

of compensation "operates unequally, with some condemnees fully indemnified while many others are forced to bear considerable losses."⁶ Changes in public policy, therefore, have been sought through the Congress and State legislatures. As early as 1933, in establishing the Tennessee Valley Authority, Congress authorized TVA to provide assistance to persons forcibly displaced by TVA acquisitions. During the past decade, Congress has passed piecemeal a series of laws authorizing certain agencies to make limited administrative payments for moving expenses and closely related losses. These acts have different provisions, and a number of agencies still are without authority to pay these expenses. The wide variation in provisions and the fact that many property-taking programs have no provisions at all were important factors leading to establishment of the Select Subcommittee on Real Property Acquisition of the House Committee on Public Works in 1961.

A number of States also have taken legislative action to authorize compensation for moving expenses and personal property losses. On the whole, however, the willing seller-willing buyer standard remains the test in most States, and many incidental losses continue to be uncompensated.

Legislative action takes two different approaches: (1) authorization and direction for administrative departments to pay compensation for moving and related costs of relocation with some specification of the types of costs to be allowed and maximum amounts; and (2) expansion of the eminent domain statute to authorize property-acquiring agencies and the courts to include moving and related costs in awards granted to property owners and, usually, tenants. The Federal Government has followed the first course exclusively. State governments have differed, mostly following the course of administrative payments. Included in this group are New York, Connecticut, Massachusetts, and Ohio. Those using the eminent domain approach include Maryland, Minnesota, and Pennsylvania. In all cases, the statute establishes maximum limits on payments for all or various categories of incidental damages.

A MEASURE OF THE RELOCATION PROBLEM

In a joint survey of municipal governments in cities over 100,000 population in the summer of 1964, the Commission and the U.S. Conference of Mayors⁷ sought information about relocation experiences and problems, including the volume of displacement. The 100 cities responding indicated that 36,900 families and 5,800 business concerns were displaced by all types of governmental action in the past year. They estimated that in the next 2 years 125,000 families and 16,000 businesses would be displaced, a yearly average of 62,500 and 8,000, respectively. A summary of the figures by program is shown in tables 11 and 12. Urban renewal and highway construction are the main causes of displacement, accounting for 61 percent of anticipated family relocation and 88 percent of business relocation in the next 2 years.

⁶ "Eminent Domain Valuations in an Age of Redevelopment: Incidental Losses," *Yale Law Journal*, LXVII (1957-58), p. 74.

⁷ Hereafter cited as ACIR-CM survey.