

**Chap. 790.** AN ACT ESTABLISHING A BUREAU OF RELOCATION IN THE DEPARTMENT OF COMMERCE AND DEVELOPMENT AND PROVIDING FOR RELOCATION ASSISTANCE TO PERSONS AND ORGANIZATIONS DISPLACED BY EMINENT DOMAIN.

*Be it enacted, etc., as follows:*

SECTION 1. Section 2 of chapter 23A of the General Laws, as appearing in section 1 of chapter 636 of the acts of 1964, is hereby amended by inserting after clause (a) the following clause: —

(a<sup>1</sup>/<sub>2</sub>) Assuring availability of adequate housing for all citizens of the commonwealth, and particularly for those displaced by public action within the commonwealth.

SECTION 2. Said chapter 23A, is hereby further amended by inserting after section 5, as so appearing, the following section: —

*Section 5A.* The commissioner shall establish in the department a bureau of relocation. Such bureau shall be under the charge of a director, who shall be appointed by the commissioner, with the approval of the governor, and may be removed at will in like manner. The position of director shall not be subject to the provisions of chapter thirty-one. The commissioner may from time to time designate a division within which said bureau shall function.

SECTION 3. Section 6 of said chapter 23A, as so appearing, is hereby amended by striking out, in line 5, the words “public and relocation housing” and inserting in place thereof the words: — public housing; relocation.

SECTION 4. The General Laws are hereby amended by inserting after chapter 79 the following chapter: —

#### CHAPTER 79A.

##### RELOCATION ASSISTANCE.

*Section 1.* The following terms as used in this chapter shall, unless a different meaning clearly appears from the context, have the following meanings:

“Acquisition”, a taking of real property by eminent domain or through purchase by an agency, public or private, authorized to take land by eminent domain, for a purpose for which such real property might have been taken by eminent domain.

“Bureau”, the bureau of relocation in the department of commerce and development.

“Business unit”, a room, suite, structure, building or other area occupied and used, in conformity with law, for a commercial, industrial, institutional, religious, charitable or other nonresidential purpose, including the operation of a farm.

“Displaced occupant”, an occupant who is caused to move from real property as a result of acquisition or the imminence of acquisition.

“Dwelling unit”, a room, suite of rooms, apartment or house occupied as a single residential unit by one or more persons. The term “dwelling unit” shall not be construed to include one or more rooms occupied by one or more persons as roomers in a hotel, motel, public or private lodging or rooming house where the premises are occupied on a transient basis.

“Moving costs”, shall be (1), in the case of individuals and families, the costs of packing, insuring and carting of property and incidental costs of disconnecting and reconnecting household appliances, but in no event more than two hundred dollars; and

(2), in the case of business concerns, the costs of dismantling, crating, insuring, transporting, reassembling, reconnecting and reinstalling of personal property, exclusive of the cost of any additions, improvements, alterations or other physical changes in or to any structure in connection with effecting such reassembly, reconnection or reinstallation, but in no event more than three thousand dollars.

“Occupant”, a person living alone in a dwelling unit, or two or more persons living together in a dwelling unit, or business concern occupying a business unit.

“Operation of a farm”, the cultivation or use of a parcel or parcels of land operated as a single unit for the production of one or more agricultural commodities for sale and home use; such cultivation or use shall include the operation of stock, dairy, poultry, fruit, fur-bearing animal and truck farms, plantations, ranges, nurseries and greenhouses or other similar land areas, the primary use of which is the production of agricultural or horticultural commodities.

“Relocation advisory assistance”, advice relating to available housing resources or business premises, and such other advice and assistance as the bureau may require.

“Relocation agency”, an agency qualified under section two.

“Relocation assistance”, relocation advisory assistance, and monetary assistance.

“Relocation payment”, reimbursement for moving costs.

“Relocation plan”, the plan submitted by a relocation agency or a taking agency to the bureau in pursuance of sections four and eight.

“Taking agency”, a board of officers or officials upon whom authority to take real estate by eminent domain on behalf of any body politic or corporate has been conferred by law.

*Section 2.* No acquisition which shall involve the displacement of occupants of more than five dwelling units or more than five business units shall be made unless and until the bureau has qualified a relocation advisory agency to give relocation assistance to the occupants to be displaced. Any agency, public or private, may be qualified by the bureau to act as a relocation agency until such time as the bureau may, on stated grounds, withdraw qualifications; or the bureau may qualify any agency, public or private, proposed by a taking agency to act as a relocation agency with respect to particular acquisitions. The bureau may qualify a taking agency to act as the relocation agency with respect to particular acquisitions.

*Section 3.* A taking agency proposing acquisition which shall involve the displacement of occupants of more than five dwelling units or more than five business units shall notify the bureau not later than three months prior to such acquisition of the names and addresses of all such occupants, and such other information as the bureau may require by regulation. Within three weeks after such notification and the receipt of such information the bureau shall notify the taking agency whether or not it has qualified any agency or agencies proposed by the taking agency to act as relocation agency with respect to said acquisitions.

*Section 4.* Not later than one month prior to the date of an acquisition involving the displacements of occupants of more than five dwelling units or more than five business units the taking agency or the relocation agency shall submit to the bureau a relocation plan. The relocation plan shall show the number of individuals, families and business concerns to be displaced on account of the proposed acquisitions; the date on which such displacement will begin; the needs of the occupants to be displaced for relocation assistance; the availability of safe, decent, sanitary housing and commercial buildings within the means of occupants to be displaced; a program for their relocation; and a demonstration in accordance with bureau regulations that the relocation agency has coordinated the plan with other planned or proposed land acquisitions in the city or town which may affect the carrying out of the relocation program.

In the case of any acquisition involving the displacement of the occupants of less than six dwelling units or less than six business units, the taking agency shall not be required to submit any such relocation plan, but shall be subject to the provisions of section seven and shall pay any such displaced occupant his moving costs, as set forth in section seven.

*Section 5.* If the costs of relocation assistance of a taking agency are reimbursable in whole or in part by the federal government and the relocation plan is required to be examined and reviewed by an agency or department of the federal government or to comply with the requirements of an agency or department of the federal government, the bureau shall receive the relocation plan for informational purposes and for the purposes of section nine. Any relocation assistance required under this chapter which is in addition to applicable requirements under federal law shall be subject to review by the bureau to determine whether there has been compliance with the provisions of section four. The bureau shall approve any plan which has been approved by such agency or department of the federal government and complies with requirements for such additional relocation assistance.

The bureau shall review all other relocation plans to determine whether there has been compliance with the requirements of section four and any regulations which are issued from time to time by the bureau in pursuance thereof, to determine whether there has been adequate provision for the needs of occupants to be displaced and whether there are adequate relocation housing and business locations for such occupants. The bureau shall approve any relocation plan which complies with the aforesaid requirements.

*Section 6.* After approval has been granted in accordance with the provisions of section five, the taking agency may make acquisition and the relocation agency shall be authorized to carry out the relocation plan.

*Section 7.* The taking agency shall give to each occupant, not later than the day before the date such occupant is required to move, a minimum relocation payment of twenty-five dollars or a certificate which, when redeemed by the mover, shall guarantee payment to such mover for the reasonable and necessary charges for moving; provided, however, that such certificate shall be limited on the face thereof as to the maximum amount reimbursable thereunder, such amount to be not less than twenty-five dollars nor more than the maximum relocation payment authorized by law to be reimbursed for such moving costs. Such certificate shall be redeemed by the mover by delivery thereof to the

taking agency, with such other documentation as the taking agency shall require; and the mover shall be paid by such agency an amount equal to the reasonable and necessary charges for moving or the maximum amount allowed for such moving costs, whichever is less.

At the time the minimum relocation payment is given to the occupant of a dwelling unit, he shall also be given notice in writing informing him that a petition for an additional payment for moving costs may be presented to the taking agency or its designee and describing the procedure to be followed on such petition.

Within three months after the date any such occupant is required to move or has moved, whichever is later, said occupant may petition the taking agency or its designee for an additional payment of such moving costs as he may be entitled to by law. Within thirty days after the date any such petition is filed, the taking agency shall determine if an additional payment is due and, if found due, shall pay such additional amount promptly.

Any occupant who fails to petition the taking agency or its designee within said three months shall be deemed to have waived his right to such additional payment for moving costs.

Any occupant aggrieved by the determination of the taking agency under this section may appeal to the bureau within thirty days from the date of receipt of notice of said determination and the disposition of said bureau of such appeal shall be final. Any additional amounts determined by said bureau to be due shall be paid to such occupant within thirty days after such determination.

*Section 8.* The taking agency or relocation agency shall inform the bureau of any substantial changes made in the relocation plan after approval under section five; and such changes shall be subject to review and approval under the provisions of section five.

*Section 9.* If the bureau determines that a taking agency or relocation agency is proceeding with a project in disregard of a relocation plan approved under section five, and that relocation assistance being given is inadequate, the bureau shall so notify the relocation agency and the taking agency in writing, and may suspend its approval of the plan. Upon receipt of written notice of such suspension, the taking agency shall not further displace occupants until the bureau notifies it in writing that such suspension is withdrawn. Written notice of suspension shall be sent by registered mail, and shall state the specific reasons for such suspension.

*Section 10.* If a relocation plan required by section four is disapproved under section five, or approval is suspended under section nine, because the bureau determines that adequate relocation housing is not available, the taking agency may file with the bureau its certificate that the project involved is an emergency project which must be carried out in spite of the unavailability of such housing. If the bureau, after considering the foregoing and such other evidence as is deemed pertinent, determines that the project involved is an emergency project and that the public interest demands the displacement of occupants even though adequate relocation housing may be unavailable, emergency approval may be given, provided the relocation plan is satisfactory to the bureau in other respects.

*Section 11.* Whenever any money is appropriated by the general court for the acquisition of property by eminent domain the taking agency may expend therefrom such sums as may be necessary for relocation plans, relocation assistance and relocation payments, and may advance any money so appropriated to a relocation agency for such purpose.

*Section 12.* The bureau may promulgate regulations to carry out the purposes of this chapter, and may agree to waive with respect to any particular acquisition any provision of this chapter which would constitute a bar to federal reimbursement otherwise available with respect to any project on account of which such acquisition is proposed.

SECTION 5. Chapter seventy-nine A of the General Laws, inserted by section four of this act, shall apply only with respect to properties taken or acquired on or after March first, nineteen hundred and sixty-six.

SECTION 6. Notwithstanding the provisions of section two of chapter seventy-nine A of the General Laws, inserted by section four of this act, in any case where the costs of relocation assistance of a taking agency are reimbursed in whole or in part by the federal government and the said taking agency has been approved by the federal government to be qualified to perform relocation assistance, then until July first, nineteen hundred and sixty-seven that taking agency shall be deemed to be a qualified relocation agency for the purposes of said chapter and shall not during such period be disqualified by the bureau of relocation.

*Approved December 8, 1965.*

THE COMMONWEALTH OF MASSACHUSETTS,  
EXECUTIVE DEPARTMENT, STATE HOUSE,  
BOSTON, December 21, 1965.

The Honorable KEVIN H. WHITE, *Secretary of the Commonwealth, State House, Boston, Massachusetts.*

DEAR MR. SECRETARY: — I, John A. Volpe, pursuant to the provisions of Article XLVIII of the Amendments to the Constitution, the Referendum II, Emergency Measures, hereby declare in my opinion the immediate preservation of the public convenience requires that the law being chapter 790 of the Acts of 1965 entitled "An Act Establishing a Bureau of Relocation in the Department of Commerce and Development and Providing for Relocation Assistance to Persons and Organizations Displaced by Eminent Domain." and the enactment of which received my approval on December 8, 1965, should take effect forthwith.

I further declare that in my opinion said law is an emergency law and the facts constituting the emergency are as follows:

Takings of property are expected to be made beginning early in 1966 thus making urgent the need to furnish the assistance provided for in this bill.

Sincerely,

JOHN A. VOLPE,  
*Governor of the Commonwealth.*

OFFICE OF THE SECRETARY, BOSTON, December 21, 1965.

I, Kevin H. White, Secretary of the Commonwealth, hereby certify that the accompanying statement was filed in this office by His Excellency the Governor of the Commonwealth of Massachusetts at eleven

o'clock and forty-five minutes, A.M., on the above date, and in accordance with Article Forty-eight of the Amendments to the Constitution said chapter takes effect forthwith, being chapter seven hundred and ninety of the acts of nineteen hundred and sixty-five.

KEVIN H. WHITE,  
*Secretary of the Commonwealth.*

**Chap. 791.** AN ACT TO PROVIDE FOR A CAPITAL OUTLAY PROGRAM FOR THE COMMONWEALTH.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is, in part, to provide funds immediately for a capital outlay program for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted, etc., as follows:*

SECTION 1. To provide for a program of construction, reconstruction, alteration and improvement of various state institutions and properties, and for the purchase of certain property, the sums set forth in section two of this act, for the several purposes and subject to the conditions specified in said section two, are hereby made available, subject to the provisions of law regulating the disbursement of public funds and the approval thereof.

SECTION 2.

**Military Division.**

Item		
8066-01	For the construction of a one-unit armory in Northampton, including the cost of furnishings and equipment, to be expended in connection with any federal funds available for the purpose; provided, that this item shall not be subject to section thirty A of chapter seven of the General Laws	\$80,000
8066-02	For various repairs and renovations, Newton armory	30,000
8066-03	For various repairs and renovations, Greenfield armory	40,000
8066-04	For various repairs and renovations, including the cost of heating and ventilating equipment, Everett armory	62,000

**Executive Office for Administration and Finance.**

*Central Services Division.*

8066-05	For renovations to various roof areas of the state house, including gutter replacement, balcony area resurfacing and chimney re-pointing	\$150,000
8066-06	For the renovation and modernization of the plumbing and sanitary facilities in the state house annex	238,000
8066-07	For the preparation of plans and the construction of an underground three-level parking garage, including the cost of furnishings and equipment, in the present legislative parking area adjacent to the state house for the service of the General Court	1,900,000
8066-08	For various renovations and improvements to the Gardner auditorium, state house, including the cost of an engineering study, plans and specifications, reconstruction and the cost of furnishings and equipment	245,000
8066-09	For planning and coordination of moving certain departments and agencies to the new state office building, to be in addition to the amount appropriated in item 8065-93 of section two of chapter six hundred and forty of the acts of nineteen hundred and sixty-four	27,000