N.J. Stat. § 20:4-1

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-1. Short title

This act shall be known and may be cited as the "Relocation Assistance Act."

History

L. 1971, c. 362, § 1, eff. Jan. 1, 1972.

Annotations

LexisNexis® Notes

Case Notes

Administrative Law: Judicial Review: Reviewability: Exhaustion of Remedies

Civil Procedure: Jurisdiction: Subject Matter Jurisdiction: Supplemental Jurisdiction: Pendent Claims

Governments: Local Governments: Duties & Powers

Governments: Local Governments: Ordinances & Regulations

Governments: Public Improvements: Community Redevelopment

Real Property Law: Eminent Domain Proceedings: General Overview

Administrative Law: Judicial Review: Reviewability: Exhaustion of Remedies

A trial court acted properly in determining that property owners were entitled, pursuant to the Relocation Assistance Act, N.J. Stat. Ann. § 20:4-1 et seq., to reimbursement for reasonable relocation expenses incurred following condemnation of their building by a redevelopment agency, despite the fact that they failed to exhaust administrative remedies; the agency's agreement to compensate the property owners for relocation expenses was authorized by the broad powers granted to the agency by statute. *Paterson Redevelopment Agency v. Schulman, 78 N.J. 378, 396 A.2d 573, 1979 N.J. LEXIS 1161 (N.J.)*, cert. denied, *444 U.S. 900, 100 S. Ct. 210, 62 L. Ed. 2d 136, 1979 U.S. LEXIS 3311 (U.S. 1979)*.

Official version to be obtained from Lexis Nexis, www.lexis.com

Civil Procedure: Jurisdiction: Subject Matter Jurisdiction: Supplemental Jurisdiction: Pendent Claims

Corporation's claim against the New Jersey Sports and Exposition Authority seeking damages for allegedly forcing the corporation into bankruptcy by evicting it without first offering it relocation advice, services, and financial aid pursuant to the Relocation Assistance Law of 1967, N.J. Stat. Ann. § *52:31B-1* et seq., and the Relocation Assistance Act, N.J. Stat. Ann. § *20:4-1* et seq., was barred by the single controversy doctrine based on the corporations' failure to include state law claims in its federal complaint. *Blazer Corp. v. New Jersey Sports & Exposition Authority, 199 N.J. Super. 107, 488 A.2d 1025, 1985 N.J. Super. LEXIS 1196 (App.Div.)*, certif. denied, *101 N.J. 261, 501 A.2d 930, 1985 N.J. LEXIS 2627 (N.J. 1985)*.

Governments: Local Governments: Duties & Powers

Where the municipality displaced low-income residents of its community by the affirmative act of building code enforcement because the residents' housing was unfit for human habitation, the municipality had an affirmative duty to provide its fair share of housing for its citizens within its own municipality under the provisions of the New Jersey Relocation Assistance Acts, N.J. Stat. Ann. § *52:31B-1* et seq. and N.J. Stat. Ann. § *20:4-1* et seq. *Rowe v. Pittsgrove Township, 153 N.J. Super. 274, 379 A.2d 497, 1977 N.J. Super. LEXIS 1112 (Law Div. 1977)*, rev'd, *172 N.J. Super. 209, 411 A.2d 720, 1980 N.J. Super. LEXIS 454 (App.Div. 1980)*.

Governments: Local Governments: Ordinances & Regulations

The Relocation Assistance Ac, N.J. Stat. Ann. § *20:4-1* does not apply to persons displaced as the result of zoning ordinance enforcement. *Herrera v. Township of S. Orange Village, 270 N.J. Super. 417, 637 A.2d 526, 1993 N.J. Super. LEXIS 911 (App.Div. 1993)*, certif. denied, *136 N.J. 28, 641 A.2d 1039, 1994 N.J. LEXIS 363 (N.J. 1994)*.

Governments: Public Improvements: Community Redevelopment

A trial court acted properly in determining that property owners were entitled, pursuant to the Relocation Assistance Act, N.J. Stat. Ann. § *20:4-1* et seq., to reimbursement for reasonable relocation expenses incurred following condemnation of their building by a redevelopment agency, despite the fact that they failed to exhaust administrative remedies; the agency's agreement to compensate the property owners for relocation expenses was authorized by the broad powers granted to the agency by statute. *Paterson Redevelopment Agency v. Schulman, 78 N.J. 378, 396 A.2d 573, 1979 N.J. LEXIS 1161 (N.J.)*, cert. denied, *444 U.S. 900, 100 S. Ct. 210, 62 L. Ed. 2d 136, 1979 U.S. LEXIS 3311 (U.S. 1979)*.

Real Property Law: Eminent Domain Proceedings: General Overview

In an action involving tortious interference with a landlord's contractual relations with his tenants, summary judgment was properly granted in the development authority's favor where the authority complied with the requirements of the Relocation Assistance Act pursuant to N.J. Stat. Ann. § *20:4-1* et seq. by giving tenants fair and reasonable assistance with respect to the eminent domain proceedings. *214 Corp. v. Casino Reinvestment Dev. Auth., 280 N.J. Super. 624, 656 A.2d 70, 1994 N.J. Super. LEXIS 609 (Law Div. 1994)*.

A trial court acted properly in determining that property owners were entitled, pursuant to the Relocation Assistance Act, N.J. Stat. Ann. § *20:4-1* et seq., to reimbursement for reasonable relocation expenses incurred following condemnation of their building by a redevelopment agency, despite the fact that they failed to exhaust administrative remedies; the agency's agreement to compensate the property owners for relocation expenses was authorized by the broad powers granted to the agency by statute. *Paterson Redevelopment Agency v. Schulman,*

Official version to be obtained from Lexis Nexis www.lexis.com

78 N.J. 378, 396 A.2d 573, 1979 N.J. LEXIS 1161 (N.J.), cert. denied, *444 U.S. 900, 100 S. Ct. 210, 62 L. Ed. 2d 136, 1979 U.S. LEXIS 3311 (U.S. 1979)*.

Where the municipality displaced low-income residents of its community by the affirmative act of building code enforcement because the residents' housing was unfit for human habitation, the municipality had an affirmative duty to provide its fair share of housing for its citizens within its own municipality under the provisions of the New Jersey Relocation Assistance Acts, N.J. Stat. Ann. § *52:31B-1* et seq. and N.J. Stat. Ann. § *20:4-1* et seq. *Rowe v. Pittsgrove Township, 153 N.J. Super. 274, 379 A.2d 497, 1977 N.J. Super. LEXIS 1112 (Law Div. 1977)*, rev'd, *172 N.J. Super. 209, 411 A.2d 720, 1980 N.J. Super. LEXIS 454 (App.Div. 1980)*.

Research References & Practice Aids

Cross References:

Grounds for removal of tenants, see *2A:18-61.1*.

Causes for eviction or nonrenewal of lease, see *2A:18-61.3*.

Eminent domain or condemnation, see *5:12-182*.

Revolving relocation assistance fund, see *20:4-4.1a*.

Relocation payments to persons displaced by government programs, see *20:4-6.1*.

Violations, penalties, see *26:2Y-9*.

Definitions, see *40:37A-45*.

Conditions for licensure, see *40:52-13*.

Effectuation of development plan, see *40A:12A-8*.

Project report; review, see *52:18A-78.6*.

Qualifications for grants, see *52:27D-373*.

Emergency Lead Poisoning Relocation Fund, see *52:27D-437.9*.

Inapplicability of payment limitations, see *52:27D-437.13*.

Powers of authority, see *52:27I-26*.

Responsibility for management of state-owned residential housing and establishment of housing program; jurisdiction of housing for state employees; exceptions, see *52:31-24*.

Administrative Code:

N.J.A.C. 16:20A-4.5 (2013), CHAPTER COUNTY LOCAL AID, Cost of right-of-way acquisition.

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J.A.C. 16:20B-4.3 (2013), CHAPTER MUNICIPAL LOCAL AID, Cost of right-of-way acquisition.

N.J.A.C. 5:11-1.1 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, Introduction.

N.J.A.C. 5:11-1.2 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, Definitions.

N.J.A.C. 5:11-7.1 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, General notice.

N.J.A.C. 5:11-7.2 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, Additional notice for proceedings under *N.J.S.A. 2A:18-61.1(g)*.

N.J.A.C. 5:13-1.6 (2013), CHAPTER LIMITED DIVIDEND AND NONPROFIT HOUSING CORPORATIONS AND ASSOCIATIONS AND URBAN RENEWAL ENTITIES, Tenant priorities.

N.J.A.C. 5:43-2.4 (2013), CHAPTER NEIGHBORHOOD PRESERVATION BALANCED HOUSING PROGRAM, Eligibility requirements.

N.J.A.C. 7:36-4.10 (2013), CHAPTER GREEN ACRES PROGRAM, Allowable project costs.

LAW REVIEWS & JOURNALS:

31 Rutgers L.J. 913, SYMPOSIUM: FEDERALISM AFTER ALDEN: NOTE: DEALING A FAIR HAND TO ATLANTIC CITY PROPERTY OWNERS.

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

JURY INSTRUCTIONS:

NJ Civil JI 9.13, Condemnation - Machinery

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from LexisNexis, www.lexis.com

N.J. Stat. § 20:4-2

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-2. Declaration of policy

The purpose of this act is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by State and local land acquisition programs, by building code enforcement activities, or by a program of voluntary rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. Such policy shall be uniform as to a. relocation payments, b. advisory assistance, c. assurance of availability of standard housing, and d. State reimbursement for local relocation payments under State assisted and local programs.

History

L. 1971, c. 362, § 2, eff. Jan. 1, 1972.

Annotations

LexisNexis® Notes

Case Notes

Public Health & Welfare Law: Housing & Public Buildings: General Overview

Where claimant received a miniscule amount of relocation assistance from federal Uniform Relocation Assistance Act, is precluded from receiving an award of state funds under the Relocation Assistance Law of 1967, N.J. Stat. Ann. § 52:31B-1 et seq. and the Relocation Assistance Act of 1971, N.J. Stat. Ann. § 20:4-1 et seq.; claimant was forced to move warehouse because of unsafe conditions resulting from urban renewal project. *In re Berwick Ice, Inc., 231 N.J. Super. 391, 555 A.2d 735, 1989 N.J. Super. LEXIS 105 (App.Div. 1989)*.

Opinion Notes

OPINIONS OF ATTORNEY GENERAL

Official version to be obtained from Lexis Nexis, www.lexis.com

FORMAL OPINION No. 3 — 1979, *1979 N.J. AG LEXIS 25*.

Research References & Practice Aids

Administrative Code:

N.J.A.C. 5:45-1.3 (2013), CHAPTER PROPERTY TAX EXEMPTIONS IN URBAN ENTERPRISE ZONE MUNICIPALITIES, Relocation assistance.

LAW REVIEWS & JOURNALS:

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from LexisNexis, www.lexis.com

N.J. Stat. § 20:4-3

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-3. Definitions

As used in this act the term:

a."Taking agency" means the entity, public or private, including the State of New Jersey, which is condemning private property for a public purpose under the power of eminent domain.

b."Person" means any individual, partnership, corporation, or association.

c."Displaced person" means any person who, on or after the effective date of this act, moves from real property, or moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of the written order of the acquiring agency to vacate real property, for a program or project undertaken by a taking agency; and solely for the purposes of sections 4 a. and b. and section 7 of this act, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

d."Business" means any lawful activity, excepting 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 nonprofit organization; or

(4)solely for the purposes of section 4 a. of this act 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, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

e."Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

f.The term "commissioner" shall mean the Commissioner of the Department of Community Affairs.

History

L. 1971, c. 362, § 3, eff. Jan. 1, 1972.

Annotations

Official version to be obtained from LexisNexis www.lexis.com

LexisNexis® Notes

Case Notes

Governments: Public Improvements: Community Redevelopment

Real Property Law: Eminent Domain Proceedings: General Overview

Governments: Public Improvements: Community Redevelopment

Residents qualified as "displaced persons," contemplated by N.J. Stat. Ann. § *20:4-3(c)*, because they occupied buildings which were declared unfit for habitation by a township's building inspector. *McNally v. Middletown, 182 N.J. Super. 622, 442 A.2d 1075, 1982 N.J. Super. LEXIS 682 (App.Div. 1982)*.

Renters were not displaced persons as defined in N.J. Stat. Ann. § *20:4-3(c)* of the New Jersey Relocation Assistance Act (Act), N.J. Stat. Ann. § *20:4-1* et seq., and were thus not entitled to receive relocation assistance under the Act, where the renters operated a bakery on the premises, where the borough bought the premises and ordered the renters to leave the premises, and where the borough withdrew its order of removal before the renters removed their equipment from the premises. *Marini v. Woodstown, 146 N.J. Super. 235, 369 A.2d 919, 1976 N.J. Super. LEXIS 572 (App.Div. 1976)*.

Real Property Law: Eminent Domain Proceedings: General Overview

Residents qualified as "displaced persons," contemplated by N.J. Stat. Ann. § *20:4-3(c)*, because they occupied buildings which were declared unfit for habitation by a township's building inspector. *McNally v. Middletown, 182 N.J. Super. 622, 442 A.2d 1075, 1982 N.J. Super. LEXIS 682 (App.Div. 1982)*.

Renters were not displaced persons as defined in N.J. Stat. Ann. § *20:4-3(c)* of the New Jersey Relocation Assistance Act (Act), N.J. Stat. Ann. § *20:4-1* et seq., and were thus not entitled to receive relocation assistance under the Act, where the renters operated a bakery on the premises, where the borough bought the premises and ordered the renters to leave the premises, and where the borough withdrew its order of removal before the renters removed their equipment from the premises. *Marini v. Woodstown, 146 N.J. Super. 235, 369 A.2d 919, 1976 N.J. Super. LEXIS 572 (App.Div. 1976)*.

Opinion Notes

OPINIONS OF ATTORNEY GENERAL

FORMAL OPINION No. 3 — 1979, *1979 N.J. AG LEXIS 25*.

Official version to be obtained from LexisNexis, www.lexis.com

Research References & Practice Aids

LAW REVIEWS & JOURNALS:

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-3.1

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-3.1. Displacement of tenant from multiple dwelling by fire or other emergency; eligibility for relocation assistance

A municipality may provide by resolution that where a tenant residing in a structure of two dwelling units or more, is displaced from his dwelling by fire or other emergency, and the damage resulting from the fire or other emergency in the judgment of the housing inspector or other official charged with equivalent responsibility is such as to render the dwelling uninhabitable, the tenant shall be deemed a displaced person under the "Relocation Assistance Act" and shall be eligible for relocation assistance as afforded persons displaced as a result of code enforcement activities. State appropriations of relocation assistance shall not be used for this purpose unless specifically permitted by language in the annual appropriations act.

History

L. 1981, c. 491, § 1, eff. Jan. 12, 1982.

Annotations

Research References & Practice Aids

Administrative Code:

N.J.A.C. 5:11-2.1 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, Building, housing, and health code enforcement.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from LexisNexis www.lexis.com

N.J. Stat. § 20:4-4

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-4. Moving and related expenses

a.If a taking agency acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by this act, for:

(1)actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2)actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the taking agency; and

(3)actual reasonable expenses in searching for a replacement business or farm.

b.Any displaced person eligible for payments under subsection a. of this section who is displaced from a dwelling and who elects to accept the payments authorized by this subsection in lieu of the payments authorized by subsection a. of this section may receive a moving expense allowance, determined according to a schedule established by the taking agency, not to exceed $300.00, and a dislocation allowance of $200.00.

c.Any displaced person eligible for payments under subsection a. of this section who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this subsection in lieu of the payment authorized by subsection a. of this section, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than $2,500.00 nor more than $10,000.00. In the case of a business no payment shall be made under this subsection unless the taking agency is satisfied that the business (1) cannot be relocated without a substantial loss of its existing patronage, and (2) is not a part of a commercial enterprise having at least one other establishment not being acquired by the taking agency, which is engaged in the same or similar business. For purposes of this subsection, the term “average annual net earnings,” means ½ of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as such agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

History

L. 1971, c. 362, § 4, eff. Jan. 1, 1972.

Annotations

Official version to be obtained from LexisNexis www.lexis.com

Opinion Notes

OPINIONS OF ATTORNEY GENERAL

FORMAL OPINION No. 3 — 1979, *1979 N.J. AG LEXIS 25*.

Research References & Practice Aids

Cross References:

Displacement by housing or construction code enforcement where owner liable for penalties; payment of relocation costs; lien; enforcement; appeal, see *20:4-4.1*.

LAW REVIEWS & JOURNALS:

31 Rutgers L.J. 913, SYMPOSIUM: FEDERALISM AFTER ALDEN: NOTE: DEALING A FAIR HAND TO ATLANTIC CITY PROPERTY OWNERS.

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

JURY INSTRUCTIONS:

NJ Civil JI 9.13, Condemnation - Machinery

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-4.1

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-4.1. Displacement by housing or construction code enforcement where owner liable for penalties; payment of relocation costs; lien; enforcement; appeal

a.In the case of any displacement of persons by housing or construction code enforcement, including any rehabilitation necessitated by that enforcement, in which the owner of the real property has, in any final court adjudication, been held liable for a civil or criminal penalty, all relocation costs incurred pursuant to sections 4 and 6 of P.L. 1971, c. 362 (*C. 20:4-4* and *20:4-6*) shall be paid by the owner of the real property to the public agency making relocation assistance payments upon presentation to the owner by the public agency of a statement of those relocation costs and of the date upon which the relocation costs are due and payable.

b.In the event that the relocation costs to be paid to a public agency with regard to any parcel of real property shall not be paid within 10 days after the date due, interest shall accrue and be due to the public agency on the unpaid balance at the rate of 18% per annum until the costs, and the interest thereon, shall be fully paid to the public agency.

c.In the event that the relocation costs to be paid to a public agency with regard to any parcel of real property shall not be paid within 10 days after the date due, the unpaid balance thereof and all interest accruing thereon shall be a lien on the parcel. To perfect the lien granted by this section, a statement showing the amount and due date of the unpaid balance and identifying the parcel, which identification may be sufficiently made by reference to the assessment map of the municipality, shall be recorded with the clerk or register of deeds and mortgages of the county in which the affected property is located, and upon recording, the lien shall have the priority of a mortgage lien. Whenever relocation costs with regard to the parcel and all interest accrued thereon shall have been fully paid to the public agency, the statement shall be promptly withdrawn or cancelled by the public agency.

d.The tax collector or other officer of every municipality charged by law with the duty of enforcing municipal liens on real property shall enforce, with and as any other municipal liens on real property in the municipality, all relocation costs and lien thereof shown in any statement filed with him by any public agency pursuant to subsection c. of this section, and shall deposit in the municipal treasury the sums realized upon enforcement or upon liquidation of any property acquired by the municipality by virtue of enforcement. If the public agency placing a lien is other than an agency of the municipality, the municipality shall forthwith pay over to that public agency the sums or a pro rata share of the sums realized upon enforcement or upon liquidation of any property acquired by the municipality by virtue of that enforcement.

e.The owner of any parcel of real property shall have the right to appeal the requirement that the owner pay the relocation costs incurred pursuant to sections 4 and 6 of P.L. 1971, c. 362 (*C. 20:4-4* and *20:4-6*) on the grounds that the cause of the violations was outside his control and the abatement of code violations is economically unfeasible. Appeal shall be to the Superior Court, Law Division, in summary proceedings.

f.This section shall not require a municipality to enforce a lien for relocation costs with respect to any real property the title to which it has acquired and which has been transferred pursuant to a rehabilitation agreement.

Official version to be obtained from LexisNexis. www.lexis.com

History

L. 1983, c. 536, § 1, eff. Jan. 17, 1984.

Annotations

LexisNexis® Notes

Case Notes

Real Property Law: Zoning & Land Use: General Overview

Grant of relocation benefits under N.J. Stat. Ann. § *20:4-4.1* to tenants who were unaware of code violations under which they were evicted was proper the code violations as a result overcrowding were not primarily attributable to the conduct of those tenants. *Haddock v. Department of Community Dev., 217 N.J. Super. 592, 526 A.2d 725, 1987 N.J. Super. LEXIS 1179 (App.Div.)*, certif. denied, *108 N.J. 645, 532 A.2d 228, 1987 N.J. LEXIS 1821 (N.J. 1987)*, certif. denied, *108 N.J. 645, 532 A.2d 228, 1987 N.J. LEXIS 1822 (N.J. 1987)*.

Research References & Practice Aids

Cross References:

Relocation of displaced tenant; violations, penalty., see *2A:18-61.1g*.

Unpaid balance; recovery by public agency in civil action; persons liable, see *20:4-4.2*.

Revolving relocation assistance fund, see *20:4-4.1a*.

Administrative Code:

N.J.A.C. 5:11-2.1 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, Building, housing, and health code enforcement.

N.J.A.C. 5:11-8.5 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, Recovery of relocation assistance costs.

Official version to be obtained from LexisNexis, www.lexis.com

Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-4.1a

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-4.1a. Revolving relocation assistance fund

Any municipality may, by ordinance, establish a revolving relocation assistance fund into which shall be deposited the following sums, less any money required to be repaid to the State of New Jersey: a. any relocation costs, and interest thereon, paid by an owner of real property who has been held liable for a civil or criminal penalty in the case of any displacement of persons by housing or construction code enforcement pursuant to section 1 of P.L. 1983, c. 536 (*C. 20:4-4.1*); b. any sums realized by the municipality upon enforcement of municipal liens or liquidation of any property acquired by virtue of enforcement pursuant to section 1 of P.L. 1983, c. 536 (*C. 20:4-4.1*); and c. any sums realized by the municipality relating to any relocation cost and interest thereon upon enforcement or liquidation of any property acquired by virtue of enforcement and collected pursuant to section 1 of P.L. 1984, c. 30 (*C. 20:4-4.2*).

Moneys appropriated from the fund shall be used by the municipality to provide relocation assistance pursuant to P.L. 1971, c. 362 (*C. 20:4-1* et seq.).

History

L. 1987, c. 98, § 2.

Annotations

Research References & Practice Aids

Cross References:

Relocation of displaced tenant; violations, penalty., see *2A:18-61.1g*.

Anticipation of dedicated revenues., see *40A:4-39*.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

Official version to be obtained from LexisNexis; www.lexis.com

End of Document

N.J. Stat. § 20:4-4.2

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-4.2. Unpaid balance; recovery by public agency in civil action; persons liable

In the event that relocation costs to be paid to a public agency pursuant to P.L.1983, c. 536 (*C. 20:4-4.1*) shall not be paid as and when due, the unpaid balance thereof and all interest accrued thereon, together with attorneys' fees and costs, may be recovered by the public agency in a civil action as a personal debt of the owner of the real property. If the owner of the real property is a corporation, the directors, officers, and each shareholder who controls more than 5% of the total voting shares of the corporation, shall be personally liable, jointly and severally, for the relocation costs.

History

L. 1984, c. 30, § 1, eff. April 11, 1984.

Annotations

Research References & Practice Aids

Cross References:

Relocation of displaced tenant; violations, penalty., see *2A:18-61.1g*.

Revolving relocation assistance fund, see *20:4-4.1a*.

Administrative Code:

N.J.A.C. 5:11-8.5 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, Recovery of relocation assistance costs.

Official version to be obtained from Lexis Nexis www.lexis.com

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

N.J. Stat. § 20:4-4.3

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-4.3. Rights and remedies cumulative and concurrent

All rights and remedies granted by this act and by P.L.1983, c. 536 for the collection and enforcement of relocation costs shall be cumulative and concurrent.

History

L. 1984, c. 30, § 2, eff. April 11, 1984.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-5

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-5. Replacement housing for homeowners

a.In addition to payments otherwise authorized by this act, the taking agency shall make an additional payment not in excess of $15,000.00 to any displaced person who is displaced from a dwelling actually owned and occupied by such displaced person for not less than 180 days prior to the initiation of negotiations for the acquisition of the property. Such additional payment shall include the following elements:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling adequate to accommodate such displaced person, reasonably accessible to public services and places of employment and available on the private market. All determinations required to carry out this subparagraph shall be determined by regulations issued pursuant to section 10 of this act.

(2) The amount, if any, which will compensate such displaced person for any increased interest costs which such person is required to pay for financing the acquisition of any such comparable replacement dwelling. Such amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of such dwelling. Such amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value. The discount rate shall be determined by regulations issued pursuant to section 10 of this act.

(3) Reasonable expenses incurred by such displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(4) Penalty costs for prepayment of any mortgage entered into in good faith encumbering such real property if such mortgage is on record or has been filed for record as provided by law on the date of approval by taking agency of the location of such project.

(5) The pro rata portion of real property taxes payable during the calendar year in which the property was acquired which are allocable to the period of the year subsequent to the date of vesting of title in the taking agency, or the effective date of the possession of such real property by the taking agency, whichever is earlier.

b.The additional payment authorized by this section shall be made only to such a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary not later than the end of the one year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

History

Official version to be obtained from LexisNexis, www.lexis.com

L. 1971, c. 362, § 5, eff. Jan. 1, 1972.

Annotations

Research References & Practice Aids

LAW REVIEWS & JOURNALS:

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

JURY INSTRUCTIONS:

NJ Civil JI 9.13, Condemnation - Machinery

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-6

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-6. Replacement housing for tenants and certain others

In addition to amounts otherwise authorized by this act, a taking agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 5 which dwelling was actually and lawfully occupied by such displaced person for not less than 90 days prior to the initiation of negotiations for acquisition of such dwelling. Such payment shall be either:

a. the amount necessary to enable such displaced person to lease or rent for a period not to exceed 4 years, a decent, safe, and sanitary dwelling of standards adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed $4,000.00; or

b. the amount necessary to enable such person to make a downpayment (including incidental expenses described in section 5 a. (3)) on the purchase of a decent, safe, and sanitary dwelling of standards adequate to accommodate such persons in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed $4,000.00, the first $2,000.00 of which is to be paid without contribution from the displaced person, but thereafter such payments will only be made on a matching dollar-for-dollar basis with the displaced person.

History

L. 1971, c. 362, § 6, eff. Jan. 1, 1972.

Annotations

LexisNexis® Notes

Case Notes

Governments: Public Improvements: Community Redevelopment

Real Property Law: Eminent Domain Proceedings: General Overview

Governments: Public Improvements: Community Redevelopment

Official version to be obtained from LexisNexis, www.lexis.com

Resident was only eligible for relocation assistance if she could prove that she had occupied a building which was condemned due to its unfitness for habitation by a township building inspector for 90 days or more pursuant to a certificate of occupancy. *McNally v. Middletown, 182 N.J. Super. 622, 442 A.2d 1075, 1982 N.J. Super. LEXIS 682 (App.Div. 1982)*.

Real Property Law: Eminent Domain Proceedings: General Overview

Resident was only eligible for relocation assistance if she could prove that she had occupied a building which was condemned due to its unfitness for habitation by a township building inspector for 90 days or more pursuant to a certificate of occupancy. *McNally v. Middletown, 182 N.J. Super. 622, 442 A.2d 1075, 1982 N.J. Super. LEXIS 682 (App.Div. 1982)*.

Research References & Practice Aids

LAW REVIEWS & JOURNALS:

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

36 Rutgers L. Rec. 300, ARTICLE: Compensation and Relocation Assistance for New Jersey Residents Displaced by Redevelopment: Reform Recommendations of the State Department of the Public Advocate.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-6.1

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-6.1. Relocation payments to persons displaced by government programs

Notwithstanding the limitations set forth in P.L.1971, c.362 (*C.20:4-1* et seq.) on the amounts of relocation payments that may be provided to various categories of persons displaced by land acquisition, code-enforcement or rehabilitation programs of State or local government, a displaced person entitled to receive relocation assistance pursuant to the federal "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970," Pub.L.91-646 (*42 U.S.C. §4601* et seq.), as amended by the "Uniform Relocation Act Amendments of 1987," Title IV of Pub.L.100-17, shall be entitled to receive such amount as may be determined pursuant to that federal act in lieu of any lesser amount determined pursuant to P.L.1971, c.362 (*C.20:4-1* et seq.).

History

L. *1991, c. 5*, § 1.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from LexisNexis. www.lexis.com

N.J. Stat. § 20:4-7

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-7. Relocation assistance advisory programs

a.Whenever the acquisition of real property for a program or project undertaken by a taking agency will result in the displacement of any person on or after the effective date of this section, such agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services prescribed herein. If the taking agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, it may offer such person relocation advisory services under such program.

b.Each relocation assistance program required by subsection a. shall include such measures, facilities, or services as may be necessary or appropriate in order (1) to determine the needs of displaced persons, business concerns, and nonprofit organizations for relocation assistance; (2) to assist owners of displaced business and farm operations in obtaining and becoming established in suitable business locations or replacement farms; (3) to supply information concerning programs of the Federal, State and local governments offering assistance to displaced persons and business concerns; (4) to assist in minimizing hardships to displaced persons in adjusting to relocation; and (5) to secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

History

L. 1971, c. 362, § 7, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from LexisNexis, www.lexis.com

N.J. Stat. § 20:4-8

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-8. Assurance of availability of standard housing

Whenever the acquisition of real property for a program or project undertaken by a taking agency will result in the displacement of any person on or after the effective date of this section, such agency shall assure that, within a reasonable period of time, prior to displacement, there will be available, in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced persons who require such dwellings and reasonably accessible to their places of employment; except that regulations issued pursuant to section 10 of this act may prescribe situations when these assurances may be waived.

History

L. 1971, c. 361, § 8, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from LexisNexis, www.lexis.com

N.J. Stat. § 20:4-9

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-9. Provision of standard housing when sale or rental housing unavailable

If a project cannot proceed to actual construction because comparable replacement sale or rental housing is not available, and the head of the taking agency determines that such housing cannot otherwise be made available he may take such action as is necessary or appropriate to provide such housing by use of funds authorized for such project.

History

L. 1971, c. 362, § 9, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis www.lexis.com

N.J. Stat. § 20:4-10

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-10. Authority of the commissioner

a. The commissioner shall adopt such rules and regulations as may be necessary to assure:

(1) that the payments and assistance authorized by this act shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(2) that a displaced person who makes proper application for a payment authorized for such person by this act shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(3) that any person aggrieved by a determination as to eligibility for a payment authorized by this act, or the amount of a payment, may have his application reviewed by the head of the taking agency or other appropriate officer.

b. The commissioner may prescribe such other regulations and procedures, consistent with the provisions of this act, as he deems necessary or appropriate to carry out this act.

History

L. 1971, c. 362, § 10, eff. Jan. 1, 1972.

Annotations

LexisNexis® Notes

Case Notes

Constitutional Law: Bill of Rights: Fundamental Rights: Eminent Domain & Takings

Governments: Local Governments: Duties & Powers

Real Property Law: Eminent Domain Proceedings: General Overview

Constitutional Law: Bill of Rights: Fundamental Rights: Eminent Domain & Takings

Where N.J. Stat. Ann. § 20:4-10 did not require defendant to relocate plaintiffs within the territorial confines of the municipality and where the evidence did not support the finding that the replacement housing violated plaintiffs' civil

Official version to be obtained from LexisNexis, www.lexis.com

or federal constitutional rights, reversal of the appellate court's judgment was required. *Rowe v. Pittsgrove Township, 172 N.J. Super. 209, 411 A.2d 720, 1980 N.J. Super. LEXIS 454 (App.Div. 1980)*, disapproved, *Southern Burlington County NAACP v. Mt. Laurel, 92 N.J. 158, 456 A.2d 390, 1983 N.J. LEXIS 2344 (N.J. 1983)*.

Governments: Local Governments: Duties & Powers

Where N.J. Stat. Ann. § *20:4-10* did not require defendant to relocate plaintiffs within the territorial confines of the municipality and where the evidence did not support the finding that the replacement housing violated plaintiffs' civil or federal constitutional rights, reversal of the appellate court's judgment was required. *Rowe v. Pittsgrove Township, 172 N.J. Super. 209, 411 A.2d 720, 1980 N.J. Super. LEXIS 454 (App.Div. 1980)*, disapproved, *Southern Burlington County NAACP v. Mt. Laurel, 92 N.J. 158, 456 A.2d 390, 1983 N.J. LEXIS 2344 (N.J. 1983)*.

Real Property Law: Eminent Domain Proceedings: General Overview

Where N.J. Stat. Ann. § *20:4-10* did not require defendant to relocate plaintiffs within the territorial confines of the municipality and where the evidence did not support the finding that the replacement housing violated plaintiffs' civil or federal constitutional rights, reversal of the appellate court's judgment was required. *Rowe v. Pittsgrove Township, 172 N.J. Super. 209, 411 A.2d 720, 1980 N.J. Super. LEXIS 454 (App.Div. 1980)*, disapproved, *Southern Burlington County NAACP v. Mt. Laurel, 92 N.J. 158, 456 A.2d 390, 1983 N.J. LEXIS 2344 (N.J. 1983)*.

Opinion Notes

OPINIONS OF ATTORNEY GENERAL

FORMAL OPINION No. 3 — 1979, *1979 N.J. AG LEXIS 25*.

Research References & Practice Aids

Administrative Code:

N.J.A.C. 5:11 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, 5, Chapter 11 — Chapter Notes.

Official version to be obtained from LexisNexis. www.lexis.com

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

N.J. Stat. § 20:4-11

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-11. Administration

In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the commissioner may authorize any taking agency to enter into contracts with any individual, firm, association or corporation for services in connection with such programs, or may carry out its functions under this act through any Federal or State agency or instrumentality having an established organization for conducting relocation assistance programs.

History

L. 1971, c. 362, § 11, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-12

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-12. Fund availability

Funds appropriated or otherwise available to any taking agency for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this act as applied to that program or project.

History

L. 1971, c. 362, § 12, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-13

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-13. State participation in cost of local relocation payments and services

If a unit of local government acquires real property, and State financial assistance is available to pay the cost, in whole or part, of the acquisition of such real property, or of the improvement for which such property is acquired, the cost to the unit of local government of providing the payments and services prescribed by this act shall be included as part of the costs of the project for which State financial assistance is available to such unit of local government, and shall be eligible for State financial assistance in the same manner and to the same extent as other project costs.

History

L. 1971, c. 362, § 13, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis www.lexis.com

N.J. Stat. § 20:4-14

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-14. Displacement by code enforcement or voluntary rehabilitation

A person who moves or discontinues his business or moves other personal property, or moves from his dwelling on or after the effective date of this act as the direct result of code enforcement activities, or a program of rehabilitation of buildings conducted pursuant to a governmental program, is deemed to be a displaced person for the purposes of this act.

History

L. 1971, c. 362, § 14, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-15

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-15. Payments not to be considered as income or resources

No payment received by a displaced person under this act shall be considered as income or resources for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any State Law or for the purposes of determining the eligibility or extent of eligibility of any person for assistance under any State law or for the purposes of the State's corporation tax law or other tax laws. Such payments shall not be considered as income or resources of any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

History

L. 1971, c. 362, § 15, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-16

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-16. Payment under state law of eminent domain not payment under this act

No payment or assistance under this act shall be required or included as a program or project cost under this act if the displaced person receives a payment required by the State law of eminent domain which is determined by such taking agency head to have substantially the same purpose and effect as such payment under this act, and to be part of the cost of the program or project for which Federal or State assistance is available.

History

L. 1971, c. 362, § 16, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis www.lexis.com

N.J. Stat. § 20:4-17

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-17. Loans for costs in planning and in obtaining financing for housing for displaced persons

In order to encourage and facilitate the construction or rehabilitation of housing to meet the needs of displaced persons who are displaced from dwellings because of any Federal or State, or Federal or State financially assisted project, the head of the Federal or State agency administering such project is authorized to make loans as a part of the cost of any such project, or to approve loans as a part of the cost of any such project receiving Federal financial assistance, to nonprofit, limited dividend, or cooperative organizations or to public bodies, for necessary and reasonable expenses, prior to construction, for planning and obtaining Federally insured mortgage financing for the rehabilitation or construction of housing for such displaced persons. Notwithstanding the preceding sentence, or any other law, such loans shall be available for not to exceed 80% of the reasonable costs expected to be incurred in planning, and in obtaining financing for, such housing, prior to the availability of such financing, including, but not limited to, preliminary surveys and analysis of market needs, preliminary site engineering, preliminary architectural fees, site acquisition, application and mortgage commitment fees, and construction loan fees and discounts. Loans to an organization established for profit shall bear interest at a market rate established by the head of such Federal or State agency. All other loans shall be without interest. Such Federal or State agency head shall require repayment of loans made under this act, under such terms and conditions as he may require, upon completion of the project or sooner, and except in the case of a loan to an organization established for profit, may cancel any part or all of a loan if he determines that a permanent loan to finance the rehabilitation or the construction of such housing cannot be obtained in an amount adequate for repayment of such loan. Upon repayment of any such loan, the Federal or State share of the sum repaid shall be credited to the account from which such loan was made, unless the Department of the Treasury determines that such account is no longer in existence, in which case such sum shall be returned to the treasury and credited to miscellaneous receipts.

History

L. 1971, c. 362, § 17, eff. Jan. 1, 1972.

Annotations

Research References & Practice Aids

Administrative Code:

Official version to be obtained from LexisNexis www.lexis.com

N.J.A.C. 5:11-8.3 (2013), CHAPTER RELOCATION ASSISTANCE AND EVICTION, Costs for planning and obtaining financing.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-18

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-18. Payments under this act additional to awards in condemnation awards

The payments authorized in this act shall not be construed as creating in any condemnation proceeding brought under the power of eminent domain any element of damages not in existence on the effective date of this act and such payments are to be in addition to the just compensation established in the condemnation proceedings but only to the extent they are not otherwise included within the condemnation award.

History

L. 1971, c. 362, § 18, eff. Jan. 1, 1972.

Annotations

Research References & Practice Aids

JURY INSTRUCTIONS:

NJ Civil JI 9.13, Condemnation - Machinery

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis www.lexis.com

N.J. Stat. § 20:4-19

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-19. Appeal procedure

Any person or business concern aggrieved by final administrative determination, concerning eligibility for relocation payments authorized by this act may appeal such determination to the Superior Court.

History

L. 1971, c. 362, § 19, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-20

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-20. Severability

If any provision of this act or the application thereof to any person or circumstances is held invalid, the remainder of the act and the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

History

L. 1971, c. 362, § 20.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

Official version to be obtained from Lexis Nexis, www.lexis.com

End of Document

N.J. Stat. § 20:4-21

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-21. Repeal of inconsistent acts

All acts and parts of acts inconsistent with any of the provisions of this act are, to the extent of such inconsistency, hereby repealed.

History

L. 1971, c. 362, § 21, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from Lexis Nexis, www.lexis.com

N.J. Stat. § 20:4-22

This section is current through New Jersey 218th Second Annual Session, L. 2019, c. 375 (except c. 363, 366-368), and J.R. 22

LexisNexis® New Jersey Annotated Statutes > Title 20. Eminent Domain (Chs. 1 — 4) > Chapter 4. Relocation Assistance (§§ 20:4-1 — 20:4-22)

§ 20:4-22. State department of transportation; inapplicability of act; supplemental program; consultation with commissioner of department of community affairs

The provisions of this act shall not apply to the State Department of Transportation; provided, however, that the State Department of Transportation shall supplement its existing relocation assistance program designed to minimize the hardships of persons and business concerns displaced as a result of the acquisition by said State Department of Transportation of any real property for a public use, by July 1, 1972. Said supplemented program shall be in compliance with the rules and regulations of the Federal Highway Administration relating to relocation assistance so as to fully qualify the Department of Transportation for Federal aid reimbursement and to equal or exceed the requirements of this statute. For purposes of coordinating and formulating uniform relocation programs of the State, the Commissioner of Transportation shall consult with the Commissioner of the Department of Community Affairs in order that said relocation assistance program will be in general conformity with any rules and regulations promulgated by the Commissioner of the Department of Community Affairs pursuant to P.L. 91-646, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amendments thereto.

History

L. 1971, c. 362, § 22, eff. Jan. 1, 1972.

LexisNexis® New Jersey Annotated Statutes
Copyright © 2020 All rights reserved.

End of Document

Official version to be obtained from LexisNexis. www.lexis.com