

5:40-2.3 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 HOUSING AND DEVELOPMENT
OFFICE OF LANDLORD-TENANT INFORMATION
PO BOX 805
TRENTON, NEW JERSEY 08625-0805
TELEPHONE: 609-530-5423

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).

5:40-2.4 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.

5:40-2.5 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. 5:40-3 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. 5:40-6.1(b)) and for complying with N.J.A.C. 5:40-4.

(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.

SUBCHAPTER 3. RELOCATION PAYMENTS**5:40-3.1 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.

5:40-3.2 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).

5:40-3.3 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).

5:40-3.4 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:

1. Permanent replacement housing will be available or the displacee may return to his dwelling unit within 12 months;

2. The temporary move will not affect the rights of the displacees;

3. That replacement housing will not be made available to those individuals not returning to rehabilitated housing on a priority basis; and

4. That the temporary relocation is required due to circumstances that are unavoidable or in the best interest of the displacee.

(c) After approval of temporary relocation the displacing agency shall provide written assurances to each family and individual to be temporarily relocated that:

1. In the instance that the displacee may return to his dwelling, such dwelling will be rehabilitated and available to him within 12 months from the date of the temporary move;

2. In the event that permanent replacement housing is unavailable, such housing will be available within 12 months;

3. Replacement housing will be made available on a priority basis to displacees choosing not to return to rehabilitated housing;

4. The temporary housing is decent, safe and sanitary and within the financial means of the displacee; and

5. The temporary move will not affect the rights of the displacees.

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. 5:11-3.12.

Case Notes

Relocation assistance benefits denied; temporary housing offer. *Van Lenten v. Bureau of Rooming and Boarding House Standards*. 94 N.J.A.R.2d (CAF) 31.

5:40-3.5 Rental assistance payments

(a) A family or an individual lawfully occupying a rental dwelling unit for a period of not less than 90 days prior to the eligibility date as specified who vacates the rental dwelling unit after receiving governmental notice to vacate and who rents and occupies comparable decent, safe and sanitary replacement housing shall be eligible for a rental assistance payment in an amount not to exceed \$4,000 or such higher amount as may be established by statute.

(b) The actual amount of the rental assistance payment shall be the difference between the average monthly rent, including essential utilities, for the rental dwelling unit and the lesser of the "fair market rental" for the replacement unit, as determined in accordance with the current schedule issued by the United States Department of Housing and Urban Development, provided, however, that for purposes of this computation, the "fair market rental" shall be increased by up to 20 percent if the Department agrees that a suitable replacement unit cannot be rented for a lesser amount, or the actual monthly rental payment paid for a replacement unit, times 48, not exceeding \$4,000 or such higher amount as may be established by statute.

1. Once calculated, the amount of this benefit shall remain constant and shall neither increase nor decrease.

2. If the rental assistance payment is in the amount of \$1,000 or less, the displacing agency shall make the entire payment at one time.