


## CHAPTER 3

### Relocation Assistance

#### SECTIONS

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#### **§ 301. Declaration of policy.**

The purpose of this chapter is to establish a uniform policy for the fair and equitable treatment of persons displaced by the acquisition of real property by Trust Territory Government and district land acquisition programs, or by programs of rehabilitation of buildings or other improvements conducted pursuant to governmental supervision. The policy shall be uniform as to:

- (1) relocation payments;
- (2) advisory assistance;
- (3) assurance of availability of standard housing.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 501.

**Editor's note:** COM PL 6-71 § 3 provided that this chapter would expire on June 30, 1976. However, the expiration date was postponed; see COM PL 6-102 and COM PL 7-35 § 15; the expiration provision was later repealed by COM PL 7-78.

### **§ 302. Definitions.**

As used in this chapter:

(1) "Agency" means any department, agency, or instrumentality of the Trust Territory or of a political subdivision of the Trust Territory, or any department, agency, or instrumentality of two or more political subdivisions of the Trust Territory.

(2) "Business" means any lawful activity, excepting a farm operation, conducted primarily:

(a) for the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(b) for the sale of services to the public; or

(c) by a nonprofit organization.

(3) "Displaced person" means any person who, on or after the effective date of this chapter, moves from real property or moves his personal property from real property, as a result of the acquisition of such real property in whole or in part, or as the result of the written order of the acquiring agency to vacate real property for a program or project undertaken by an agency, and, solely for the purpose of sections 303, 304, and 308 of this chapter, as a result of the acquisition of or as the result of the written order of the acquiring agency to vacate other real property, on which such person conducts a business or farm operation, for such program or project.

(4) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including copra, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(5) "Person" means any individual, partnership, corporation, or association.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 502.

**Editor's note:** Subsections rearranged in alphabetical order in the 1982 edition of this code.

### **§ 303. Relocation payments for actual moving and related expenses.**

If an agency acquires real property for public use, it shall make fair and reasonable relocation payments to displaced persons and businesses as required by this chapter for:

(1) actual reasonable expenses in moving himself, his family, business, farm operation, or other personal property;

(2) actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such

property, as determined by the agency; and

- (3) actual reasonable expenses in searching for a replacement business or farm.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 503 (1).

#### **§ 304. Displaced person's option to receive moving and dislocation allowances.**

Any displaced person eligible for payments under section 303 of this chapter who is displaced from a dwelling and who elects to accept the payments authorized by this section in lieu of the payments authorized by section 303 of this chapter may receive a moving expense allowance, determined according to a schedule established by the agency, not to exceed \$300, and a dislocation allowance of \$200.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 503(2).

#### **§ 305. Displaced person's option to receive payment based on business earnings.**

(1) Any displaced person eligible for payment under section 303 of this chapter, who is displaced from his place of business or from his farm operation and who elects to accept the payment authorized by this section in lieu of the payment authorized by section 303 of this chapter, may receive a fixed payment in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than \$2,500 nor more than \$10,000.

(2) In the case of a business no payment shall be made under this section unless the agency is satisfied that the business:

(a) cannot be relocated without a substantial loss of its existing patronage; and

(b) is not a part of a commercial enterprise having a least one other establishment not being acquired by the agency, which is engaged in the same or similar business.

(3) For purposes of this section, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation before Federal, State, and local income taxes during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for such project, or during such other period as the agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 503(3).

#### **§ 306. Replacement housing for homeowners.**

(1) In addition to payments otherwise authorized by this chapter, the agency shall make an additional payment not in excess of \$15,000 to any displaced person who is displaced from a dwelling actually owned and

occupied by the displaced person for not less than 180 days prior to the initiation of negotiations for the acquisition of the property.

(2) The additional payment shall include the following elements:

(a) the amount, if any, which when added to the acquisition cost of the dwelling acquired, equals the reasonable cost of a comparable replacement dwelling which is a decent, safe, and sanitary dwelling according to contemporary community standards and adequate to accommodate such displaced person, reasonably accessible to public services and places of employment, and available on the private market. All determinations required to carry out this paragraph shall be determined by regulations issued pursuant to section 310 of this chapter;

(b) the amount, if any, which will compensate the displaced person for any increased interest costs which the person is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the dwelling acquired was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of the dwelling. The amount shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the mortgage on the acquired dwelling over the remainder term of the mortgage on the acquired dwelling reduced to discounted present value. The discount rate shall be determined by regulations issued pursuant to section 310 of this chapter; and

(c) reasonable expenses incurred by the displaced person for evidence of title, recording fees, and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(3) The additional payment authorized by this section shall be made only to a displaced person who purchases and occupies a replacement dwelling which is decent, safe, and sanitary according to contemporary community standards not later than the end of the one year period beginning on the date on which he receives final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 504.

### **§ 307. Replacement housing for tenants and certain others.**

(1) In addition to amounts otherwise authorized by this chapter, an agency shall make a payment to or for any displaced person displaced from any dwelling not eligible to receive a payment under section 306 of this chapter, which dwelling was actually and lawfully occupied by the displaced person for not less than 90 days prior to the initiation of negotiations for acquisition of such dwelling.

(2) The payment shall be either:

(a) the amount necessary to enable the displaced person to lease or rent, for a period not to exceed four years, a decent, safe, and sanitary dwelling according to contemporary community standards and adequate to accommodate the person in areas not generally less desirable in regard to public utilities and public and commercial facilities, and reasonably accessible to his place of employment, but not to exceed \$4,000; or

(b) the amount necessary to enable the person to make a down payment (including incidental expenses described in section 306(2)(c) of this chapter) on the purchase of a decent, safe, and sanitary dwelling according to contemporary community standards and adequate to accommodate such person in areas not generally less desirable in regard to public utilities and public and commercial facilities, but not to exceed

\$4,000 except that if the amount exceeds \$2,000, the person must equally match any amount in excess of \$2,000 in making the down payment.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 505.

### **§ 308. Relocation assistance advisory programs.**

(1) Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this chapter, the agency shall provide a relocation assistance advisory program for displaced persons which shall offer the services prescribed in subsection (2) of this section. If the agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, it may offer the person relocation advisory services under the program.

(2) Each relocation assistance program required by subsection (1) of this section shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(a) determine the needs of displaced persons, business concerns, and nonprofit organizations for relocation assistance;

(b) assist owners of displaced businesses and farm operations in obtaining and becoming established in suitable business locations or replacement farms;

(c) supply information concerning programs of the Federal, State, and local governments offering assistance to displaced persons and business concerns;

(d) assist in minimizing hardships to displaced persons in adjusting to relocation; and

(e) secure, to the greatest extent practicable, the coordination of relocation activities with other project activities and other planned or proposed governmental actions in the community or nearby areas which may affect the carrying out of the relocation program.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 506.

### **§ 309. Assurance of availability of standard housing.**

Whenever the acquisition of real property for a program or project undertaken by an agency will result in the displacement of any person on or after the effective date of this chapter, the agency shall assure that, within a reasonable period of time prior to displacement, there will be available in areas not generally less suitable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, dwellings which are decent, safe, and sanitary according to contemporary community standards and which are equal in number to the number of and available to displaced persons who require dwellings and which are reasonably accessible to the places of employment of said persons, except that regulations issued pursuant to section 310 of this chapter may prescribe situations when these assurances may be waived.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 507.

**§ 310. Authority of District Administrator to promulgate regulations.**

(1) The District Administrator in each district of the Trust Territory shall adopt rules and regulations necessary to assure that:

(a) the payments and assistance authorized by this chapter shall be administered in a manner which is fair and reasonable, and as uniform as practicable;

(b) a displaced person who makes proper application for a payment authorized by this chapter shall be paid promptly after a move or, in hardship cases, be paid in advance; and

(c) any person aggrieved by a determination as to eligibility for a payment authorized by this chapter, or the amount of payment, may have his application reviewed by the High Commissioner.

(2) The District Administrator may prescribe other regulations and procedures, consistent with the provisions of this chapter.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 508.

**§ 311. Administration.**

In order to prevent unnecessary expense and duplication of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons, the agency with the approval of the High Commissioner may enter into contracts with any individual, firm, association, or cooperation for services in connection with those programs, or may carry out its functions under this chapter through any Federal agency or any department or instrumentality of the Trust Territory or its political subdivisions having an established organization for conducting relocation assistance programs.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 509.

**§ 312. Availability of funds.**

Funds appropriated or otherwise available to any agency for the acquisition of real property or any interest therein for a particular program or project shall be available also for obligation and expenditure to carry out the provisions of this chapter as applied to that purpose or project.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 510.

**§ 313. Payments not to be considered as income or resources.**

No payment received by a displaced person under this chapter shall be considered as income or resources for the

purpose of determining the eligibility or extent of eligibility of any person for assistance under any Trust Territory law, or for the purposes of any Trust Territory tax laws. These payments shall not be considered as income or resources of any recipient of public assistance and the payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 511.

### **§ 314. Appeal procedure.**

Any person or business concern aggrieved by a final administrative determination pursuant to section 310(1)(c) of this chapter concerning eligibility for relocation payments authorized by this chapter may appeal that determination to the Trial Division of the High Court in the area in which the land taken for public use is located or the rehabilitation program is conducted.

**Source:** COM PL 6-71 § 2 (part); TT Code 1980, 67 TTC 512.