

HOUSE No. 6271

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, June 3, 1975.

The committee on Bills in the Third Reading, to whom was referred the Bill to clarify relocation assistance requirements and payment limitations (House, No. 5855), report recommending that the same be amended by the substitution of the accompanying bill (House, No. 6271).

For the committee,

JOHN E. MURPHY.

The Commonwealth of Massachusetts

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

AN ACT CLARIFYING RELOCATION ASSISTANCE REQUIREMENTS AND
PAYMENT LIMITATIONS.

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

1 SECTION 1. Section 1 of chapter 79A of the General Laws is
2 hereby amended by striking out the definition of "Acquisition",
3 as appearing in section 1 of chapter 863 of the acts of 1973, and
4 inserting in place thereof the following definition:—

5 "Acquisition", the taking of real property by eminent domain,
6 negotiated sale, or other means, by or for any public agency, or
7 by any person or agency authorized to take by eminent domain,
8 or by an entity established under the provisions of chapter one
9 hundred and twenty-one A.

1 SECTION 2. The definition of "Initiation of negotiations" in
2 said section 1 of said chapter 79A, as so appearing, is hereby
3 amended by striking out the second sentence.

1 SECTION 3. Section 3 of said chapter 79A, as amended by
2 section 3 of said chapter 863, is hereby amended by striking out,
3 in line 2, the words "including corporations" and inserting in
4 place thereof the words:— or any entity.

1 SECTION 4. Said chapter 79A is hereby further amended by
2 striking out section 4, as most recently amended by section 4 of
3 said chapter 863, and inserting in place thereof the following
4 section:—

5 *Section 4.* At the time of the submission of an application for
6 public approval or funding for a project involving the displace-
7 ment of a dwelling or business unit, the displacing agency shall
8 submit to the bureau of relocation a relocation plan which shall
9 be submitted prior to the acquisition of property. The relocation
10 plan shall show the names and addresses of all occupants to be

11 displaced; the number of individuals, families, and business
12 concerns to be displaced; the date on which such displacement
13 will begin; the needs of the displaced occupants for relocation
14 assistance; the availability of safe and sanitary housing within the
15 means of occupants to be displaced; a program for their
16 relocation; and a demonstration in accordance with bureau
17 regulations that the relocation agency has coordinated the plan
18 with other planned or proposed land acquisitions in the city or
19 town which may affect the carrying out of the relocation
20 program.

1 SECTION 5. Said chapter 79A is hereby further amended by
2 striking out section 5, as amended by section 5 of said chapter
3 863, and inserting in place thereof the following section:—

4 *Section 5.* The department shall review all relocation plans to
5 determine whether there has been compliance with the re-
6 quirements of section four, and any regulations which are issued
7 pursuant thereof. The department may approve any relocation
8 plan which complies with the aforesaid requirements. Property
9 acquisition shall not occur until the relocation plan has been
10 approved.

11 If the costs of relocation assistance are reimbursable in whole
12 or in part by the federal government and a relocation plan is
13 required to be reviewed by any agency or department of the
14 federal government, the same relocation plan shall be reviewed by
15 the department. The department shall approve any plan which
16 has been approved by such agency or department of the federal
17 government and which complies with the requirements of section
18 four.

1 SECTION 6. Subsection (C) of subdivision I of section 7 of
2 said chapter 79A, as appearing in section 7 of said chapter 863, is
3 hereby amended by adding the following paragraph:—

4 Nothing in this subsection shall be deemed to construe the
5 private sale or real property by a willing seller of a place of
6 business to a willing buyer, so as to make the seller eligible for a
7 relocation payment, unless such property is scheduled for public
8 acquisition or acquisition by a person having the power of
9 eminent domain.

1 SECTION 7. Subsection (B) of subdivision II of said section 7
2 of said chapter 79A, as so appearing, is hereby amended by
3 adding the following paragraph: —

4 Nothing in this subsection shall be deemed to construe the
5 private sale of real property by a willing seller to a willing buyer,
6 so as to make the seller eligible for a replacement housing
7 payment, unless such property is scheduled for public acquisition
8 or acquisition by a person having the power of eminent domain.

1 SECTION 8. The last paragraph of said section 7 of said
2 chapter 79A, as so appearing, is hereby amended by striking out
3 the last sentence and inserting in place thereof the following
4 sentence: — Payments received under this chapter shall not be
5 considered as income for such purposes as establishing eligibility
6 or the extent of eligibility of any person or family for public
7 assistance programs including, without limitation, state and
8 federal assistance to veterans, or for purposes of state or federal
9 income tax.

1 SECTION 9. Section 13 of said chapter 79A, added by section
2 10 of said chapter 863, is hereby amended by striking out, in lines
3 3 to 5, inclusive, the words “, pursuant to section one hundred
4 and twenty-seven B of chapter one hundred and eleven.”