

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.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 5:11-1.1 Introduction
- 5:11-1.2 Definitions

SUBCHAPTER 2. ELIGIBILITY

- 5:11-2.1 Building, housing, and health code enforcement
- 5:11-2.2 Programs of acquisition
- 5:11-2.3 Evictions under N.J.S.A. 2A:18-61.1(g)
- 5:11-2.4 Displacement caused by public utilities
- 5:11-2.5 Programs of rehabilitation

SUBCHAPTER 3. RELOCATION PAYMENTS

- 5:11-3.1 Relocation payments generally
- 5:11-3.2 Moving expenses; residential
- 5:11-3.3 Emergency relocation
- 5:11-3.4 Temporary relocation
- 5:11-3.5 Rental assistance payments
- 5:11-3.6 Downpayment assistance
- 5:11-3.7 Replacement housing payments for owners
- 5:11-3.8 Payments to businesses
- 5:11-3.9 Moving expenses; business
- 5:11-3.10 Loss of tangible personal property
- 5:11-3.11 Expenses for searching for a replacement location
- 5:11-3.12 Payment in lieu of moving and related expenses
- 5:11-3.13 Payment for professional fees

SUBCHAPTER 4. RELOCATION ASSISTANCE

- 5:11-4.1 Relocation assistance generally
- 5:11-4.2 Notification
- 5:11-4.3 Assistance in obtaining housing
- 5:11-4.4 Providing housing
- 5:11-4.5 Housing construction
- 5:11-4.6 Equal opportunity
- 5:11-4.7 Housing discrimination complaints
- 5:11-4.8 Self relocation and inspections

SUBCHAPTER 5. (RESERVED)

SUBCHAPTER 6. RELOCATION PLAN

- 5:11-6.1 Workable Relocation Assistance Plan (WRAP)
- 5:11-6.2 Joint exercise
- 5:11-6.3 Relocation records and reports

SUBCHAPTER 7. DISPLACEMENT THROUGH LANDLORD'S ACTION

- 5:11-7.1 General notice
- 5:11-7.2 Additional notice for proceedings under N.J.S.A. 2A:18-61.1(g)
- 5:11-7.3 Landlord's obligations regarding notice to Department of Community Affairs
- 5:11-7.4 Responsibilities of Department of Community Affairs
- 5:11-7.5 Availability of funds

SUBCHAPTER 8. GRANTS-IN-AID

- 5:11-8.1 General
- 5:11-8.2 Funding criteria
- 5:11-8.3 Costs for planning and obtaining financing
- 5:11-8.4 Administrative costs
- 5:11-8.5 Recovery of relocation assistance costs

SUBCHAPTER 9. ADMINISTRATION

- 5:11-9.1 Administrative agency
- 5:11-9.2 Right of hearing and time of filing
- 5:11-9.3 Time for displacing agency final determination

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 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).

Initial Decision (2009 N.J. AGEN LEXIS 104) adopted, which found that N.J.A.C. 5:11-2.1(a) and N.J.A.C. 5:11-4.2 read together requires written notice before a person may become eligible for relocation benefits; because petitioners did not receive written notice from a governmental unit to vacate the property, instead vacating their homes and relocating under the direction of a private, non-profit organization that received public funds, but not for use in the project that caused the displacement of petitioners, they were not entitled to relief. *Harville v. Camden County Dep't of Health & Human Services*, OAL Dkt. No. CAF 8365-08, 2009 N.J. AGEN LEXIS 611, Final Decision (March 3, 2009).

Initial Decision (2008 N.J. AGEN LEXIS 978) adopted, which concluded that where, following initial discussions concerning acquisition of owner's beauty salon as part of local government's redevelopment plan, owner sold beauty shop to private entity, owner was not a "displaced person" under N.J.A.C. 5:11-1.2 since she was not displaced as a result of the local government acquiring her property or as the result of the local government ordering her to vacate it. *Koo v. Township of Bloomfield*, OAL Dkt. No. CAF 05832-08, 2009 N.J. AGEN LEXIS 48, Final Decision (January 16, 2009).

Initial Decision (2008 N.J. AGEN LEXIS 476) adopted as modified, which found that a renter was entitled to relocation rental assistance after she was displaced as the result of code enforcement activities; despite the unlawful use of a residence for a basement apartment, petitioner was a "lawful occupant." *Petersen v. Twp. of Tom's River*, OAL Dkt. No. CAF 4726-08, 2008 N.J. AGEN LEXIS 1280, Final Decision (July 31, 2008).

Initial Decision (2006 N.J. AGEN LEXIS 823) adopted, which rejected petitioners' argument that the Relocation Assistance "comparable replacement" rule required that they be relocated to a neighborhood with cultural amenities such as ethnic population groups, availability of ethnic food, and video store rentals in their native language; nothing in the law requires such relocation, and indeed, given the definition of "comparable replacement dwelling" contained in N.J.A.C. 5:11-1.2, it would be inappropriate to base "comparable" housing on the ethnic composition of the neighborhood. *Chatterjee v. Atlantic City Bd. of Educ.*, OAL Dkt. No. CAF 2857-05 (CAF 4507-04 On Remand), 2006 N.J. AGEN LEXIS 946, Final Decision (November 15, 2006), aff'd in part, and rev'd in part on other grounds per curiam, No. A-2334-06T1, 2008 N.J. Super. Unpub. LEXIS 789 (App.Div. April 10, 2008).

Initial Decision (2006 N.J. AGEN LEXIS 823) adopted, which concluded that, with respect to finding Relocation Assistance comparable housing, a desire to remain within bike-riding distance to work was not dispositive; this issue is addressed in the definition of "comparable replacement dwelling" in N.J.A.C. 5:11-1.2, and it was officially noted that public transportation was available for petitioner to get to work. Commuting is a way of life in America. *Chatterjee v. Atlantic City Bd. of Educ.*, OAL Dkt. No. CAF 2857-05 (CAF 4507-04 On Remand), 2006 N.J. AGEN LEXIS 946, Final Decision (November 15, 2006), aff'd in part, and rev'd in part on other grounds per curiam, No. A-2334-06T1, 2008 N.J. Super. Unpub. LEXIS 789 (App.Div. April 10, 2008).

Initial Decision (2006 N.J. AGEN LEXIS 885) adopted, which concluded that a tenant and her family were displaced and entitled to relocation assistance benefits, notwithstanding the town's claim that the tenant was not displaced because of code enforcement activities regarding occupancy limits, of which tenant was unaware, but rather due to the nonrenewal of the lease by the town; the town's own letter to the tenant belied that position. There was no evidence to show that there was any other reason for the nonrenewal. *Burrough v. Borough of Brooklawn*, OAL Dkt. No. CAF 4817-06, 2006 N.J. AGEN LEXIS 948, Final Decision (November 15, 2006), aff'd per curiam, No. A-2315-06T2, 2008 N.J. Super. Unpub. LEXIS 642 (May 14, 2008).

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

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).

Initial Decision (2009 N.J. AGEN LEXIS 104) adopted, which found that N.J.A.C. 5:11-2.1(a) and N.J.A.C. 5:11-4.2 read together requires written notice before a person may become eligible for relocation benefits; because petitioners did not receive written notice from a governmental unit to vacate the property, instead vacating their homes and relocating under the direction of a private, non-profit organization that received public funds, but not for use in the project that caused the displacement of petitioners, they were not entitled to relief. Harville v. Camden County Dep't of Health & Human Services, OAL Dkt. No. CAF 8365-08, 2009 N.J. AGEN LEXIS 611, Final Decision (March 3, 2009).

Initial Decision (2008 N.J. AGEN LEXIS 978) adopted, which concluded that where local government determined that its redevelopment would cause the displacement of owner's beauty salon and notified her on January 21, 2005 that she might be eligible for relocation assistance and offered to purchase her property in a separate letter of the same date, the owner's beauty salon was eligible for relocation assistance as of January 21, 2005. However, since owner sold her property to a private entity on September 22, 2006 and did not sell it to a state agency, unit of local government, or publicly funded private entity, her beauty salon became ineligible for relocation assistance on that date. Koo v. Township of Bloomfield, OAL Dkt. No. CAF 05832-08, 2009 N.J. AGEN LEXIS 48, Final Decision (January 16, 2009).

Initial Decision (2008 N.J. AGEN LEXIS 978) adopted, which concluded that an offer to purchase property only establishes eligibility for relocation assistance but does not guarantee it. Continued eligibility for relocation assistance requires the actual acquisition of the real property by a state agency, unit of local government, or publicly funded private entity and to hold otherwise would guarantee relocation payments whenever any state agency, unit of local government, or publicly funded entity notified individuals and businesses that it was considering displacing them without doing so. Koo v. Township of Bloomfield, OAL Dkt. No. CAF 05832-08, 2009 N.J. AGEN LEXIS 48, Final Decision (January 16, 2009).

Initial Decision (2008 N.J. AGEN LEXIS 978) adopted, which concluded that local government was not equitably estopped from denying relocation assistance on theory that local government represented that it would provide relocation assistance to property owner and essentially induced her to sell her property to a private entity. The local government made no misrepresentations about relocation assistance but merely notified owner that her property was eligible for relocation assistance and it did not state that the property would qualify for relocation payments. As such, it was unreasonable for owner to believe that she would receive relocation assistance without qualifying for it. Koo v. Township of Bloomfield, OAL Dkt. No. CAF 05832-08, 2009 N.J. AGEN LEXIS 48, Final Decision (January 16, 2009).

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