

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. *Pateron 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;