

By Mr. Harmon of Boston, petition of Samuel Harmon for legislation to provide relocation assistance to persons displaced by eminent domain. The Judiciary.

**The Commonwealth of Massachusetts**

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

AN ACT TO PROVIDE RELOCATION ASSISTANCE TO PERSONS 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 the following new chapter: —

3 CHAPTER 79A.

4 RELOCATION ASSISTANCE.

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

21 *Section 2.* This chapter shall be known and may be cited  
22 as "The Relocation Law". The relocation law shall be in-  
23 applicable to all federally aided urban renewal projects carried

24 out in accordance with the provisions of chapter one hundred  
25 and twenty-one, and in any instance and to whatever extent  
26 its applicability would render the commonwealth or any depart-  
27 ment, agency, instrumentality or political subdivision thereof  
28 ineligible for relocation assistance that would be otherwise  
29 available 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 “Dwelling Unit” means a room, suite of rooms, apartment,  
34 trailer or house occupied by one or more persons for residential  
35 purposes which unit is to be displaced by any public project or  
36 any project of a private entity authorized to use the power of  
37 eminent domain for said project.

38 “Occupants” means the person or persons, occupying a single  
39 dwelling unit on the date the land on which such dwelling is  
40 located is acquired by eminent domain or by negotiation in  
41 lieu thereof.

42 “Relocation Agency” means the redevelopment authority of  
43 the city or town, if any, otherwise the city or town or such au-  
44 thority, department, office or other agency of the city or town  
45 as the city manager, if any, otherwise the mayor of a city or  
46 the board of selectmen and town manager, if any, of a town shall  
47 designate.

48 “Taking Agency” means the commonwealth, any depart-  
49 ment, agency, instrumentality or political subdivision thereof  
50 and any other authority or governmental body, however de-  
51 nominated, which takes land within the commonwealth by  
52 eminent domain or by negotiation in lieu thereof, and any  
53 private entity authorized to exercise the power of eminent  
54 domain under the laws of the commonwealth.

55 *Section 4.* Whenever the plans of any taking agency indi-  
56 cate that projects of such agency to be commenced during the  
57 ensuing twelve months will involve the acquisition by eminent  
58 domain or by negotiation in lieu thereof properties in any city  
59 or town which will require the removal of twenty-five or more  
60 dwelling units, the taking agency shall so inform the relocation  
61 agency, or, if no relocation agency has been organized or  
62 designated in such city or town, shall so inform the city mana-  
63 ger, if any, otherwise the mayor of a city or the selectmen and

64 town manager of a town, who shall thereupon designate the  
65 relocation agency for such city or town.

66 As soon as the taking agency is prepared to divulge pre-  
67 liminary plans for a project involving acquisition of properties  
68 requiring removal of twenty-five or more such units in any  
69 city or town, and in any event at least three months prior to  
70 the date it intends to acquire such properties, the taking agency  
71 shall file with the relocation agency its preliminary plans and  
72 proposed schedule for the completion of the project, which  
73 plans and schedule shall be sufficiently complete to indicate  
74 the approximate location of the project and amount of prop-  
75 erty to be taken and the proposed dates for land acquisition,  
76 for requiring occupants to vacate dwelling on such land and  
77 for commencing construction.

78 *Section 5.* At the time such preliminary plans and schedule  
79 are filed the taking agency shall either contract to pay all ex-  
80 penses reasonably incurred by the relocation agency in the  
81 preparation of the plan as they become due or advance to the  
82 relocation agency a sum of money reasonably calculated to be  
83 sufficient to meet such expenses as they become due.

84 Upon receipt of the preliminary plans and proposed schedule  
85 of the taking agency, the relocation agency shall cause a reloca-  
86 tion plan to be prepared showing the number of dwelling units  
87 and business units to be displaced by the proposed project and  
88 the availability of other decent, safe and sanitary housing for  
89 the occupants, also showing through which agency and by  
90 what means the occupants of such dwelling units are to be re-  
91 located, and shall also prepare a budget. Such plan shall be  
92 sufficiently complete to indicate the functions and staffing of  
93 the relocation office and the methods to be used for interview-  
94 ing occupants, for inspecting and referring vacancies to occu-  
95 pants, for temporarily or permanently relocating occupants,  
96 and making payments for moving expenses to occupants within  
97 the time permitted by the proposed schedule of the taking  
98 agency. Such plan shall be completed as expeditiously as possi-  
99 ble and upon completion, copies thereof shall be filed with the  
100 taking agency; provided, however, that on or prior to the date  
101 scheduled for land acquisition, the relocation agency shall file  
102 such plans as are then completed with the taking agency.

103 Such budget shall contain a detailed budget for all operating,

104 overhead, administrative, legal salary and other expenses to be  
105 incurred by the relocation agency in both preparing and carry-  
106 ing out the relocation plan. Such budget shall be submitted to  
107 the taking agency for its approval not later than one month  
108 before the date scheduled for land acquisition. Within two  
109 weeks after such submission the taking agency shall return  
110 the budget to the relocation agency either fully approved or  
111 approved in part and accompanied by a statement of its reasons  
112 for disapproving any part not approved and shall pay the re-  
113 location agency an amount equal to the total of all approved  
114 budget items less amounts already advanced. If the taking  
115 agency fails to return such budget within such period, it shall  
116 be deemed to have approved the budget as submitted and to  
117 have contracted with the relocation agency for the immediate  
118 payment of a sum sufficient to meet the total budget. Any  
119 budget returned to the relocation agency not fully approved  
120 shall be forthwith submitted to the state housing board, which  
121 shall within one week of said submission approve, reduce or  
122 disapprove any item budgeted by the relocation agency and  
123 disapproved by the taking agency. The decision of the state  
124 housing board shall be final and conclusive upon the taking  
125 agency and the relocation agency and upon the filing of such  
126 decision with such agencies, the taking agency shall pay the  
127 relocation agency a sum sufficient to meet all items, if any,  
128 found to have been improperly disapproved by the taking  
129 agency.

130 Any modification in the budget shall be proposed by the  
131 relocation agency, approved or disapproved by the taking  
132 agency and, to the extent disapproved, arbitrated by the state  
133 housing board in the same manner as an original budget. The  
134 relocation agency shall keep complete records of all expenses  
135 incurred and expenditures made in planning and carrying out  
136 the relocation plan, which records may be examined by the  
137 taking agency at all reasonable times, and shall be accountable  
138 to the taking agency for all funds contributed by it.

139 *Section 6.* The relocation agency may itself prepare and  
140 carry out, or may contract or co-operate with any local, regional  
141 or state agency or department or private, charitable or social  
142 agency for the preparation and carrying out of a relocation plan;  
143 provided, however, that any contract with a private, charitable

144 or social agency shall be approved by the taking agency. Copies  
145 of all plans and schedules filed by a taking agency with a relo-  
146 cation agency and of all relocation plans shall be filed with the  
147 state housing board, which may assist relocation agencies with  
148 staffing and other problems, collect information as to the avail-  
149 ability of and need for accommodations for occupants on a  
150 regional and state-wide basis, and furnish such information to  
151 any relocation agency. In the event that the relocation agency  
152 is unable to provide such persons displaced by the taking agency  
153 with housing facilities similar in area and cost to those which  
154 have been taken, then such relocation agency shall so inform  
155 the state housing board, prior to the demolition of such housing,  
156 and the state housing board shall erect public housing units for  
157 persons so displaced at a cost comparable to those from which  
158 they have been displaced.

159 The state housing board shall prescribe such forms and  
160 promulgate such standards as necessary to guide both taking  
161 agencies and relocation agencies in the performance of their  
162 duties as specified in the relocation law. The taking agency  
163 shall keep the relocation agency informed as to all changes in  
164 its plans or schedule for the project and shall file final plans  
165 for any project with the relocation agency as soon as practicable,  
166 and in any event no later than the date the affected properties  
167 are acquired.





