

# HOUSE . . . . . No. 2718

By Messrs. Ansel of Boston and Klebanow of Boston, petition of Julius Ansel and Benjamin Klebanow that provision be made for a system of relocation assistance to persons or firms displaced by eminent domain proceedings. The Judiciary.

## 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 The General Laws are hereby amended by inserting after  
2 chapter 79, under the title, RELOCATION ASSISTANCE, the follow-  
3 ing new chapter:—

#### CHAPTER 79A.

#### RELOCATION ASSISTANCE.

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5  
6 *Section 1.* It is hereby declared that the use of the power of  
7 eminent domain by the commonwealth and its agencies and  
8 subdivisions for various purposes has increased, that the use of  
9 such power creates hardships and results in inequities to per-  
10 sons, businesses and institutions displaced thereby because of  
11 the magnitude of the displacement, the shortage of decent,  
12 safe and sanitary accommodations for those displaced and the  
13 inequality of treatment of such persons by different agencies  
14 acting under different laws, that the commonwealth has an  
15 equitable obligation to provide assistance to persons, firms and  
16 institutions displaced as a result of the exercise of the power of  
17 eminent domain; and that the provision of such assistance in  
18 the manner and for the purposes set forth in this act is a public  
19 use and purpose for which public funds raised by taxation may  
20 be expended.

21 *Section 2.* This chapter shall be known and may be cited as  
22 “The Relocation Law”. The Relocation Law is inapplicable  
23 as to all federally-aided urban renewal projects carried out in  
24 accordance with the provisions of chapter one hundred and  
25 twenty-one, and in any instance and to whatever extent its ap-  
26 plicability would render the commonwealth or any department,  
27 agency, instrumentality or political subdivision thereof ineli-  
28 gible for relocation assistance that would be otherwise available  
29 under any federal law or any other state law.

30 *Section 3.* The following terms wherever used in this chap-  
31 ter shall, unless a different meaning clearly appears from the  
32 context, have the following meanings: —

33 “Business unit” means a room, suite or other combination  
34 of rooms, structure, building or buildings occupied and used  
35 for business, commercial, industrial, institutional, religious,  
36 charitable or other non-residential purposes which unit is to  
37 be displaced by any public project or any project of a private  
38 entity authorized to use the power of eminent domain for said  
39 project.

40 “Dwelling unit” means a room, suite of rooms, apartment,  
41 trailer or house occupied as a single residential unit by one  
42 or more persons, which unit is to be displaced by any public  
43 project or any project of a private entity authorized to use the  
44 power of eminent domain for said project.

45 “Occupant” means the aggregate of all persons occupying a  
46 single dwelling unit or the aggregate of all persons, firms,  
47 corporations, institutions or other entities occupying a single  
48 business unit on the date the land on which such dwelling or  
49 business unit is located, is acquired by eminent domain or by  
50 negotiation in lieu thereof.

51 “Relocation agency” means the redevelopment authority of  
52 the city or town, if any, otherwise the city or town or such  
53 authority, department, officer or other agency of the city or  
54 town as the city manager, if any, otherwise the mayor of a  
55 city or the board of selectmen and town manager, if any, of  
56 a town shall designate.

57 “Taking agency” means the commonwealth, any depart-  
58 ment, agency, instrumentality or political subdivision thereof  
59 and any other authority or governmental body, however de-  
60 nominated, which takes land within the commonwealth by  
61 eminent domain or by negotiation in lieu thereof, and any

62 private entity authorized to exercise the power of eminent do-  
63 main under the laws of the commonwealth.

64 *Section 4.* Whenever the occupants of any dwelling unit or  
65 business unit are displaced because of the acquisition by emi-  
66 nent domain, or by negotiation in lieu thereof, of the land  
67 upon which such unit is located, such occupants shall receive  
68 payments for moving expenses, provided, however, that mov-  
69 ing expenses shall be deemed to be at least twenty-five dollars  
70 and shall not be deemed to exceed two hundred dollars in the  
71 case of the occupants of a dwelling unit and shall be deemed to  
72 be at least one hundred dollars and shall not be deemed to  
73 exceed five thousand dollars in the case of the occupants of a  
74 business unit.

75 The state housing board shall prepare a schedule of pre-  
76 scribed payments for moving expenses for dwelling units,  
77 based upon the number of rooms in a unit, the furniture, if  
78 any, the occupants have to move, the minimum and maximum  
79 amounts prescribed by this section, and such other factors as  
80 the board shall consider appropriate. Such schedule shall be  
81 used by taking agencies and relocation agencies in determin-  
82 ing the amount of the payment for moving expenses to which  
83 the occupants of any dwelling unit are entitled.

84 The board shall promulgate rules and regulations which  
85 shall govern the procedures to be used by taking and reloca-  
86 tion agencies in determining moving expenses for various types  
87 of business units.

88 The taking agency or, in the case of projects to which sec-  
89 tions six and seven apply, the relocation agency shall au-  
90 thorize the payment of the prescribed minimum moving ex-  
91 penses to the occupants of a dwelling or business unit prior to  
92 or on the date on which such occupants are required to move  
93 by the taking agency.

94 Occupants of dwelling and business units shall be given a  
95 notice, at the same time as they are paid the minimum mov-  
96 ing expense payment, informing them of their rights under  
97 the relocation law, giving the name and address of the agency  
98 with which petitions for the award of additional payments for  
99 moving expenses may be brought and describing the pro-  
100 cedure to be followed on such petitions. Within three months  
101 after the date any such occupants are required to move or  
102 receive the payment and notice prescribed above, whichever

103 is later, said occupants may petition the agency designated  
104 in the notice for such additional payments for moving ex-  
105 penses as are prescribed by the procedures set forth in this  
106 section, provided, however, that such additional payments shall  
107 not be made in reimbursement of any expenses incurred for  
108 moving or relocating the property of any occupant outside the  
109 commonwealth of Massachusetts.

110 Any such occupants who fail to petition the appropriate  
111 agency within the prescribed period shall be deemed to have  
112 waived their rights to payment for any moving expenses in  
113 addition to the minimum payment.

114 Any such occupants aggrieved by the determination of the  
115 relocation or taking agency under this section may appeal to  
116 the state housing board within thirty days from the date of  
117 receipt of notice of said determination, and the disposition of  
118 the state housing board of such appeal shall be final.

119 *Section 5.* Whenever the plans of any taking agency indi-  
120 cate that projects of such agency to be commenced during the  
121 ensuing year will involve the acquisition by eminent domain  
122 or by negotiation in lieu thereof properties in any city or town  
123 which will require the removal of twenty-five or more dwell-  
124 ings or business units, the taking agency shall so inform the  
125 relocation agency, or, if no relocation agency has been organized  
126 or designated in such city or town, shall so inform the city  
127 manager, if any, otherwise the mayor of a city or the selectmen  
128 and town manager of a town, who shall thereupon designate  
129 the relocation agency for such city or town.

130 As soon as the taking agency is prepared to divulge prelim-  
131 inary plans for a project involving acquisition of properties  
132 requiring removal of twenty-five or more such units in any  
133 city or town, and in any event at least three months prior to  
134 the date it intends to acquire such properties, the taking  
135 agency shall file with the relocation agency its preliminary  
136 plans and proposed schedule for the completion of the project,  
137 which plans and schedule shall be sufficiently complete to in-  
138 dicate the approximate location of the project and amount of  
139 property to be taken and the proposed dates for land acquisi-  
140 tion, for requiring occupants to vacate dwelling and business  
141 units on such land and for commencing construction. With  
142 respect to such projects, relocation assistance shall be fur-  
143 nished in accordance with sections six and seven and the mak-

144 ing for minimum moving expenses, and entertaining of peti-  
145 tions for additional payments under section four, shall be the  
146 responsibility of the relocation agency

147 *Section 6.* At the time such preliminary plans and schedule  
148 are filed the taking agency shall either contract to pay all ex-  
149 penses reasonably incurred by the relocation agency in the  
150 preparation of the plan as they become due or advance to the  
151 relocation agency a sum of money reasonably calculated to be  
152 sufficient to meet such expenses as they become due.

153 Upon receipt of the preliminary plans and proposed schedule  
154 of the taking agency, the relocation agency shall cause a relo-  
155 cation plan to be prepared showing the number of dwelling  
156 units and business units to be displaced by the proposed project  
157 and the availability of other suitable accommodations for the  
158 occupants, also showing through which agency and by what  
159 means the occupants of such dwelling and business units are  
160 to be relocated, and shall also prepare a budget. Such plan  
161 shall be sufficiently complete to indicate the functions and  
162 staffing of the relocation office and the methods to be used for  
163 interviewing occupants, for inspecting and referring vacancies  
164 to occupants, for temporarily or permanently relocating oc-  
165 cupants, and making payments for moving expenses to occu-  
166 pants within the time permitted by the proposed schedule of  
167 the taking agency. Such plan shall be completed as expedi-  
168 tiously as possible and upon completion, copies thereof shall  
169 be filed with the taking agency; provided, however, that on or  
170 prior to the date scheduled for land acquisition, the relocation  
171 agency shall file such plans as are then completed with the  
172 taking agency.

173 Such budget shall contain estimates of the total payments  
174 for moving expenses to be required in connection with the  
175 project and shall contain a detailed budget for all operating,  
176 overhead, administrative, legal, salary and other expenses to  
177 be incurred by the relocation agency in both preparing and  
178 carrying out the relocation plan. Such budget shall be sub-  
179 mitted to the taking agency for its approval not later than one  
180 week before the date scheduled for land acquisition. Within  
181 two weeks after such submission the taking agency shall re-  
182 turn the budget to the relocation agency either fully approved  
183 or approved in part and accompanied by a statement of its  
184 reasons for disapproving any part not approved and shall pay

185 the relocation agency an amount equal to the total of all ap-  
186 proved budget items less amounts already advanced. If the  
187 taking agency fails to return such budget within such period,  
188 it shall be deemed to have approved the budget as submitted  
189 and to have contracted with the relocation agency for the im-  
190 mediate payment of a sum sufficient to meet the total budget.  
191 Any budget returned to the relocation agency not fully ap-  
192 proved shall be promptly submitted to the state housing board,  
193 which shall promptly approve, reduce or disapprove any item  
194 budgeted by the relocation agency and disapproved by the  
195 taking agency. The decision of the state housing board shall  
196 be final and conclusive upon the taking agency and the reloca-  
197 tion agency and upon the filing of such decision with such  
198 agencies, the taking agency shall pay the relocation agency a  
199 sum sufficient to meet all items, if any, found to have been  
200 improperly disapproved by the taking agency. Any modifica-  
201 tion in the budget shall be proposed by the relocation agency,  
202 approved or disapproved by the taking agency and, to the  
203 extent disapproved, arbitrated by the state housing board in  
204 the same manner as an original budget. The relocation agency  
205 shall keep complete records of all expenses incurred and ex-  
206 penditures made in planning and carrying out the relocation  
207 plan, which records may be examined by the taking agency at  
208 all reasonable times, and shall be accountable to the taking  
209 agency for all funds contributed by it.

210 *Section 7.* The relocation agency may itself prepare and  
211 carry out, or may contract or co-operate with any local, re-  
212 gional or state agency or department or private, charitable or  
213 social agency for the preparation and carrying out of a reloca-  
214 tion plan; provided, however, that any contract with a private,  
215 charitable or social agency shall be approved by the taking  
216 agency. The relocation agency of any city or town may join  
217 or co-operate with the relocation agency of any other cities or  
218 towns in the preparation and carrying out of a relocation plan  
219 for any project or projects. Copies of all plans and schedules  
220 filed by a taking agency with a relocation agency and of all  
221 relocation plans shall be filed with the state housing board,  
222 which may assist relocation agencies with staffing and other  
223 problems, collect information as to the availability of and need  
224 for accommodations for occupants on a regional and state-  
225 wide basis, and furnish such information to any relocation

226 agency or interested person. The state housing board shall  
227 prescribe such forms and promulgate such regulations as are  
228 necessary to guide both taking agencies and relocation agen-  
229 cies in the performance of their responsibilities and to accom-  
230 plish the purposes of the Relocation Law. The taking agency  
231 shall keep the relocation agency fully informed as to all changes  
232 in its plans or schedule for the project, and shall file final plans  
233 for any project with the relocation agency as soon as practi-  
234 cable, and in any event no later than the date the properties  
235 affected are acquired.

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The second part of the report contains a detailed account of the military operations and the results of the campaigns. It is followed by a discussion of the political and social conditions of the country and the influence of the war on these conditions. The author then discusses the findings and makes a list of recommendations.

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