area in which the acquired dwelling was located in regard to public and commercial facilities;

5. In an area reasonably accessible to the displaced person’s present or potential place of employment;

6. Open to all persons regardless of race, color, religion, age, sex, marital or handicapped status or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968 and the New Jersey Law Against Discrimination as amended and not inconsistent with any Federal statutes, rules or regulation applicable.

7. Within the financial means of the displaced person. For the purpose of this definition, any monies paid hereunder shall be included in determining financial means.

“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