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By Mr. Foster, petition of A. Frank Foster for legislation to provide a system of relocation assistance to persons or firms displaced by eminent domain. The Judiciary.

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## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Three.

### AN ACT TO PROVIDE A SYSTEM OF RELOCATION ASSISTANCE TO PERSONS OR FIRMS DISPLACED BY EMINENT DOMAIN.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. This chapter shall be known and may be cited as  
2 "The Relocation Law". The relocation law shall be inapplica-  
3 ble to all federally-aided urban renewal projects carried out in  
4 accordance with the provisions of chapter one hundred and  
5 twenty-one, and in any instance and to whatever extent its  
6 applicability would render the commonwealth or any depart-  
7 ment, agency, instrumentality or political subdivision thereof  
8 ineligible for relocation assistance that would be otherwise  
9 available under any federal law or any other state law.

1 SECTION 2. The following terms wherever used in this chap-  
2 ter shall, unless a different meaning clearly appears from the  
3 context, have the following meanings: —

4 "Business unit" means a room, suite or other combination of  
5 rooms, structure, building or buildings occupied and used for a  
6 business, commercial, industrial, institutional, religious, chari-  
7 table or other non-residential purpose which unit is to be dis-  
8 placed by any public project or any project of a private entity  
9 authorized to use the power of eminent domain for said project.

10 "Dwelling unit" means a room, suite of rooms, apartment,  
11 trailer or house occupied by one or more persons for residen-  
12 tial purposes which unit is to be displaced by any public proj-

13 ect or any project of a private entity authorized to use the  
14 power of eminent domain for said project.

15 “Occupants” means the person or persons occupying a single  
16 dwelling unit or the person or persons, partnership, corpora-  
17 tion, institution or other entity occupying a single business  
18 unit on the date the land on which such dwelling or business  
19 unit is located is acquired by eminent domain or by negotia-  
20 tion in lieu thereof.

21 “Relocation agency” means the redevelopment authority of  
22 the city or town, if any, otherwise the city or town or such au-  
23 thority, department, officer or other agency of the city or  
24 town as the city manager, if any, otherwise the mayor of a  
25 city or the board of selectmen and town manager, if any, of a  
26 town shall designate.

27 “Taking agency” means the commonwealth, any depart-  
28 ment, agency, instrumentality or political subdivision thereof  
29 and any other authority or governmental body, however de-  
30 nominated, which takes land within the commonwealth by  
31 eminent domain or by negotiation in lieu thereof, and any  
32 private entity authorized to exercise the power of eminent  
33 domain under the laws of the commonwealth.

1 SECTION 3. Whenever the occupants of any dwelling unit or  
2 business unit are displaced because of the acquisition by emi-  
3 nent domain, or by negotiation in lieu thereof, of the land upon  
4 which such unit is located, such occupants shall, prior to any  
5 displacement, receive payments for moving expenses; provided,  
6 however, that moving expenses shall be deemed to be at least  
7 twenty-five dollars and shall not be deemed to exceed two  
8 hundred dollars in the case of the occupants of a dwelling unit  
9 and shall be deemed to be at least one hundred dollars and  
10 shall not be deemed to exceed five thousand dollars in the case  
11 of the occupants of a business unit.

12 The state housing board shall promulgate rules and regula-  
13 tions which shall govern the procedures to be used by taking  
14 and relocation agencies in determining moving expenses of  
15 occupants.

16 The taking agency or, in the case of projects to which sec-

17 tions six and seven apply, the relocation agency shall authorize  
18 the payment of the prescribed minimum moving expenses to  
19 the occupants of each dwelling or business unit at least thirty  
20 days prior to the date on which such occupants are required  
21 to move by the taking agency.

22 An occupant of a dwelling or business unit shall be given a  
23 notice, at the same time as they are paid the minimum moving  
24 expense payment, informing them of their rights under the re-  
25 location law, giving the name and address of the agency with  
26 which petitions for the award of additional payments for mov-  
27 ing expenses may be brought and describing the procedure to  
28 be followed on such petitions. Within three months after the  
29 date any such occupants are required to move or receive the  
30 payment and notice prescribed above, whichever is later, said  
31 occupant may petition the agency designated in the notice for  
32 such additional payments for moving expenses as are pre-  
33 scribed by the procedures set forth in this section.

34 Any occupant who fails to petition the appropriate agency  
35 within the prescribed period shall be deemed to have waived  
36 their rights to payment for any moving expenses in addition to  
37 the minimum payment.

38 Any occupant aggrieved by the determination of the reloca-  
39 tion or taking agency under this section may appeal to the  
40 state housing board within thirty days from the date of re-  
41 ceipt of notice of said determination and the disposition of  
42 said board of such appeal shall be final.

1 SECTION 4. Whenever the plans of any taking agency indi-  
2 cate that projects of such agency to be commenced during the  
3 ensuing twelve months will involve the acquisition by eminent  
4 domain or by negotiation in lieu thereof properties in any city  
5 or town which will require the removal of twenty-five or more  
6 dwelling or business units, the taking agency shall so inform  
7 the relocation agency, or, if no relocation agency has been or-  
8 ganized or designated in such city or town, shall so inform the  
9 city manager, if any, otherwise the mayor of a city or the  
10 selectmen and town manager of a town, who shall thereupon  
11 designate the relocation agency for such city or town.

12 As soon as the taking agency is prepared to divulge prelimi-  
13 nary plans for a project involving acquisition of properties  
14 requiring removal of twenty-five or more such units in any  
15 city or town, and in any event at least three months prior to  
16 the date it intends to acquire such properties, the taking  
17 agency shall file with the relocation agency its preliminary  
18 plans and proposed schedule for the completion of the project,  
19 which plans and schedule shall be sufficiently complete to in-  
20 dicate the approximate location of the project and amount of  
21 property to be taken and the proposed dates for land acquisi-  
22 tion, for requiring occupants to vacate dwelling and business  
23 units on such land and for commencing construction. With re-  
24 spect to such projects, relocation assistance shall be furnished  
25 in accordance with sections six and seven and the making of  
26 payments for minimum moving expenses, and entertaining of  
27 petitions for additional payments under section four, shall be  
28 the responsibility of the relocation agency. A taking agency  
29 may treat general projects as a single project for the purposes  
30 of this chapter.

1 SECTION 5. At the time such preliminary plans and schedule  
2 are filed the taking agency shall either contract to pay all  
3 expenses reasonably incurred by the relocation agency in the  
4 preparation of the plan as they become due or advance to the  
5 relocation agency a sum of money reasonably calculated to be  
6 sufficient to meet such expenses as they become due.

7 Upon receipt of the preliminary plans and proposed sched-  
8 ule of the taking agency, the relocation agency shall cause a  
9 relocation plan to be prepared showing the number of dwelling  
10 units and business units to be displaced by the proposed proj-  
11 ect and the availability of other suitable accommodations for  
12 the occupants, also showing through which agency and by  
13 what means the occupants of such dwelling and business units  
14 are to be relocated, and shall also prepare a budget. Such plan  
15 shall be sufficiently complete to indicate the functions and  
16 staffing of the relocation office and the methods to be used for  
17 interviewing occupants, for inspecting and referring vacancies  
18 to occupants, for temporarily or permanently relocating occu-

19 pants, and making payments for moving expenses to occu-  
20 pants within the time permitted by the proposed schedule of  
21 the taking agency. Such plan shall be completed as expedi-  
22 tiously as possible and upon completion, copies thereof shall  
23 be filed with the taking agency; provided, however, that on  
24 or prior to the date scheduled for land acquisition, the reloca-  
25 tion agency shall file such plans as are then completed with  
26 the taking agency.

27 Such budget shall contain estimates of the total payments  
28 for moving expenses to be required in connection with the  
29 project and shall contain a detailed budget for all operating,  
30 overhead, administrative, legal, salary and other expenses to  
31 be incurred by the relocation agency in both preparing and  
32 carrying out the relocation plan. Such budget shall be sub-  
33 mitted to the taking agency for its approval not later than  
34 one month before the date scheduled for land acquisition.  
35 Within two weeks after such submission the taking agency  
36 shall return the budget to the relocation agency either fully  
37 approved or approved in part and accompanied by a statement  
38 of its reasons for disapproving any part not approved and shall  
39 pay the relocation agency an amount equal to the total of all  
40 approved budget items less amounts already advanced. If the  
41 taking agency fails to return such budget within such period,  
42 it shall be deemed to have approved the budget as submitted  
43 and to have contracted with the relocation agency for the im-  
44 mediate payment of a sum sufficient to meet the total budget.  
45 Any budget returned to the relocation agency not fully ap-  
46 proved shall be forthwith submitted to the state housing  
47 board, which shall within one week of said submission ap-  
48 prove, reduce or disapprove any item budgeted by the reloca-  
49 tion agency and disapproved by the taking agency. The de-  
50 cision of the state housing board shall be final and conclusive  
51 upon the taking agency and the relocation agency and upon  
52 the filing of such decision with such agencies, the taking  
53 agency shall pay the relocation agency a sum sufficient to meet  
54 all items, if any, found to have been improperly disapproved  
55 by the taking agency. Any modification in the budget shall  
56 be proposed by the relocation agency, approved or disapproved

57 by the taking agency and, to the extent disapproved, arbi-  
58 trated by the state housing board in the same manner as an  
59 original budget. The relocation agency shall keep complete  
60 records of all expenses incurred and expenditures made in  
61 planning and carrying out the relocation plan, which records  
62 may be examined by the taking agency at all reasonable times,  
63 and shall be accountable to the taking agency for all funds  
64 contributed by it.

1 SECTION 6. The relocation agency may itself prepare and  
2 carry out, or may contract or co-operate with any local, re-  
3 gional or state agency or department or private, charitable or  
4 social agency for the preparation and carrying out of a reloca-  
5 tion plan; provided, however, that any contract with a private,  
6 charitable or social agency shall be approved by the taking  
7 agency. The relocation agency of any city or town may join  
8 or co-operate with the relocation agency of any other cities or  
9 towns in the preparation and carrying out of a relocation plan  
10 for any project or projects. Copies of all plans and schedules  
11 filed by a taking agency with a relocation agency and of all  
12 relocation plans shall be filed with the state housing board,  
13 which may assist relocation agencies with staffing and other  
14 problems, collect information as to the availability of and need  
15 for accommodations for occupants on a regional and state-wide  
16 basis, and furnish such information to any relocation agency  
17 or interested person. The state housing board shall prescribe  
18 such forms and promulgate such standards as necessary to  
19 guide both taking agencies and relocation agencies in the per-  
20 formance of their responsibilities as specified in the relocation  
21 law. The taking agency shall keep the relocation agency fully  
22 informed as to all changes in its plans or schedule for the proj-  
23 ect, and shall file final plans for any project with the reloca-  
24 tion agency as soon as practicable, and in any event no later  
25 than the date the properties affected are acquired.

The Commission on ...

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1. The first thing I did was to go to the bank and get some money out of my account. I had to go to the bank because I had no money left in my pocket. I had to go to the bank because I had no money left in my pocket. I had to go to the bank because I had no money left in my pocket.

2. I then went to the store and bought some food. I had to go to the store because I had no food left in my house. I had to go to the store because I had no food left in my house. I had to go to the store because I had no food left in my house.

3. After that, I went to the office and worked for a few hours. I had to go to the office because I had no work left in my house. I had to go to the office because I had no work left in my house. I had to go to the office because I had no work left in my house.

4. Finally, I went to bed and fell asleep. I had to go to bed because I had no sleep left in my house. I had to go to bed because I had no sleep left in my house. I had to go to bed because I had no sleep left in my house.

5. This was a very busy day for me. I had to do a lot of things in a short amount of time. I had to do a lot of things in a short amount of time. I had to do a lot of things in a short amount of time.