

MEETING DATE:

10/03/06

AGENDA ITEM:

Consideration of Adoption of Updated "*Rules And Regulation For Implementation Of The California Relocation Assistance Law.*"

ATTACHMENT

	<u>Pages</u>
1. Draft Resolution 2006-A__	1-2
2. Exhibit "A" to Resolution – Rules and Regulations For Implementation Of The California Relocation Assistance Law	3-102

1 RESOLUTION NO. 2006-A____

2
3 A RESOLUTION OF THE CULVER CITY REDEVELOPMENT AGENCY,
4 CALIFORNIA, AMENDING RESOLUTION NO 99-A001 AND
5 APPROVING AND ADOPTING RULES AND REGULATIONS FOR
6 RELOCATION ASSISTANCE FOR THE CULVER CITY
7 REDEVELOPMENT AGENCY
8

9 WHEREAS, the Culver City Redevelopment Agency (the "Agency") was duly
10 created under the provisions of the Community Redevelopment Law of the State of
11 California; and

12 WHEREAS, California public entities are required to adopt rules and
13 regulations for implementing payments and administering relocation assistance under
14 the California Relocation Assistance Law (Section 7260 et seq. of the California
15 Government Code) (the "Act"); and

16 WHEREAS, such rules and regulations are required to be in accordance with
17 the Act and the Relocation Assistance and Real Property Guidelines (Title 25,
18 Chapter 6 of the California Code of Regulations) (the "Guidelines"); and

19 WHEREAS, the Agency most recently adopted relocation rules and
20 regulations by Resolution No. 99-A001 approved January 4, 1999 (the "1999
21 Relocation Rules and Regulations"), since which time the Act and Guidelines have
22 been periodically amended; and

23 WHEREAS, the Agency has determined that it is in the best interests of the
24 Agency and for the common benefit of the residents and businesses within the City of
25 Culver City to adopt updated Rules and Regulations for Relocation Assistance in
26 compliance with the amended Act and Guidelines which shall amend the 1999
27 Relocation Rules and Regulations; and

WHEREAS, all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, the Culver City Redevelopment Agency DOES HEREBY
RESOLVE AS FOLLOWS:

1. The Rules and Regulations for Relocation Assistance attached hereto, labeled Exhibit "A" and incorporated herein by this reference are hereby approved and adopted (the "Amended Rules and Regulations").

2. Resolution No. 99-A001 is hereby amended to reflect adoption of the the Amended Rules and Regulations.

APPROVED and ADOPTED this ____ day of _____ 2006

STEPHEN ROSE, Chairman
Culver City Redevelopment Agency

ATTEST:

APPROVED AS TO FORM:

Agency Secretary

Agency General Counsel

Culver CITY

City of Culver City and Culver City Redevelopment Agency

RULES AND REGULATIONS

FOR IMPLEMENTATION OF THE

CALIFORNIA RELOCATION ASSISTANCE LAW

DATE ADOPTED:

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**RULES AND REGULATIONS
FOR IMPLEMENTATION OF THE
CALIFORNIA RELOCATION ASSISTANCE LAW**

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EXHIBIT "A" - Model Relocation Plan

EXHIBIT "B" - Relocation Assistance Appeal Complaint Form

RULES AND REGULATIONS FOR IMPLEMENTATION OF THE CALIFORNIA RELOCATION ASSISTANCE LAW

I. [§ 100] GENERAL

A. [§ 101] Purpose

The purpose of these Rules and Regulations is to implement the **California Relocation Assistance Law, Government Code, (§)7260, et seq.** (the "Law") and the **Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development, Title 25, California Code of Regulations, §6000 et. seq.** (the "Guidelines").

The Rules and Regulations are designed to carry out the policies of the Law and Guidelines with respect to activities of the **City of Culver City** (the "City") and the **Culver City Redevelopment Agency** (the "Agency"). For the purposes of these Rules and Regulations, the term "**Displacing Agency**", individually or collectively, shall mean the City or Agency, as may be applicable.

B. [§ 102] Authority

These Rules and Regulations have been adopted by resolution of the Displacing Agency pursuant to §7267.8(a) of the California Government Code, and are in conformity with the Law and Guidelines.

C. [§ 103] Effective Date; Applicability

The effective date of these Rules and Regulations shall be the date of their adoption by the Displacing Agency. These Rules and Regulations supersede all other Rules and Regulations for Relocation and Acquisition of Real Property previously adopted by the Displacing Agency provided, however, that these Rules and Regulations shall not be construed to apply retroactively to actions undertaken by the Displacing Agency prior to their adoption.

In the event there are conflicts between these Rules and Regulations and applicable state and federal laws or regulations, the applicable state or federal laws or regulations shall control and these Rules and Regulations shall be deemed amended accordingly.

Nothing in these Rules and Regulations shall require, or be construed to require the Displacing Agency to provide any relocation or other assistance, payments, or benefits, or to provide

any notices, or to follow any procedures, beyond that required by the Law or Guidelines. No greater rights or obligations beyond those set forth in the Law and Guidelines are created or conferred by these Rules and Regulations.

D. [§ 104] Extent of Relocation Payments

The Displacing Agency shall provide relocation assistance and relocation payments, required by law, including such assistance that may be required by federal law for projects financed by the federal government. In addition, the Displacing Agency may, in its sole and absolute discretion, and without establishing any precedent, make any additional relocation payments which in the Displacing Agency's opinion may be reasonably necessary under the circumstances of the particular case to carry out the purposes of a project. Such payments shall be subject to the availability of funds for such purposes; provided, however, that even if such funds are available, the Displacing Agency shall be under no obligation to provide additional assistance or payments unless it determines otherwise in its sole and absolute discretion.

E. [§ 105] Exemptions from Relocation Assistance Payments

The requirement to provide relocation assistance and benefits shall not apply to a purchase of real property which is offered for sale by the owner, property being sold at execution or foreclosure sale, property being sold pursuant to court order or under court supervision, or purchases to which §7267.2 of the Act is not applicable. "Offered for sale" means directly offered by the landowner to the Displacing Agency for a specified price in advance of negotiations by the Displacing Agency, and/or offered for sale to the general public at an advertised or published specific price set no more than six months prior to, and still available at the time the Displacing Agency initiates contact with the owner regarding the public entity's possible acquisition of the property.

F. [§ 106] Priority of Federal Law and Federal Projects

If the Displacing Agency engages in an acquisition with federal financial assistance that results in a relocation of a Displaced Person, the Displacing Agency shall make relocation assistance payments and provide relocation advisory assistance as required under the applicable federal law.

G. [§ 107] Severability

If any provision of these Rules and Regulations or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Rules and Regulations which can be given effect without the invalid provision or application, and to this end, the provisions of the Rules and Regulations are severable.

II. [§ 200] DEFINITIONS

A. [§ 201] Acquisition/Acquires

"Acquisition" or "acquires" means obtaining ownership or possession of real property by purchase, eminent domain, or any other lawful means.

B. [§ 202] Adequate Replacement Dwelling

"Adequate replacement dwelling" means a dwelling that meets all of the criteria for a comparable replacement dwelling, except with respect to the number of rooms, amount of habitable living space, and type of construction. The dwelling need be only adequate, not comparable.

C. [§ 203] Agency

"Agency" means the Culver City Redevelopment Agency, organized and existing under the Law of the State of California, and any Agency personnel or consultants, who may be assigned the duties and responsibilities for implementing the Relocation Law and Guidelines pursuant to these Rules and Regulations.

D. [§ 204] Appeals Board

"Appeals Board" means the Culver City Relocation Appeals Board. The Appeals Board is constituted to hear appeals on complaints from a displaced person (as defined in §219) who believes he or she is aggrieved by an administrative determination by the Displacing Agency as to eligibility for assistance or the amount of payment relating to relocation resulting from any displacement activity undertaken by the Displacing Agency.

The Appeals Board shall be constituted and administered pursuant to the California Community Redevelopment Law, Health and Safety Code, §33417.5, which provides that there shall be five members of the Appeals Board who shall be appointed by the Mayor, subject to approval of the City Council. The Executive Director of the Displacing Agency or his or her authorized designee shall be the Secretary of the Appeals Board. The Secretary shall not be a member of the Appeals Board and shall not vote or participate on any matter brought and heard before the Appeals Board.

E. [§ 205] Appraisal

"Appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

F. [§ 206] Average Annual Net Earnings

"Average annual net earnings" means one-half of any net earnings of a business before federal, state and local income taxes, during the two taxable years immediately preceding the taxable year in which such business moves from the real property being acquired, or during such other two year period as the Displacing Agency determines to be more equitable for establishing such earnings, and includes any compensation paid by the business to the owner, owner's spouse or owner's dependents during such period.

For the purpose of determining the average annual net earnings of the "owner," the term "owner" as used herein includes the sole proprietor in a sole proprietorship, the principal parties in a partnership, and the principal stockholders of a corporation, as determined by the Displacing Agency. For purposes of determining a principal stockholder, stock held by a person, the person's spouse and their dependent children will be treated as one unit.

G. [§ 207] Average Monthly Income

For the purpose of determining Base Monthly Rental Housing Costs, "average monthly income" means the displaced person's annual gross income (as defined in §228) divided by twelve.

H. [§ 208] Base Monthly Rental Housing Costs

"Base Monthly Rental Housing Costs" for an acquired dwelling is the lesser of the average monthly rental paid by the Displaced Person for the three month period prior to the initiation of negotiations or 30% of the displaced person's average gross monthly income. In case of an owner-occupant or other person who does not pay rent, the Economic Rent of the acquired dwelling (as defined §223) is used instead of the average monthly rental to calculate base monthly rental.

I. [§ 209] Business

"Business" means any lawful activity, except a farm operation, provided such lawful activity is not in unlawful occupancy (as defined in §243), and conducted for any of the following:

1. Primarily for the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities or any other personal property;
2. Primarily for the sale of services to the public;
3. Primarily by a nonprofit organization; or
4. Solely for the purpose of a moving expense payment (see §702 of these Rules and Regulations), for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property or

services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

J. [§ 210] City

"City" means the City of Culver City organized and existing under the Law of the State of California and any City personnel.

K. [§ 211] Comparable Replacement Dwelling

"Comparable replacement dwelling" is a dwelling which satisfies all of the following standards:

1. Is decent, safe and sanitary (as defined in §214), and comparable to the acquired dwelling with respect to number of rooms, habitable living space and type and quality of construction, but not lesser in rooms or living space than is necessary to accommodate the displaced person. Comparability under this paragraph shall not require strict adherence to a detailed feature-by-feature comparison. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present.
2. Is in an area not subjected to unreasonable adverse environmental conditions from either natural or manmade sources, and not generally less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and neighborhood conditions, including schools and municipal services, and reasonably accessible to the displaced person's present or potential place of employment; provided that a potential place of employment may not be used to satisfy the accessibility requirement if the displaced person objects.

The Act, Guidelines, and these Rules and Regulations do not require that the replacement dwelling be generally as desirable as the acquired dwelling with respect to environmental characteristics. Although a displaced person does not have to accept a dwelling subject to unreasonable adverse environmental conditions, neither is a public entity required to duplicate environmental characteristics, such as scenic vistas or proximity to the ocean, lakes, rivers, forests or other natural phenomena.

If the displaced person so wishes, every reasonable effort shall be made to relocate such person within or near to his existing neighborhood. Whenever practicable the replacement dwelling shall be reasonably close to relatives, friends, services or organizations with whom there is an existing dependency relationship.

3. Is available on the private market to the displaced person and available to all persons regardless of race, color, sex, marital status, religion, or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968 or any other applicable state or federal anti-discrimination law.
4. To the extent practicable and where consistent with Paragraph 1 of this section, is functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.
5. For renters, a replacement dwelling is within the financial means of a displaced person if the rental cost (including utilities and other reasonable recurring expenses), minus any replacement housing payment available to the person (as provided in §604 and §614) does not exceed thirty percent (30%) of the person's average monthly income (as defined in §206 and §228).

For homeowners, a replacement dwelling is within the financial means of a displaced person if the purchase price of the dwelling including related increased interest costs and other reasonable expenses including closing costs (as described in §604) does not exceed the total of the amount of just compensation provided for the dwelling acquired and the replacement housing payment available to the person (as provided in §604).

If the dwelling which satisfies these standards is not available, the Displacing Agency may consider a dwelling which exceeds them.

L. [§ 212] Condominium

"Condominium" means combination of co-ownership and ownership in severalty. It is an arrangement under which persons in a housing development hold full title to an one-family dwelling unit, including an undivided interest in common areas and facilities, and such restricted common areas and facilities as may be designated.

M. [§ 213] Date of Acquisition

The date on which the deed or other conveyance to the real property being acquired by the Displacing Agency is recorded in the office of the County Recorder, or the date on which the Displacing Agency is entitled to possession of the real property pursuant to an order of the County Superior Court in an eminent domain proceeding.

N. [§ 214] Decent, Safe and Sanitary Housing

A dwelling is decent, safe and sanitary housing if it meets all the following minimum requirements. Exceptions may be made by the Displacing Agency for unusual circumstances or in unique geographic areas.

1. Conforms to all applicable provisions for existing structures that have been constructed under state or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.
2. Has a continuing and adequate supply of potable water.
3. Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition connected to hot and cold water and to an adequate sewage system. The kitchen or kitchen area shall have utility service connections and adequate space for the installation of a stove and a refrigerator.
4. Has an adequate heating system in good working order which will maintain a minimum temperature of 70 degrees in all habitable rooms.
5. Has a bathroom, well-lit and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.
6. Has an adequate and safe wiring system for lighting and other electrical services.
7. Is structurally sound, weather tight, in good repair and adequately maintained.
8. Has a safe unobstructed means of egress leading to safe open space at ground level which conforms to building and fire codes.
9. Has at least one room which shall have not less than 150 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking, or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries and unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

A decent, safe and sanitary sleeping room is one which includes the minimum requirements contained in paragraphs 1, 4, 5, 6, 7, and 8 above and at least 70 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

When the term "decent, safe and sanitary" is interpreted under local, state or federal law as establishing a higher standard, the elements of that higher standard, which exceed the provisions of this section, are incorporated herein. A unit which is occupied by no more than the maximum number of people allowed under the State Building Code shall be considered to be in compliance with the occupancy provisions of this section.

A decent, safe, and sanitary mobile home is one which conforms to the minimum requirements prescribed by state laws and rules and regulations promulgated pursuant thereto and bear the insignia of approval issued by the State of California, Department of Housing and Community Development.

O. [§ 215] Department

"Department" means the California Department of Housing and Community Development.

P. [§ 216] Director

"Director" or designee means that person in charge of the Displacing Agency that will be responsible for the displacement of any individual, family, business, or non-profit organization for a public use.

Q. [§ 217] Displaced Business

"Displaced business" means any business which qualifies as a displaced person under §219 hereof.

R. [§ 218] Displaced Farm Operation

"Displaced farm operation" means any farm operation which qualifies as a displaced person under §219 hereof.

S. [§ 219] Displaced Person

1. "Displaced Person" means both of the following:
 - a. Any person who moves from real property, or who moves his or her personal property from real property, either:
 - (1) As a direct result of a written notice of intent to acquire by the Displacing Agency or the acquisition of the real property, in whole or in part, for a program or project undertaken by the Displacing Agency or by any person having an agreement with or acting on behalf of the Displacing Agency, or as a

result of a written order from the Displacing Agency to vacate the real property; or

- (2) As a direct result of the rehabilitation, demolition or other displacing activity undertaken as the Displacing Agency may prescribe under a program or project undertaken by the Displacing Agency, of real property on which the person is a residential tenant or conducts a business or farm operation as a lawful occupant, in any case in which the displacement, except as provided in Government Code Section 7262.5 (see paragraph 3 of this Section), lasts longer than 90 days.

For purposes of this section, "residential tenant" includes any occupant of a residential hotel unit, as defined in subdivision (b) of §50669 of the California Health and Safety Code, and any occupant of employee housing, as defined in §17008 of the California Health and Safety Code, but shall not include any person who has been determined to be in unlawful occupancy of the displacement dwelling.

- b. Solely for the purpose of Government Code §7261 and §7262, any person who moves from real property, or moves his or her personal property from real property, either:
 - (1) As a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which the person conducts a business or farm operation, for a program or project undertaken by the Displacing Agency.
 - (2) As direct result of the rehabilitation, demolition, or other displacing activity as the Displacing Agency may prescribe under a program and project undertaken by the Displacing Agency, of other real property on which the person conducts a business or farm operation, in any case in which the Displacing Agency determines that the displacement is permanent.
2. The definition contained in this section shall be construed so that persons displaced as a result of a Displacing Agency action, receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for or in connection with a public use where the Displacing Agency is otherwise empowered to acquire the property to carry out the public use.

Except persons or families of low and moderate income, as defined in §50093 of the Health and Safety Code, who are occupants of housing that was made available to them on permanent basis by the Displacing Agency and who are required to move from the housing, "displaced person" shall not include any of the following:

- (a) Any person who has been determined to be in unlawful occupancy of the displacement dwellings.
 - (b) Any person whose right of possession at the time of moving arose after the date of the Displacing Agency's acquisition of the real property.
 - (c) Any person who has occupied the real property for the purpose of obtaining assistance under these Rules and Regulations.
 - (d) In any case in which the Displacing Agency acquires property for a program or project (other than a person who was an occupant of the property at the time it was acquired), any person who occupies the property for a period subject to termination when the property is needed for the program or project.
3. A person residing in any rental project who is displaced from the project for a period of one year or less as part of a rehabilitation of that project, that is funded in whole or in part by the Displacing Agency, shall not be deemed a "displaced person" for purposes of these Rules and Regulations. This section shall be applicable if all of the following criteria are satisfied:
- a. The project is a "qualified affordable housing preservation project," which means any complex of two or more units whose owners enter into a recorded regulatory agreement, having a term for the useful life of the project, with any entity for the provision of project rehabilitation financing. For this purpose, the regulatory agreement shall require the owner and all successors and assigns of the owner, as long as the regulatory agreement is in effect, that at least forty-nine (49) percent of the tenants in the project shall have, at the time of the recordation of the regulatory agreement, incomes not in excess of sixty (60) percent of the area median income, adjusted by household size, as determined by the appropriate agency of the state. In addition, a project is a qualified affordable housing preservation project only if the beneficiary of the regulatory agreement elects this designation by so indicating on the regulatory agreement.

- b. The resident is offered the right to return to his or her original unit, or a comparable unit in the same complex if his or her original unit is not otherwise available due to the rehabilitation, with rent for the first twelve (12) months subsequent to that return being the lower of the following: up to five (5) percent higher than the rent at the time of displacement; or up to thirty (30) percent of household income.
- c. The estimated time of displacement is reasonable, and the temporary unit is not unreasonably impacted by the effects of the construction, taking into consideration the ages and physical conditions of the members of the displaced household.
- d. All other financial benefits and services otherwise required under this chapter are provided to the residents temporarily displaced from their units, including relocation to a comparable replacement unit. Residents shall be temporarily relocated to a unit within the same complex, or to a unit located reasonably near the complex if that unit is in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, services, and the displaced person's place of employment.

T. [§ 220] Displaced Resident

"Displaced resident" means any individual or family occupant of a dwelling who qualifies as a displaced person under §219 hereof.

U. [§ 221] Displacing Agency

"Displacing Agency" means the City of Culver City or Culver City Redevelopment Agency, as applicable, carrying out a program or project which causes a person to be a displaced person for a public project.

V. [§ 222] Dwelling

"Dwelling" means the place of permanent or customary and usual abode of a person, including a single-family dwelling, a single-family unit in a two-family dwelling, multi-family or multi-purpose dwelling, a unit of a condominium or cooperative housing project, a non-housekeeping unit, a mobile home, a recreational vehicle as described in the Health and Safety Code §18010, or any other residential unit which either is considered to be real property under state law or cannot be moved without substantial damage or unreasonable cost. A residence need not be decent, safe and sanitary to be a dwelling.

A second home shall be considered a dwelling only for the purpose of establishing eligibility for payment for moving and related expenses under §602 of these Rules and Regulations.

W. [§ 223] Economic Rent

"Economic rent" means the amount of rent a tenant or homeowner would have to pay for a dwelling similar to the acquired dwelling in a comparable area.

X. [§ 224] Elderly Household

"Elderly household" means a household in which the head of household or spouse is sixty-two (62) years of age or older.

Y. [§ 225] Family

"Family" means two or more individuals, one of whom is the head of household, plus all other individuals who by blood, marriage, adoption or mutual consent live together as a family unit.

Z. [§ 226] Farm Operation

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

AA. [§ 227] Federal Project

"Federal project" means any project undertaken by a federal agency or any project receiving federal financial assistance.

BB. [§ 228] Gross Income

"Gross income" means the total annual income of an individual, or where a family is displaced total annual income of the parents or adult heads of household, less the following:

1. A deduction of \$500.00 for each dependent in excess of three.
2. A deduction of ten percent (10%) of total income for an elderly or handicapped household.
3. A deduction for recurring, extraordinary medical expenses, defined for this purpose to mean medical expenses in excess of three percent (3%) of total income, where not compensated for or covered by insurance or other sources, such as public assistance or tort recovery.
4. A deduction of reasonable amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to the

employment of the head of household or spouse, except that the amount deducted shall not exceed the amount of income received by the person thus released.

5. Gross income is divided by twelve to ascertain the average monthly income. Relocation and property acquisition payments are not to be considered income for determination of financial means.

CC. [§ 229] Handicapped Household

"Handicapped household" means a household in which any member is handicapped or disabled.

DD. [§ 230] Initiation of Negotiations

"Initiation of negotiations" means the initial written offer to purchase made by the Displacing Agency to the owner of the real property to be purchased, or to the owner's representative.

EE. [§ 231] Last Resort Housing

"Last Resort Housing" means comparable replacement dwellings provided by the Displacing Agency with its funds or funds authorized for the project because existing comparable replacement dwellings will not otherwise be available as needed.

FF. [§ 232] Manufactured Home or Mobile Home

"Manufactured Home" or "Mobile Home" means a structure, as described in Health and Safety Code §18007 and §18008, which is transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems contained therein. A self-propelled vehicle is not a mobile home.

GG. [§ 233] Mortgage

"Mortgage" means classes of liens that are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

HH. [§ 234] Nonprofit Organization

"Nonprofit organization" means a corporation, partnership, individual or other public or private entity, engaged in a business, professional or institutional activity on a non-profit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession or institutional activity on the premises.

II. [§ 235] Ownership

"Ownership" means holding any of the following interests in a dwelling, or a contract to purchase one of the first six (6) interests:

1. A fee title;
2. A life estate;
3. A 50-year lease.
4. A lease with at least twenty (20) years to run from the date of acquisition of the property;
5. A proprietary interest in a cooperative housing project which includes the right to occupy a dwelling;
6. A proprietary interest in a manufactured home and mobile home;
7. A leasehold interest with an option to purchase.

In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, but not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

JJ. [§ 236] Person

"Person" means any individual, partnership, corporation, limited liability company, or association.

KK. [§ 237] Personal Property

"Personal property" means tangible property which is situated on real property vacated or to be vacated by a displaced person and which is considered personal property and is non-compensable (other than for moving expenses) under the state law.

In the case of a tenant, personal property includes fixtures and equipment, and other property which may be characterized as real property under state or local law, but which the tenant may lawfully and at his or her election determine to move, and for which the tenant is not compensated in the real property acquisition.

In the case of an owner of real property, the determination as to whether an item of property is personal or real shall depend upon how it is identified in the closing or settlement statement with respect to the real property acquisition.

LL. [§ 238] Post-Acquisition Tenant

"Post-acquisition tenant" means a tenant who lawfully commences to occupy property only after the Displacing Agency acquires it or who lawfully occupies property after the private acquisition of property by a person with a written agreement with the public entity for the purpose of financing the purchase or development of the property.

MM. [§ 239] Prepaid Expenses

"Prepaid expenses" means items paid in advance by the seller of real property and pro-rated between such seller and the buyer of such real property at the close of escrow including, but not limited to, real property taxes, insurance, homeowners' association dues and assessment payment.

NN. [§ 240] Public Use

"Public use" means a use for which real property may be acquired by eminent domain.

OO. [§ 241] Small Business

"Small Business," as defined in Part 24 of Title 49 of The Code of Federal Regulations, means a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a small business for purposes of these Rules and Regulations.

PP. [§ 242] Tenant

A tenant is a person who rents or is otherwise in lawful possession of a dwelling, including a sleeping room, which is owned by another.

QQ. [§ 243] Unlawful Occupancy

A person or business is considered to be in unlawful occupancy if, among other reasons: the person or business has been ordered to move by a court of competent jurisdiction; or the person's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations; or the person is in violation of the lease or rental agreement; or the person's occupancy is in violation of applicable local, regional, state, or federal ordinances, laws, or regulations.

III. [§ 300] RELOCATION ADVISORY ASSISTANCE

A. [§ 301] Advisory Assistance to be Provided by the Displacing Agency

Programs or projects undertaken by the Displacing Agency shall be planned in a manner that (i) recognizes, at an early stage in the planning of the programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses, and farm operations; and (ii) provides for the resolution of these problems in order to minimize adverse impacts on displaced persons and to expedite program or project advancement and completion. The Displacing Agency shall ensure the relocation assistance advisory services described in this §301 are made available to all persons displaced by the Displacing Agency.

In accordance with California Government Code §7261(a), the Displacing Agency may provide relocation advisory assistance (but not benefits, payments or other forms of assistance) if it determines, in its sole discretion, that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof.

Notwithstanding §219, in any case in which the Displacing Agency acquires property for a program or project, any person who occupies the property on a rental basis for a short term commencing after Displacing Agency acquisition or a period subject to termination when the property is needed for the program or project, shall be eligible for advisory services but not benefits, payments or other forms of assistance to the extent determined by the Displacing Agency in its sole discretion.

The relocation advisory assistance to be provided by the Displacing Agency shall include such measures, facilities and/or services as may be necessary or appropriate in order to do all of the following:

1. Fully inform eligible persons within 60 days of initiation of negotiations but no later than the close of escrow on the property, as to the availability of relocation benefits and assistance and the eligibility requirements therefore, as well as the procedures for obtaining such benefits and assistance;
2. Determine and make timely recommendations on the needs and preferences, if any, of displaced persons for relocation assistance;
3. Assure eligible displaced residents that within a reasonable period of time prior to displacement, there will be available comparable replacement dwellings sufficient in number and kind for and available to such eligible residents;
4. Provide current and continuing information on the availability, sales prices, and rentals of comparable sales and rental housing, and comparable

commercial properties and locations, and as to security deposits, closing costs, typical down payments, interest rates and terms for residential property in the area;

5. Assist each eligible, displaced person to complete applications for payments and benefits;
6. Assure that, within a reasonable time period prior to displacement, to the extent that it can be reasonably accomplished, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of displaced families and other individuals, decent, safe and sanitary dwellings, sufficient in number to meet the needs of, and available to, those displaced persons requiring those dwellings and reasonably accessible to their places of employment, except that, in the case of a federally funded project, a waiver may be obtained from the federal government.
7. Assure that each eligible, displaced resident shall not be required to move from a dwelling unit unless such person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of any of the following:
 - a. A major disaster as defined in §102(2) of the "Hazard and Mitigation and Relocation Act Assistance Act of 1993, 42 U.S.C. §5121, and/or California National Disaster Act".
 - b. A state of emergency declared by the President or Governor.
 - c. Any other emergency which requires the person to move immediately from the dwelling because continued occupancy of the dwelling by the person constitutes a substantial danger to the health or safety of the person.
8. Assist each eligible, displaced business in obtaining and becoming established in a suitable replacement location;
9. Provide services required to insure that the relocation process does not discriminate on any basis that is in violation of applicable state and federal anti-discrimination laws.
10. Supply to eligible persons information concerning federal and state housing programs, disaster loan and other programs administered by the Small Business Administration, and other federal or state programs offering assistance to displaced persons;

11. Provide other advisory assistance to eligible persons to minimize their hardships, such as counseling and referrals with regard to housing, financing, employment, training, health and welfare;
12. Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.

B. [§ 302] Information Program

1. [§ 303] General Information

The Displacing Agency shall establish and maintain an information program utilizing meetings, newsletters, and other mechanisms, including local media, available to all persons, for keeping occupants of the property which the Displacing Agency is acquiring informed on a continuing basis about its relocation program. The criterion for selecting among various alternative mechanisms shall be the likelihood of actually communicating information to such persons. Legal publications, legal ads in local newspapers of general circulation and similar means are inadequate if they are likely to go unnoticed.

2. [§ 304] Information Statement for Relocation Assistance/Personal Contact

Within 60 days following the initiation of negotiations to acquire a parcel of real property or interest therein, but not later than the close of escrow on the property, informational material, appropriate to the displaced person or business, shall be distributed to describe the nature of available relocation benefits and assistance, eligibility requirements and procedures for obtaining such benefits and assistance.

Contact shall be direct and personal except where repeated efforts indicate that such contact is not possible. Such contact may be made at the time and as part of the interview to ascertain relocation needs conducted pursuant to §310. All persons shall be advised and encouraged to visit the Displacing Agency's relocation office for information and assistance. The Displacing Agency shall maintain personal contacts with occupants of the property to the maximum extent practicable.

For projects by private parties with an agreement with the Displacing Agency, the "initiation of negotiations" shall be the later of (i) the date of acquisition, or (ii) the date of the written agreement between the private entity and the Displacing Agency for purposes of acquiring or developing the property for the project.

The Displacing Agency and/or the private entity shall provide each occupant of such property with a written statement containing the following information:

- a. A general description of the nature and types of activities that will be undertaken and identification of the displacement area involved, including a diagrammatic sketch of such area.

- b. A statement that Displacing Agency action may result in displacement, but that no person or business lawfully occupying the real property will be required to move without at least 90 days written notice from the Displacing Agency.
- c. A statement to residents that families and individuals will not be required to move from their dwellings before reasonable offers of decent, safe and sanitary and otherwise comparable replacement dwellings within their financial means have been made, except for cause including under the circumstances provided for in §1203 of these Rules and Regulations. [This subparagraph is not applicable to business relocations.]
- d. A general description of types of relocation payments available, including general eligibility criteria, and a caution against premature moves that might result in loss of eligibility for a payment.
- e. Identification of the Displacing Agency's relocation program and a description of relocation services and aids that will be available. Such services shall not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state or federal anti-discrimination laws, or any other arbitrary circumstances.
- f. Encouragement to visit the Displacing Agency's relocation office and to cooperate with staff. Information regarding the relocation office shall include the address, telephone number and hours the office is open.
- g. Information to residents on replacement dwellings, including:
 - (1) A brief description of what constitutes a replacement dwelling, including physical standards;
 - (2) A layman's description of applicable federal, state and local fair housing laws;
 - (3) A statement that the Displacing Agency will identify available comparable replacement dwellings within the financial means of, and otherwise available to, the Displaced Person, and will provide assistance to persons in obtaining housing of their choice, including assistance in referring complaints of discrimination to the appropriate federal, state or local fair housing enforcement agency.

- (4) A statement that persons may seek their own housing accommodations, and urging them, if they do so, to notify the Displacing Agency prior to making a commitment to purchase or occupy the property.
- h. A statement to businesses that the Displacing Agency will provide assistance in locating relocation accommodations, including consultation with the Small Business Administration and other governmental agencies which might be of assistance.
- i. A statement to businesses describing the requirement for prior notification to the Displacing Agency of the business concern's intention to move.
- j. A summary of the Displacing Agency's eviction policy.
- k. A statement describing the Displacing Agency's grievance procedure, its purpose and how it may be used.
- l. Any additional information that the Displacing Agency believes would be helpful. Where appropriate, separate information statements shall be prepared for residential and non-residential occupants.

3. [§ 305] Notice of Eligibility Status

In addition to disseminating general information of the type described above, the Displacing Agency shall provide each Displaced Person with individual, written notification of his or her eligibility status as soon as it has been established.

4. [§ 306] Language of Information Material

Information material shall be prepared in the language(s) most easily understood by the recipients. In displacement areas where there are significant concentrations of persons who do not read, write, or understand English fluently, the native language of the people should be used and all informational material should be provided in the native language(s) and English.

5. [§ 307] Method of Delivery of Informational Material

To assure receipt of the informational material, the Displacing Agency shall arrange to have the material either hand-delivered to each occupant of the property with a request for a written receipt, or sent by certified mail, return receipt requested.

C. [§ 308] Determination of Relocation Needs

1. [§ 309] Interviews

Immediately following the initiation of negotiations to acquire a parcel of real property, the Displacing Agency shall interview each eligible person occupying such property to obtain information upon which to plan for housing and other accommodations, as well as counseling and assistance needs. The interview shall be by direct, personal contact, except where repeated efforts indicate that such contact is not possible. The Displacing Agency shall carefully explain and discuss fully with each person interviewed the purpose of the interview.

When a person cannot be interviewed or the interview does not produce the information to be obtained, reasonable efforts shall be made to obtain the information by other means.

a. [§ 310] Information to be Obtained from Residential Owner-Occupants or Tenants

The Displacing Agency shall endeavor to obtain the following information from eligible persons.

- (1) Income;
- (2) Whether a person is elderly or handicapped;
- (3) Size of family;
- (4) Age of children;
- (5) Location of job and factors limiting accessibility;
- (6) Area of preferred relocation;
- (7) Type of unit preferred;
- (8) Ownership or tenant preference;
- (9) Need for social and public services, special schools and other services;
- (10) Eligibility for publicly assisted housing;
- (11) With reference to the present dwelling:
 - (a) Rent;
 - (b) Type and quality of construction;
 - (c) Number of rooms and bedrooms;
 - (d) Amount of habitable living space;
 - (e) Locational factors including, among others, public utilities, public and commercial facilities (including transportation and schools) and neighborhood conditions (including municipal services).
- (12) Such other matters that concern a household as its members contemplate relocation.

b. [§ 311] Coordination with Other Agencies

In order to avoid duplication of effort and to ensure that necessary information is available at the appropriate time, the Displacing Agency should coordinate its interview activities with the survey

activities, if any, of other agencies. Gathering of data pertinent to social service referrals of eligible persons should be planned in cooperation with social service agencies and a referral system should be established.

c. [§ 312] Interview after Person Moves without Notice

If the interview of any eligible person does not occur prior to such person moving from the dwelling, the Displacing Agency shall make every reasonable effort to identify, locate, and interview such person who has moved so that their relocation needs can be determined. The Displacing Agency shall offer such persons all relocation assistance and benefits for which they otherwise qualify and, in addition, the Displacing Agency shall compensate such persons for all costs occasioned by the Displacing Agency's failure to provide timely notice and offers of relocation assistance and benefits, if such failure is the fault of the Displacing Agency.

2. [§ 313] Relocation Records

Based on information obtained during interviews and from other sources as applicable, the Displacing Agency shall prepare and maintain an accurate relocation record for each person to be displaced. The record shall contain a description of the pertinent characteristics of the persons to be displaced and the assistance deemed to be necessary. A Displaced Person (or any person authorized in writing by such person) shall have the right to inspect such documents containing information relating to that Displaced Person to the extent and in the manner provided by law.

3. [§ 314] Updating Information

Information pertaining to the relocation needs of eligible persons occupying each parcel of real property with respect to which the Displacing Agency has initiated negotiations for acquisition shall be up-dated at least annually. Eligible persons shall be encouraged to bring any change in their needs to the attention of the Displacing Agency.

D. [§ 315] Relocation Site Office

The Displacing Agency may, as it deems necessary, establish a site office which is accessible to all area residents and businesses who may be displaced to provide relocation assistance. Any such office shall be staffed with trained and/or experienced relocation personnel. Office hours may be scheduled to accommodate persons unable to visit the office during normal business hours. The Displacing Agency may also make provisions for meeting with displaced persons in their homes or places of business.

E. [§ 316] Contracting for Relocation Services

The Displacing Agency may enter into a contract with any individual, firm, association, corporation, or governmental agency having an established organization for conducting relocation assistance programs, for the purpose of providing relocation advisory assistance.

F. [§ 317] Coordination of Relocation Assistance

The Displacing Agency shall coordinate its relocation assistance program with other work necessitating displacement of persons, and with activities of other public entities in the City or nearby areas, for the purpose of planning relocation activities and coordinating the availability of replacement dwelling resources in the implementation of the Displacing Agency's relocation assistance program.

G. [§ 318] Relocation Plans

1. [§ 319] Requirement Generally

As soon as possible following the initiation of negotiations and prior to proceeding with any phase of a project or other activity that will result in displacement, the Displacing Agency shall prepare a Relocation Plan and submit it for approval to the City Council unless the Displacing Agency's action will only result in an insignificant amount (as determined by the Displacing Agency) of non-residential displacement, in which case the Displacing Agency shall provide assistance and benefits as required by the Act, Guidelines, and these Rules and Regulations, but shall not be required to prepare a Relocation Plan as is described in §318 et seq. For residential projects of 15 households or less, the Displacing Agency shall prepare a Model Relocation Plan, a sample of which is provided in Exhibit "A". This Model Relocation Plan shall be presumed to be in compliance with the planning requirements of §318 et seq.

2. [§ 320] Contents of Plan

If a Specific Relocation Plan is required, it shall include the following;

- a. A diagrammatic sketch of the displacement area;
- b. Projected dates of displacement;
- c. A written analysis of the aggregate relocation needs of all persons to be displaced, in accordance with §401, and a detailed explanation as to how these needs are to be met;
- d. A written analysis of replacement housing resources, in accordance with §404;
- e. A detailed description of the relocation advisory services program, including specific procedures for locating and referring eligible persons to comparable replacement housing;
- f. A description of the relocation payments to be made in accordance with §600 and a plan for disbursement;

- g. A cost estimate for carrying out the plan and identification of the source of the necessary funds;
- h. A detailed plan by which any last resort housing as described in §408 is to be built and financed (if applicable);
- i. A standard information statement to be sent to all persons displaced in accordance with §305;
- j. Temporary relocation plans, if any;
- k. A description of relocation office operation procedures;
- L. Plans for citizen participation;
- m. An enumeration of the coordination activities undertaken pursuant to §318;
- n. The comments of the relocation committee, if any (pursuant to §800).
- o. A written determination by the Displacing Agency that the necessary resources will be available as required.

3. [§ 321] Review of Relocation Plan

The Relocation Plan shall be submitted to the Relocation Committee (see §802) for review and comment at least 30 days prior to submitting the Relocation Plan to the City Council for approval. Copies of the proposed Relocation Plan shall be made available to the Relocation Committee and the public, upon request. A copy of the final relocation plan shall be forwarded to the Department which shall act as a central repository.

A general notice of the Relocation Plan shall also be provided. The general notice shall be designed to reach the occupants of the property, shall be in accordance with §303 and §307 of these Rules and Regulations, and shall be provided 30 days prior to submission to the City Council for approval.

All persons who will be displaced, neighborhood groups, and the Relocation Committee (if constituted) shall be given an opportunity to participate in reviewing the relocation plan and monitoring the relocation assistance program.

Any displaced person or interested organization may petition the Department to review the Relocation Plan. Such review shall be undertaken in the time constraints and procedures as adopted by the Department.

4. [§ 322] Conformance to General Plan

Relocation Plans prepared by the Displacing Agency shall be consistent with the Housing Element of the City's General Plan.

5. [§ 323] Update of Relocation Plans

In the event of delay of more than one year in the implementation of a relocation program, the Relocation Plan shall be updated prior to the implementation of the program.

H. [§ 324] Move to Substandard Dwelling Unit

The Displacing Agency shall inspect each replacement dwelling prior to the time a displaced resident occupies it. The Displacing Agency shall not induce or encourage a displaced resident to acquire a dwelling which does not satisfy the standards of a comparable replacement dwelling.

If a displaced resident occupies a dwelling unit to which he or she is referred by the Displacing Agency and the dwelling unit does not satisfy the standard of a comparable replacement dwelling, the Displacing Agency shall offer to locate a comparable replacement dwelling for the displaced resident and to pay again all moving and related expenses.

If a displaced resident chooses not to move from a substandard dwelling unit he or she has occupied, the displaced resident shall nevertheless be eligible to receive relocation assistance and payments if one of the following conditions is met:

1. If he or she occupied the substandard dwelling unit following referral by the Displacing Agency; or
2. If the rental or purchase of the substandard dwelling unit is the result of the Displacing Agency's failure to identify a reasonable number of comparable replacement dwellings; or
3. If the purchase of the substandard dwelling unit is not the result of the Displacing Agency's referral or failure to refer, when the substandard dwelling unit is brought into compliance with the decent, safe and sanitary standard.

In the event the condition is met in paragraph 3, any replacement housing payment shall be limited to the amount that would be provided in connection with the purchase of a similar, comparable replacement dwelling, or the sum of the actual costs of acquisition (including incidental expenses) and rehabilitation, whichever is less.

I. [§ 325] Waiver of Requirement for Replacement Dwelling Prior to Displacement

When immediate possession of the real property is of crucial importance and one of the following circumstances exists, the Displacing Agency may require an eligible displaced resident to move from his or her dwelling before a comparable replacement dwelling or temporary adequate replacement dwelling is available:

1. When displacement is necessitated by a major disaster as defined in §102(2) of the Hazard Mitigation and Relocation Assistance Act of 1993 (42 U.S.C. §5121) and/or the California Natural Disaster Assistance Act;
2. During periods of declared national or state emergency;
3. When such other extraordinary or emergency situations occur where immediate possession of real property is of crucial importance.

Any waiver of the requirement for replacement dwellings prior to displacement shall be supported by appropriate findings and a determination of the necessity for the waiver.

IV. [§ 400] ASSURANCE OF COMPARABLE REPLACEMENT DWELLINGS; LAST RESORT HOUSING

A. [§ 401] Survey and Analysis of Available Comparable Replacement Dwellings

1. [§ 402] Requirement Generally

To confirm the availability of comparable replacement dwellings, the Displacing Agency, within 60 days of the initiation of negotiations to acquire a parcel of real property, shall initiate a survey of available comparable replacement dwellings. If a recent survey that provides the required information is not available, the Displacing Agency shall conduct a survey of the housing market. If a recent survey is available, but it does not reflect more recent, significant changes in housing market conditions, the survey shall be updated or it shall not be relied upon. The survey shall be updated at least annually. The survey area shall be reasonably related to the displacement area and to the needs and preferences of the persons to be displaced. The survey area shall have relevant characteristics specified for comparable replacement dwellings which equal or exceed those of the neighborhood from which persons are to be displaced.

2. [§ 403] Determining Number of Comparable Replacement Dwellings

Only dwelling units which satisfy the standards of comparable replacement dwellings, including the locational criteria, shall be counted as a relocation resource. The following types of dwellings shall be included only if the applicable criteria are met:

Uncompleted new construction or rehabilitation shall only be counted toward the gross number of comparable replacement dwellings if there is a substantial likelihood that the dwelling units will be available when needed and at housing prices or rental costs within the financial means of the prospective occupants.

- a. Publicly subsidized housing, as defined pursuant to Article XXXIV of the California Constitution and §37000 through §37002 of the California Health and Safety Code, shall only be counted toward the gross number of comparable replacement dwellings if it reasonably can be established that:
 - (1) The dwelling units will be available when needed;
 - (2) The governmental body providing the subsidy has made, in writing, a reasonably binding commitment of assistance;
 - (3) The dwelling units have been inspected and determined to be decent, safe and sanitary and the income ceilings, rent ranges and age restrictions, if any, have been considered;
 - (4) The number of dwelling units available in the City exceeds the number of households in need of the units. This requirement can be

waived by the Department if the Displacing Agency can establish that such units will be replaced within two years. To establish that last resort housing will be developed as required, the Displacing Agency must have site control with permissive zoning, preliminary plans and conditional commitments for subsidy and financing, or the equivalent, and must identify ownership;

- (5) With respect to uncompleted new construction or rehabilitation, such publicly subsidized dwelling units are being subsidized to provide relocation resources.
- b. The gross number of comparable replacement dwellings in the survey area shall be discounted to reflect concurrent displacement and the extent to which turnover is represented. Concurrent displacement by the federal government and its agencies, including federally assisted projects, as well as displacement by other public entities shall be taken into account.

3. [§ 404] Written Analysis

Based on the survey, a written analysis of replacement dwelling needs shall be prepared that includes:

- a. Separate information concerning home ownership and rental units;
- b. The number of units identified by cost for each size category;
- c. Needs of elderly and handicapped households shown separately, including information on the number of such households requiring special facilities and the nature of such facilities;
- d. Description of the locational characteristics of the displacement area neighborhoods corresponding to the requirements of comparable replacement dwellings;
- e. Information concerning proximity to present employment sources, medical and recreational facilities, parks, community centers, shopping, transportation and schools;
- f. Information concerning proximity to other relevant needs and amenities.

4. [§ 405] Review of Survey Results

When more than fifteen (15) households will be displaced, the written analysis (i.e., the results of the survey of comparable replacement dwellings) shall be submitted for review to local

housing, development and planning agencies and shall be compared to other existing information on housing.

Notwithstanding the analysis of the results of the survey of comparable replacement dwellings, if the demand for housing is such that there are no vacancies other than those permitted by turnover, the Displacing Agency may proceed to displace residents from dwellings, but only to the extent that the Displacing Agency obtains referrals of comparable replacement dwellings for such residents in accordance with the provisions of §406.

5. [§ 406] Referrals of Replacement Dwellings

The Displacing Agency shall obtain at least three referrals of comparable replacement dwellings for each displaced resident, provided that where the Displacing Agency determines that, due to special circumstances three (3) is not a reasonable number, fewer than three (3) referrals may be deemed sufficient. Such referrals shall be in writing, in a language understood by the displaced resident.

The Displacing Agency's obligation to obtain a comparable replacement dwelling for any displaced resident shall be deemed to be satisfied if such resident is offered and refuses, without justification, the number of specifically identified comparable replacement dwellings provided for in this section and which satisfy the criteria set forth in §211.

B. [§ 407] Determination of Need for Last Resort Housing; Replacement Housing Plan

If the Director of the Displacing Agency, on the basis of data derived from the replacement dwelling survey and analysis, determines that comparable replacement dwellings will not be available, the Director shall determine whether to modify, suspend, or terminate the project causing the displacement or to use the Displacing Agency's funds or the funds authorized for the project to provide such necessary comparable replacement housing. If the Director determines that the Displacing Agency's funds or funds authorized for the project shall be used to insure the availability of comparable replacement housing (which housing is, in this situation, commonly referred to as "last resort housing"), the Displacing Agency shall prepare a "replacement housing plan" that provides for a sufficient number of last resort housing units.

1. [§ 408] Replacement Housing Plan

If a Replacement Housing Plan is required, it shall address the following issues:

- a. How, when and where the housing will be provided;
- b. How the housing will be financed and the amount of funds to be allocated to such housing;
- c. The prices at which the housing will be rented or sold to the families and individuals to be displaced;

- d. The arrangements for housing management and social services, as appropriate;
- e. The suitability of the location and environmental impact of the proposed housing;
- f. The arrangements for maintaining rent levels appropriate for the persons to be rehoused;
- g. The disposition of proceeds from rental, sale, or resale of such housing;
- h. Any referendum or zoning requirements, which present an obstacle, shall be addressed.

2. [§ 409] Replacement Housing Committee

- a. If the need for last resort housing exceeds 25 units, the Displacing Agency shall establish a "Replacement Housing Committee" which will consult with and provide advice and assistance to the Displacing Agency in the development of the replacement housing plan. The Committee should include appointed representatives of the Displacing Agency and state and local agencies knowledgeable regarding housing in the area, including but not limited to the local housing authority. In addition, the Committee should include representatives of other appropriate groups (for example, local and area wide planning agencies) and private groups knowledgeable regarding housing and the problems of housing discrimination.
- b. The Replacement Housing Committee shall include representatives of the residents to be displaced. These representatives may be appointed by the Displacing Agency or elected by the residents, as the residents wish. Resident representatives shall, at a minimum, constitute one-third of the Committee membership. Votes shall be allocated so that the total votes of resident representatives shall equal one-half of the total votes of the Committee membership.
- c. The Replacement Housing Plan must be approved by the vote of a simple majority of the Replacement Housing Committee membership. In the event the Committee fails to approve the plan, the City Council may substitute its approval.
- d. The Displacing Agency may consult or contract with the Department, a local housing authority, or other agency or organization having

experience in the administration or conduct of housing programs to provide technical assistance and advice in the development of the replacement housing plan.

3. [§ 410] Submission of Plan for Comment

The Displacing Agency shall submit the Replacement Housing Plan and all significant amendments to the local housing and planning agencies for comment and to assure that the plan accurately reflects housing conditions and needs in the relocation area. Reviewing agencies shall have 30 calendar days following receipt of the plan to prepare their comments. Copies of all comments received shall be forwarded to the committee and available to all interested persons.

General notice of the plan shall be provided. Notice shall be designed to reach the residents of the relocation area, shall be in accordance with the provisions of §303 and §307, and shall be provided 30 days prior to submission to the Replacement Housing Committee, or the City Council for approval.

4. [§ 411] Determination by Displacing Public Entity of Feasibility and Compliance

Upon receipt and consideration of the comments, the Displacing Agency shall determine whether or not:

- a. The Replacement Housing Plan is feasible.
- b. The Replacement Housing Plan complies with applicable environmental standards and procedures.
- c. The Replacement Housing Plan is compatible with the local general plan and housing element and the area wide housing plan or strategy.

If any of the above determinations by the Displacing Agency is negative the Displacing Agency shall revise the plan as necessary. Substantial modifications in the plan shall be re-submitted for review and comment in accordance with §410. If necessary for timely implementation of the plan or execution of the project, the Displacing Agency may shorten the time allowed for review of modifications.

5. [§ 412] Implementation of the Replacement Housing Plan

The Displacing Agency may expend funds and take such other actions as necessary to provide, rehabilitate, or construct last resort housing pursuant to an approved replacement housing plan for last resort housing through methods including but not limited to the following:

- a. Transfer of funds to state and local housing agencies;

- b. Contract with organizations experienced in the development of housing;
- c. Direct development; rehabilitation or construction by the Displacing Agency;
- d. Financing of development, rehabilitation or construction by the Displacing Agency;
- e. Provide housing subsidies as permitted by law.

Whenever practicable, the Displacing Agency should utilize the services of federal, state, or local housing agencies, or other agencies having experience in the administration or conduct of similar housing programs. Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought for joint development and financing to aggregate resources in order to most efficiently provide last resort housing in sufficient quantity to satisfy the aggregate needs of such programs.

6. [§ 413] Last Resort Housing Alternatives

- a. Whenever comparable replacement dwellings are not available, or are not available within the monetary limits of §605 or §615, as appropriate, the Displacing Agency shall provide additional or alternative assistance under the provisions of this part.
- b. The methods of providing replacement housing of last resort include, but are not limited to:
 - (1) A replacement housing payment calculated in accordance with the provisions of §607 or §617, as appropriate, even if the calculation is in excess of the monetary limits of sections 605 and 615. The first \$5,250 of a rental assistance payment under this part shall be paid to the displaced person in a lump sum and the remainder of the payment shall be paid to the displaced person in periodic payments over a period not to exceed 42 months unless otherwise specified by statute or, at the discretion of the Displacing Agency, the entire rental assistance payment under this part could be paid to the displaced person in a lump sum.
 - (2) Major rehabilitation of and/or additions to an existing replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under subsection b(1).

- (3) The construction of a new replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under subsection b(1) of this section.
- (4) The relocation and, if necessary, rehabilitation of a dwelling.
- (5) The purchase of land and/or a replacement dwelling by the displacing agency and subsequent sale or lease to, or exchange with a displaced person.
- (6) For purposes of accommodating the needs of handicapped persons, the removal of barriers to the handicapped.

7. [§ 414] Nondiscrimination

The nondiscrimination provisions of applicable law shall apply to all contracts and subcontracts for the construction, rehabilitation or management of last resort housing let by the Displacing Agency.

8. [§ 415] Conformity with Statutes and Regulations

The provision of last resort housing by the Displacing Agency shall be in accord with the provisions of all applicable federal and state non-discrimination laws and regulations issued pursuant thereto.

9. [§ 416] Conformity with Federal Program Requirements

The Displacing Agency shall comply with all federal requirements related to programs for which it receives federal financial assistance.

10. [§ 417] Monitoring Housing Production

The Displacing Agency shall monitor the production of the last resort housing to ensure that it is in accordance with the replacement housing plan for last resort housing approved by the Displacing Agency.

11. [§ 418] Retention of Benefits upon Move to Last Resort Housing

The Displacing Agency shall not require a displaced resident to accept last resort housing in lieu of the displaced resident's acquisition payment, if any, for the real property from which he or she is displaced or the relocation payments for which he or she may be eligible.

12. [§ 419] Post-Acquisition Tenants

Post-acquisition tenants are entitled to last resort housing payments only at the discretion of the Displacing Agency.

V. [§ 500] TEMPORARY RELOCATIONS

A. [§ 501] Temporary Replacement Housing

Except as provided for in §502, the Displacing Agency may not relocate a displaced person to temporary replacement housing for a period greater than 90 days without the consent of the displaced person. Such housing, when provided, shall meet the standards of an adequate replacement dwelling. The Displacing Agency shall minimize, to the greatest extent feasible, the use of temporary replacement housing. The Displacing Agency shall provide displaced residents who move to temporary replacement housing with relocation assistance, services and benefits designed to achieve permanent relocation of such residents into comparable replacement dwellings.

Prior to any temporary move, the Displacing Agency shall determine and provide written assurance to each displaced resident that:

1. Comparable replacement dwellings will be made available at the earliest possible time, and in any event within twelve (12) months from the date of the move to the temporary replacement housing, provided however that the temporarily housed persons may agree to extend the 12 month limitation.
2. Comparable replacement dwellings will be made available, on a priority basis, to the individual or family who has been temporarily rehoused;
3. The move to temporary replacement housing will not affect a claimant's eligibility for a replacement housing payment nor deprive him of the same choice of replacement dwelling units that would have been made available had the temporary move not been made and the costs of a temporary move will not be considered as all or a part of relocation payments to which a displaced resident is entitled;
4. If a project plan anticipates moves back into housing accommodations in the project area, the resident who has been temporarily displaced will be given priority opportunity to obtain such housing accommodations;
5. The Displacing Agency will pay all costs in connection with the move to temporary replacement housing, including increased housing costs.

B. [§ 502] Payments and Assistance for Short-Term Relocation of Tenants in Rental Rehabilitation Projects

Notwithstanding §7265.3 of the Government Code or any other provision of law, tenants residing in any rental project who are displaced from the project for a period of one year or less as part of a rehabilitation of that project, that is funded in whole or in part by the Displacing Agency, shall not be eligible for permanent housing assistance benefits pursuant to §600 of these Rules and Regulations, if all of the following criteria are satisfied:

1. The project is a "qualified affordable housing preservation project," which means any complex of two or more units whose owners enter into a recorded regulatory agreement, having a term for the useful life of the project, with any entity for the provision of project rehabilitation financing. For this purpose, the regulatory agreement shall require of the owner and all successors and assigns of the owner, as long as the regulatory agreement is in effect, that forty-nine (49) percent of the tenants in the project shall have, at the time of the recordation of the regulatory agreement, incomes not in excess of sixty (60) percent of the area median income, adjusted by household size as determined by the Department. In addition, a project is a qualified affordable housing preservation project only if the beneficiary of the regulatory agreement elects this designation by so indicating on the regulatory agreement.
2. The resident is offered the right to return to his or her original unit, or a comparable unit in the same complex if his or her original unit is not otherwise available due to rehabilitation, with rent for the first twelve (12) months subsequent to that return being the lower of the following: up to five (5) percent higher than the rent at the time of displacement; or up to thirty (30) percent of household income.
3. The estimated time of displacement is reasonable, and the temporary unit is not unreasonably impacted by the effects of the construction, taking into consideration the ages and physical conditions of the members of the displaced household.
4. All other financial benefits and services otherwise required under this chapter are provided to the residents temporarily displaced from their units, including relocation to a comparable replacement unit. Residents shall be temporarily relocated to a unit within the same complex if that unit is in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, services, and the displaced person's place of employment.

VI. [§ 600] RELOCATION PAYMENTS TO DISPLACED RESIDENTS

A. [§ 601] Payments Required

The Displacing Agency shall compensate a displaced resident for the expenses described in §602 or §603 and in §604 or §614. A displaced resident who lawfully resides on his or her business property may be eligible for both the payments described in this §600 and the payments to a displaced business provided under §700. A person who moves from his or her dwelling or who moves his or her personal property there from because he or she is displaced by the Displacing Agency from other real property on which he or she conducts a business shall be eligible only for payments provided for under §602 or §603.

B. [§ 602] Actual Reasonable Moving Expenses

A displaced resident shall be compensated for the actual reasonable expenses incurred in moving himself or herself and his or her family, including moving personal property. In all cases the amount of a payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed. The actual reasonable expenses incurred by the displaced resident for moving and related expenses shall be compensated by the Displacing Agency on the basis of the lower of three (3) comparable, competitive bids from professional movers, unless otherwise waived by the Displacing Agency.

The moving and related expenses for which claims may be filed shall include:

1. Transportation of persons and property not to exceed a distance of fifty (50) miles from the site from which the resident was displaced, except where the Displacing Agency determines that relocation beyond such distance of fifty (50) miles is justified;
2. Packing, crating, unpacking and uncrating personal property;
3. Such storage of personal property, for a period generally not to exceed twelve (12) months, as determined by the Displacing Agency to be necessary in connection with relocation;
4. Insurance of personal property while in storage or transit;
5. The reasonable replacement value of property lost, stolen, or damaged (not through the fault of the displaced resident, his or her agent or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available;
6. Cost of disconnecting, disassembling, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property not acquired by the Displacing Agency, including

connection charges imposed by public utilities for starting utility service.

The Displacing Agency reserves the right, on a case by case basis, to authorize the replacement of fixtures and equipment with substitute fixtures and equipment. Under no circumstances is it the Displacing Agency's intention to upgrade and/or substitute fixtures and equipment which have superior value, usage capacity, or which exceeds the value, usage or quality of the fixtures and equipment being substituted. The Displacing Agency reserves the right, on a case by case basis, to authorize substitute fixtures and equipment when it is deemed cost effective because the actual cost to move eligible owned fixtures and equipment exceeds the cost to provide replacement substitute fixtures and equipment. In order to provide a cost effective, satisfactory substitute replacement item, the Displacing Agency will consider all relevant criteria necessary to establish a cost effective substitute valuation. For evaluation purposes, the Displacing Agency may utilize any appropriate measures, including but not limited to the following:

- (1) The purchase of used substitute fixtures and equipment;
- (2) The existing value of the fixtures and equipment under consideration for substitution. This would also allow for a consideration of the depreciation of such fixtures and equipment identified in the appraisal report.
- (3) The Displacing Agency's agreement to be responsible for a proration of the cost of replacement equipment when it is deemed that the replacement items exceed the value or quality of the fixtures and equipment being replaced.

A person electing to apply for substitute fixtures and equipment shall request written authorization from the Displacing Agency's designee prior to incurring any eligible expenses. Written authorization, if approved, shall confirm the Displacing Agency's limitation as to the amount eligible for substitute fixtures and equipment. In the event substitute fixtures and equipment are approved, the claimant shall quitclaim any interest in the fixtures and equipment being substituted, which will remain at the replacement site and become the possession of the Displacing Agency.

C. [§ 603] Alternate Payments

A displaced resident who is eligible for a payment for actual reasonable moving expenses may elect to receive, and shall be paid, in lieu of such payment, a moving expense and dislocation allowance which shall be determined according to a schedule established by the Displacing Agency. The schedule shall be consistent with the residential moving expense and dislocation allowance payment schedule established by Part 24 of Title 49 of The Code of Federal Regulations.

D. [§ 604] Replacement Housing Payments for Displaced Homeowners

1. [§ 605] Amount of Payment

The Displacing Agency shall make, to a displaced homeowner who meets the eligibility requirements of §606, a payment not to exceed a combined total of \$22,500 for:

- a. The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost of a comparable replacement dwelling (see §608) . This amount shall not exceed the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling;
- b. The amount, if any, to compensate the displaced resident for any increased interest cost he or she is required to pay for financing the acquisition of a replacement dwelling. The payment shall not be made unless the dwelling acquired by the Displacing Agency 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 acquisition of such dwelling. (This time requirement may be modified in accordance with the provisions of §606b);
- c. Reasonable expenses incurred by the displaced resident incident to the purchase of the replacement dwelling, but not including prepaid expenses;
- d. The cost of rehabilitating a dwelling which does not satisfy the decent, safe and sanitary standard.

2. [§ 606] Eligibility

A displaced resident is eligible for a replacement housing payment if such person satisfies the following conditions:

- a. Is displaced from a dwelling that is acquired.
- b. Has actually owned and occupied the dwelling from which he or she is displaced as a permanent or customary and usual place of abode for not less than 180 days prior to the initiation of negotiations for acquisition of such dwelling. If an owner satisfies all but the 180 day requirement and can establish to the satisfaction of the Displacing Agency that he or she bought the dwelling with the intention of making it his or her place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits, and that he or she neither knew nor should have known that

public acquisition was intended, the Displacing Agency may reduce the requirement as necessary.

- c. Purchases and occupies a replacement dwelling within one year subsequent to the later of (i) the date on which he or she received final payment from the Displacing Agency for all costs of the acquired dwelling, or (ii) the date the Displacing Agency fulfills its obligation to make available at least one comparable replacement dwelling to the Displaced Person. Where for reasons beyond the control of the displaced resident completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the Displacing Agency shall determine the date of occupancy to be the date the displaced resident enters into a contract for such construction, rehabilitation, or relocation or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact the displaced resident occupies the replacement dwelling when the construction or rehabilitation is completed. Where for reasons of hardship or circumstances beyond the control of the displaced resident, such person is unable to occupy the replacement dwelling by the required date, the Displacing Agency may extend the deadline in its sole discretion. No person otherwise eligible for payment, shall be denied such eligibility as a result of being unable, because of a major state or national disaster, to meet the occupancy requirements contained herein.

3. [§ 607] Computation of Replacement Housing Payment

a. [§ 608] Reasonable Cost of Comparable Replacement Dwelling

In determining the reasonable cost of a comparable replacement dwelling, the Displacing Agency shall use one of the following methods:

- (1) Comparative Method. On a case by case basis by determining the listing price of dwellings which have been selected by the Displacing Agency and which are most representative of the acquired dwelling unit and meet the definition of a comparable replacement dwelling. Whenever possible the listing price of at least three dwellings shall be considered.
- (2) Schedule Method. Where the Displacing Agency determines the comparative method is not feasible, it may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings. The Displacing Agency shall cooperate with other entities causing

displacement in the area to establish a uniform schedule. The schedule shall be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas, the analysis may be confined to the sub-area from which persons are displaced or may cover several different sub-areas; if they satisfy or exceed the criteria for a comparable replacement dwelling. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of bedrooms, and price ranges.

- (3) Alternative Method. Where the Displacing Agency determines that neither the schedule, nor comparative method is feasible in a given situation, the Displacing Agency may use another reasonable method.

Whichever method is selected, the cost shall be updated to within three months of the date of purchase of the replacement dwelling.

b. [§ 609] Increased Interest Cost

Increased interest cost shall be equal to the discounted present value of the difference between the aggregate interest applicable to the amount of the principal of the mortgage on the acquired dwelling over its remaining term at the time of acquisition, and other debt service costs, and the aggregate interest paid on the mortgage on the replacement dwelling, and other debt service costs. The term and amount of the mortgage on the replacement dwelling for the purposes of this section shall be the lesser of the remaining term and amount of the mortgage on the acquired dwelling, or the actual term and amount of the mortgage on the replacement dwelling. The amount of the debt service cost with respect to the replacement dwelling shall be the lesser of the debt service cost based on the cost required for a comparable replacement dwelling, or the debt service cost based on the actual cost of the replacement dwelling.

Prepaid interest or "points" shall be considered in the determination of the aggregate interest.

In calculating the amount of compensation, increased interest cost shall be reduced to discounted present value using the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

c. [§ 610] Expense Incidental to the Purchase of the Replacement Dwelling

The replacement housing payment shall include the amount necessary to reimburse the displaced resident for actual, reasonable costs incurred, incident to the purchase of the replacement dwelling, including but not limited to the following:

- (1) Reasonable legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plans, and charges paid incident to recordation;
- (2) Lender, FHA, VA or similar appraisal costs;
- (3) FHA, VA, or similar application fee;
- (4) Cost for certification of structural soundness;
- (5) Credit report charges;
- (6) Charge for owner's and mortgagee's evidence or assurance of title;
- (7) Escrow agent's fee;
- (8) Sales and transfer taxes.

Payment for any such expenses shall not exceed the amount attributable to the purchase of a replacement dwelling. Such expenses shall be reasonable and legally required or customary within the boundaries of the City.

Reimbursement shall not be made under the provisions of this section for any fee, cost, charge, or expense which is determined to be a part of the debt service or finance charge under Title I of the Truth in Lending Act and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System. Any such sum should be considered in the determination of increased interest cost.

4. [§ 611] Multi-Family Dwelling

In the case of a displaced homeowner who is required to move from a one-family unit of a multi-family building which he or she owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multi-family building of approximately the same density or if that is not available in a building of the next less density, or, if a comparable one-family unit in such a multi-family building is not available, the cost of any otherwise comparable single-family structure.

5. [§ 612] Homeowner Retention of Dwelling

If a displaced homeowner elects to retain, move, and occupy his or her dwelling, the amount payable as the replacement housing payment is the difference between the acquisition price of the acquired property and the sum of the moving and restoration expenses, the cost of correcting decent, safe, and sanitary deficiencies, if any, and the actual purchase price of a comparable relocation site. The payment shall not exceed the amount of the replacement housing payment to which the homeowner would otherwise be entitled.

6. [§ 613] Lease of Condominium

For the purpose of §604 through §612, the leasing of a condominium for a 99-year period, or for a term which exceeds the life expectancy of the displaced resident as determined by the most recent life tables in Vital Statistics of the United States, as published by the Public Health Service of the Department of Health, Education and Welfare or successor acceptable index, shall be deemed a purchase of the condominium.

E. [§ 614] Replacement Housing Payments for Tenants and Certain Others

1. [§ 615] Amount of Payment

The Displacing Agency shall make, to a displaced tenant who meets the eligibility requirements of §616, a payment not to exceed \$5,250.00 for either:

- a. An amount necessary to enable such person to lease or rent a comparable replacement dwelling for a period not to exceed 42 months; or
- b. An amount necessary to enable such person to make a down payment on the purchase of a decent, safe and sanitary replacement dwelling (including incidental expenses described in §610).

2. [§ 616] Eligibility

A displaced resident is eligible for a replacement housing payment if such person satisfied the following conditions:

- a. Has actually and lawfully occupied the dwelling from which he or she is displaced for a period of not less than 90 days prior to the initiation of negotiations for acquisition of such dwelling. If a resident satisfies all but the 90-day requirement and can establish to the satisfaction of the Displacing Agency that he or she occupied the dwelling with the intention of making it his or her place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits, and that he or she neither knew nor should have known that public acquisition was intended, the Displacing Agency may reduce the requirements as necessary.
- b. Is not eligible to receive a replacement housing payment for homeowners or elects not to receive such payment. Where the displaced resident is the owner-occupant of the dwelling for at least 90 days but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of the dwelling, the payment made under §615b shall not exceed the amount of payment to which the resident would be entitled under §605.

- c. The displaced resident shall within one year from the date of displacement rent or purchase (as the case may be) and occupy a replacement dwelling. Where for reasons beyond the control of the displaced resident, completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the Displacing Agency shall determine the date of occupancy to be the date the displaced resident enters into a contract for such construction, rehabilitation, or relocation or for rental or purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed. Where for reasons of hardship or circumstances beyond the control of the displaced resident, such person is unable to occupy the replacement dwelling by the required date; the Displacing Agency may extend the deadline at its sole discretion. No person otherwise eligible for payment shall be denied such eligibility as a result of his or her being unable, because of a major state or national disaster, to meet the occupancy requirements contained herein.

3. [§ 617] Computation of Replacement Housing Payment

a. [§ 618] Rent Differential Payment

The amount of payment necessary for a displaced resident to lease or rent a comparable replacement dwelling shall be computed by subtracting forty-two (42) times the base monthly rental of the displaced resident, from forty-two (42) times the monthly rental for a comparable replacement dwelling; provided, that in no case may such amount exceed the difference between forty-two (42) times the base monthly rental and forty-two (42) times the monthly rental actually required for the replacement dwelling occupied by the displaced resident.

- (1) Base Monthly Rental. The base monthly rental shall be the lesser of:
- (a) the average monthly rental paid by displaced resident for the 3-month period prior to initiation of negotiations; or
 - (b) thirty percent (30%) of the displaced resident's average monthly gross income.

Where the displaced resident was the owner of the dwelling from which he or she was displaced or was not required to pay rent for that dwelling, or where the rental is unrealistically low, the economic rent shall be used in lieu of the average monthly rental to calculate base monthly rental.

(2) Rental for Comparable Replacement Dwelling. The monthly rental for a comparable replacement dwelling shall be determined by the Displacing Agency using one of the following methods:

- (a) Comparative Method. On a case by case basis by determining the listing rental of dwellings which are most representative of the acquired dwelling and meet the definition of a comparable replacement dwelling. Whenever possible the listing rental of at least three dwellings shall be considered.
- (b) Schedule Method. Where the Displacing Agency determines the comparative method is not feasible, it may establish a schedule of reasonable rental charges for the various types of comparable replacement dwellings. The Displacing Agency shall cooperate with other entities causing displacement in the area to establish a uniform schedule. The schedule shall be based on a current analysis of the market to determine a reasonable rental charge for each type of dwelling to be rented. The analysis may be confined to other sub-areas from which the persons are displaced or may cover several different sub-areas if they satisfy or exceed the criteria for a comparable replacement dwelling. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of bedrooms, and range of rental charges.
- (c) Alternative Method. Where the Displacing Agency determines that neither the schedule, nor comparable method is feasible in a given situation, the Displacing Agency may use another reasonable method.

Whichever method is selected the cost shall be updated to within three (3) months of the date of rental of the replacement dwelling.

In calculating the base monthly rental and the rental for a comparable replacement dwelling the Displacing Agency will include as a component of rent the cost or estimated cost of utilities, but not including telephone service.

b. [§ 619] Downpayment

The downpayment, for which a payment specified in §615b may be made, shall not exceed the amount of a reasonable downpayment for the purchase of a comparable replacement dwelling where such purchase is financed, plus expenses incident to the purchase of a replacement dwelling computed in accordance with §610. The full amount of a downpayment shall be applied to the purchase of the replacement dwelling and shall be shown on the closing statement or other document acceptable to the Displacing Agency.

4. [§ 620] Rental Payments for Displaced Homeowners and Dependents

a. [§ 621] Homeowners

A displaced homeowner who elects to rent rather than purchase a replacement dwelling and who meets the eligibility requirements of §616 is eligible for the rent differential payment specified in §618.

b. [§ 622] Dependents

A dependent who is residing separate and apart from the person or family providing support, whether such separate residence is permanent or temporary, shall be entitled to payment under §614, but such payment shall be limited to the period during which the displaced dependent resides in the replacement dwelling. For the purposes of this section, "dependent" shall be a person who derives fifty-one percent (51%) or more of his or her income in the form of gifts, from any private person or any academic scholarship or stipend. Full time students shall be presumed to be dependents but this presumption may be rebutted by demonstrating that fifty percent (50%) or more of their income is derived from sources other than gifts from another private person or academic scholarship or stipends.

Dependents residing with the family of which they are a part shall not be entitled to any payment except as a part of the family.

F. [§ 623] Payments to Residents Displaced from Manufactured Homes and Mobile Homes

1. [§ 624] Payments Required

The eligibility requirements and payment provisions of §600 through §619 are applicable to displaced residents who are owners or tenants of manufactured homes and mobile homes.

2. [§ 625] Moving Expenses: Retention and Move of Manufactured Home or Mobile Home

If a manufactured home or mobile home is moved to another site and the displaced resident elects to be compensated for actual reasonable moving expenses (and not an alternate payment pursuant to §603), then the displaced resident shall be paid an amount for moving expenses determined in accordance with the applicable provisions of §703, Actual Reasonable Moving Expenses for a displaced business.

3. [§ 626] Replacement Housing Payments

The Displacing Agency shall make a replacement housing payment to a displaced resident who is displaced from his or her manufactured home and mobile home in the following situations:

- a. A resident who owns a manufactured home or mobile home and site and as a replacement, purchases both a dwelling and site shall be provided a payment in accordance with §604. A resident, who owns a manufactured home or mobile home and site and, as a replacement, rents both a dwelling and site, shall be provided a payment in accordance with §614.
- b. A resident who rents a manufactured home or mobile home and site and, as a replacement, rents or purchases a dwelling and site, shall be provided a payment in accordance with §614.
- c. A resident who owns a manufactured home or mobile home and site, and, as a replacement, purchases a dwelling and rents a site, shall be provided a payment in accordance with §604 and §614. The payment shall be limited to the lesser of:
 - (1) The amount necessary to purchase a conventional comparable replacement dwelling; or
 - (2) The amount necessary to purchase a replacement manufactured home or mobile home (in accordance with §604) plus the amount necessary to rent a replacement site (in accordance with §614). In calculating this amount, the economic rent for the site shall be used in lieu of average monthly rental to determine base monthly rent.
- d. A resident who owns a site from which he or she moves a manufactured home and mobile home shall be provided a payment under §604 if he or she purchases a replacement site and under §614 if he or she rents a replacement site.
- e. A resident who owns a manufactured home or mobile home which is acquired and rents the site shall be provided payment as follows:

- (1) If a manufactured home or mobile home is not available the amount required to purchase a conventional replacement dwelling (in accordance with §604);
 - (2) The amount necessary to purchase a replacement manufactured home or mobile home (in accordance with §604) plus the amount necessary to lease, rent or make a down payment on a replacement site (in accordance with §614); or
 - (3) If he or she elects to rent a replacement manufactured home or mobile home and site, the amount required to do so in accordance with §614. In calculating this payment, the average monthly rental shall equal the economic rent for the manufactured home or mobile home plus the actual rent for the site.
- f. Similar principles shall be applied to other possible combinations of ownership and tenancy upon which a claim for payment might be based.

G. [§ 627] Proration of Payments

For the purpose of calculating an alternate payment under §603, or a replacement housing payment under §604 or §614, two or more individuals (whether they are members of one family or not) living together in, and displaced from, a single dwelling shall be regarded as one displaced resident. If two or more such individuals submit more than one claim, an eligible claimant for a payment may be paid only his or her reasonable pro rata share (as determined by the Displacing Agency) of the total payment applicable to a single displaced resident. The total of the payments made to all such claimants moving from the dwelling unit shall not exceed the total payment allowed to be made to a single displaced resident.

Where a tenant is sharing a single-family dwelling with an owner-occupant, the tenant shall not be entitled to more than one-half of the rental assistance payment otherwise payable. The owner-occupant shall not be required to share the replacement housing payment to which he or she is entitled or to accept a prorated amount.

H. [§ 628] Payment after Death

A replacement housing payment is personal to the displaced person and upon his or her death the undistributed portion of any such payment shall not be paid to his or her heirs or assigns, except that:

1. The cost attributable to the displaced person's actual occupancy of the replacement housing shall be paid;

2. The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family members continues to occupy the replacement dwelling selected in accordance with the regulations in this part; and
3. That portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a dwelling by or on behalf of a deceased person shall be disbursed to the estate.

I. [§ 629] Hardship Moves

The Agency may make all or part of the payments prescribed in these Rules and Regulations, and may provide advisory assistance under these Rules and Regulations, to a person who moves from a dwelling as a result of the pending acquisition by the Agency of the real property from which he/she moves, but who is not otherwise a displaced person hereunder, as necessary to alleviate hardship to such person.

VII. [§ 700] RELOCATION PAYMENTS TO DISPLACED BUSINESSES

A. [§ 701] Payments Required

The Displacing Agency shall compensate the owner of a displaced business for the expenses described in §702 through §706 or §707 through §713. Whenever the acquisition of real property used for a business causes the business to move from other real property upon which the same business is conducted, or to move its personal property there from, such business shall receive payments for moving and related expenses under §702 and §703 in connection with its move from such other real property.

B. [§ 702] Moving Expenses

1. [§ 703] Actual Reasonable Moving Expenses

A displaced business shall be compensated for the actual reasonable expenses incurred for moving the business including moving personal property. In all cases the amount of payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.

The moving and related expenses for which claims may be filed shall include:

- a. Transportation of persons and property not to exceed a distance of fifty (50) miles from the site from which the business was displaced, except where the Displacing Agency determines that relocation beyond such distance of fifty (50) miles is justified;
- b. Packing, crating, unpacking, and uncrating personal property;
- c. Such storage of personal property for a period generally not to exceed twelve (12) months, as determined by the Displacing Agency to be necessary in connection with relocation;
- d. Insurance of personal property while in storage or transit;
- e. The reasonable replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced business, its agents or employee) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available;
- f. The cost directly related to displacement of modifying the machinery, equipment, or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply.

Claims for payment under this subsection shall be subject to the following limitations:

- (1) Reimbursement costs shall be reasonable in amount.
 - (2) The cost could not be avoided or substantially reduced at an alternate available and suitable site to which the business was referred.
- g. The cost of any license, permit, or certification required by a displaced business concern to the extent such cost is necessary to the reestablishment of its operation at a new location;
- h. The reasonable cost of consultants including: architects, engineers, or others provide general or specialized services necessary for (i) planning the move of the personal property, or (ii) moving the personal property, or (iii) installing the relocated personal property at the replacement location. For purposes of this paragraph, and in order to avoid duplication of payment, all such services shall not be deemed "necessary" when the services have been or will be provided by the Displacing Agency or consultants retained by the Displacing Agency. The necessity of other services not provided by the Displacing Agency shall be determined by the Displacing Agency.

Payment for all of the above necessary services must be approved in writing by the Displacing Agency prior to their use. Information on the area of expertise and the qualifications of such persons must be provided for review and a reasonable hourly rate or fee must be approved by the Displacing Agency before any costs are incurred, otherwise, such services are not reimbursable. An itemized statement of all services shall be provided to the Displacing Agency stating the dates of such services; the location where services were provided; the name, address and telephone of person or firm providing services.

- i. Where an item of personal property which is used in connection with any business is not moved but is replaced with a comparable item, reimbursement in an amount not to exceed the lesser of:
- (1) The reasonable replacement cost of the personal property, minus net proceeds (if any) realized from the sale of all or part of the property,
 - (2) The estimated reasonable cost of moving the personal property, as determined by the Displacing Agency.

In order to obtain a payment under this paragraph, the displaced business shall make a bona fide effort to sell the personal property for which the payment is claimed at the highest price offered after reasonable efforts have been made over a reasonable period of time to interested prospective purchasers. The displaced business shall be reimbursed for the reasonable costs of such effort to sell the tangible personal property.

- j. Where, in the judgment of the Displacing Agency, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This provision may, in appropriate situations, be applied to claims involving the moving of junk yards, stockpiles, sand, gravel, minerals, metals, and similar property.
- k. A displaced business which conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays is entitled to payment for the reasonable cost of moving such displays or their in-place value, whichever is less.

2. [§ 704] Actual Direct Loss of Tangible Personal Property

A displaced business shall be compensated for the actual direct loss of tangible personal property of the displaced business or farm operation attributable to moving or discontinuing such business. The total amount of the payment by the Displacing Agency for such loss shall not exceed an amount equal to the estimated, reasonable cost of moving the personal property, as determined by the Displacing Agency. Subject to such limitation, the actual direct loss of personal property for which claims may be filed shall be determined by appraising either:

- a. The in-use value (fair market value of the personal property for continued use at its location prior to displacement) minus net proceeds realized from the sale of all or part of the property; or
- b. The estimated reasonable costs of relocating the property.

The actual direct loss of personal property shall be computed and based on an appraisal obtained by either the Displacing Agency or the displaced business, and approved by the Displacing Agency.

In order to obtain a payment for the actual direct loss of personal property, the displaced business shall make a bona fide effort to sell the personal property for which the loss is claimed at the highest price offered after reasonable efforts have been made over a reasonable period of time to interested prospective purchasers. The reasonable cost of an effort to sell the personal property shall be added to the determination of loss under this section.

In the event personal property which is sold or abandoned is promptly replaced with a comparable item, no payment for the actual direct loss of such personal property shall be made to the displaced business by the Displacing Agency; instead, the displaced business shall be paid the amount specified in §703j.

3. [§ 705] Actual Reasonable Expenses in Searching for a Replacement Business

Actual Reasonable Expenses incurred in searching for a replacement business site which may include: transportation within a radius of fifty (50) miles from the boundaries of the City, meals and lodging if necessary, an amount to cover time spent during normal working hours and proven reasonable fees paid to a real estate broker or agent to locate to a new site. The maximum total amount of reimbursement for searching expenses for a new location is One Thousand and No/100 (\$1,000.00) Receipted invoices, bills, receipts, and a completed Displacing Agency Searching Cost Form must be certified and submitted for all expenses claimed. Costs incurred in inspecting sites beyond a fifty (50) mile radius are not eligible.

C. [§ 706] Actual Reasonable Expenses To Reestablish A Small Business or Nonprofit Organization

1. [§ 707] Eligible Reestablishment Expenses

In addition to moving expense payments, a farm, nonprofit organization or small business shall be entitled to actual and reasonable reestablishment expenses, not to exceed \$10,000.00. Reestablishment expenses shall be only those expenses that are reasonable and necessary and include, but are not limited to:

- a. Repairs or improvements to the replacement property as required by federal, state or local law, code or ordinance.
- b. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- c. Construction and installation costs for exterior signing to advertise the business.
- d. Provision of utilities from right-of-way to improvements on the replacement site.

- e. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- f. Licenses, fees and permits when not paid as part of moving expenses.
- g. Feasibility surveys, soil testing and marketing studies.
- h. Advertisement of replacement location.
- i. Professional services in connection with the purchase or lease of a replacement site.
- j. Estimated increased costs of operation during the first 2 years at the replacement site for such items as:
 - (1) Lease or rental charges,
 - (2) Personal or real property taxes,
 - (3) Insurance premiums, and
 - (4) Utility charges, excluding impact fees.
- k. Impact fees or one-time assessments for anticipated heavy usage.
- l. Other items essential to the reestablishment of the business.

2. [§ 708] Ineligible Reestablishment Expenses

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

- a. Purchase of capital assets, such as, office furniture,, machinery, or trade fixtures.
- b. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- c. Interior or exterior refurbishment at the replacement site which are for aesthetic purposes, except as provided in §706 1.e., above.
- d. Interest on money borrowed for move or purchase of replacement property.
- e. Payment to a part-time business in the home which does not contribute materially to the household income.

D. [§ 709] Alternate Payment

1. [§ 710] Determination of Payments

a. [§ 711] Amount of Payment

A displaced business which moves or discontinues, and which meets the eligibility requirements of §711, may elect to receive and shall be paid, in lieu of the payments for which it is otherwise entitled under §702, a payment equal to the average annual net earnings of the business, except that such payment shall not be less than one thousand dollars (\$1,000.00) or more than twenty thousand dollars (\$20,000.00). Said dollar limitation shall apply to a single business regardless of whether it is carried on under one or more legal entities. In regard to an outdoor advertising display, payment pursuant to this Section shall be limited to the lesser of the amount necessary to physically move or replace that display.

b. [§ 712] Determination of Number of Businesses

In determining whether one or more legal entities, all of which have been acquired, constitute a single business, the following factors among others, shall be considered:

- (1) The extent to which the same premises and equipment are shared;
- (2) The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled;
- (3) The extent to which such entities are held out to the public, and to those customarily dealing with such entities, as one business;
- (4) The extent to which the same person or closely related persons owns, control, or manage the affairs of the entities.

2. [§ 713] Eligibility

a. [§ 714] Business

A displaced business is eligible for the payment provided for in §707 only if the Displacing Agency determines that:

- (1) The business is not operated solely for rental purposes and cannot be relocated without a substantial loss of its existing patronage, based on a consideration of all pertinent circumstances including such factors as the type of business conducted, the nature of the clientele, the relative

importance to the displaced business of its present and proposed location, and the availability of a suitable relocation site;

- (2) The business is not part of a commercial enterprise having more than three (3) other establishments which are not being acquired for a project and which is engaged in the same or similar business. Whenever the sole remaining facility of a business has been displaced from its principal location:

- (a) Has been in operation for less than two years;
- (b) Has had average annual gross receipts of less than \$2,000.00 during the two taxable years prior to displacement of the major component of the business; or
- (c) Has had average annual net earnings of less than \$1,000.00 during the two taxable years prior to displacement of the major component of the business, the remaining facility will not be considered another "establishment" for purposes of this section; and

- (3) The displaced business:

- (a) Has average annual gross receipts of at least \$5,000.00 during the two taxable years prior to displacement; or
- (b) The displaced business had average annual net earnings of at least \$1,000.00 during the two taxable years prior to displacement; or
- (c) The displaced business contributed at least 33 1/3 percent of the total gross income of the owner(s) during each of the two taxable years prior to displacement. If in any case, the Displacing Agency determines that the two year period prior to displacement is not representative of average receipts, earnings or income, the Displacing Agency may make use of a more representative period.
- (d) If application of the above criteria creates an inequity or hardship, the Displacing Agency may use other criteria as permitted in 49 CFR 24.306.

b. [§ 715] Nonprofit Organizations

For purposes of applying §707 to nonprofit organizations, no payment shall be made unless the Displacing Agency determines that:

- a. The nonprofit organization cannot be relocated without a substantial loss of its existing patronage (the term "existing patronage" as used in connection with a nonprofit organization includes the membership, persons, community, or clientele served by the activities of the nonprofit organization); and
- b. The nonprofit organization is not a part of an enterprise having more than three (3) other establishments not being acquired which is engaged in the same or similar activity.

3. [§ 716] Loss of Goodwill

When payment under this section will precede settlement of a claim for compensation for loss of goodwill under the Eminent Domain Law, the Displacing Agency, before tendering payment, shall state in writing what portion of the payment, if any, is considered to be compensation for loss of goodwill and shall explain in writing that any payment made pursuant to Code of Civil Procedures 1263.510 et seq., (the Eminent Domain Law, Chapter 9, Article 6 – "Compensation of Loss of Goodwill") will be reduced in the same amount. The portion considered to be compensation for loss of goodwill shall not exceed the difference between the payment made under this section and an amount which reasonably approximates the payments for which the displaced person otherwise would be eligible to receive under §703 through §706. Failure to provide such written statement and explanation shall constitute a conclusive indication that no portion of the payment is considered to be compensation for loss of goodwill for the purposes of that portion of the Code of Civil Procedure referenced above.

4. [§ 717] Hardship Moves

The Displacing Agency may make all or part of the payments prescribed in these Rules and Regulations, and may provide advisory assistance under these Rules and Regulations, to a person who moves or discontinues his or her business, as a result of the pending acquisition by the Displacing Agency of the real property from which he/she moves, but who is not otherwise a displaced person hereunder, as necessary to alleviate hardship to such person.

VIII. [§ 800] CITIZEN PARTICIPATION

A. [§ 801] General Requirements

The Displacing Agency shall assure the following:

1. Timely and full access to all documents relevant to the relocation program. The Displacing Agency may reasonably restrict access to material where its confidentiality is protected by law or its disclosure is prohibited by law.

The Displacing Agency shall ensure that the information in documents, the provision of which would result in disclosure of the identity of eligible persons, is provided in a manner designed to avoid such disclosure. This obligation to avoid improper disclosure shall not affect the right of the person to which the information relates, or any other person authorized in writing by such person, to inspect such documents.

2. The provision of technical assistance necessary to interpret elements of the relocation plan and other pertinent materials.
3. The right to submit written or oral comments and objections, including the right to submit written comments on the relocation plan and to have these comments attached to any Relocation Plan when it is forwarded to the City Council. (See §319 et. seq.)
4. Prompt, written responses to any written objections or criticisms.

B. [§ 802] Relocation Committee

When a substantial number of persons will be displaced from their dwellings, the Displacing Agency shall encourage the residents and community organizations in the displacement area to form a relocation committee. The committee shall include, when applicable, residential owner occupants, residential tenants, business people, and members of existing organizations within the area. In lieu of initiating a new process of citizen participation, public entities which have conducted or are conducting a citizen participation process, such as a project area committee or similar entity, as part of an existing development program may substitute such process if it satisfied the requirements of this section.

If a substantial number of persons will not be displaced from their dwellings, the Displacing Agency shall at least consult with and obtain the advice of residents and community organizations and make the relocation plan available to such persons and organizations prior to submitting it to the legislative body for approval.

C. [§ 803] Replacement Housing Committee

The Displacing Agency shall establish a Replacement Housing Committee when required as described in §409.

IX. [§ 900] CLAIM AND PAYMENT PROCEDURES; TERMINATION OF RELOCATION ASSISTANCE

A. [§ 901] Filing of Claims

All claims for relocation assistance and payments filed with the Displacing Agency shall be submitted within eighteen (18) months of the date on which the claimant receives final payment for the property or the date on which claimant moves, whichever is later. The Displacing Agency may, in its sole discretion, extend this period upon a proper showing of good cause.

B. [§ 902] Documentation in Support of Claim

1. [§ 903] Moving Expenses

a. [§ 904] Commercial Moves

Except in the case of a displaced resident or displaced business electing to "self move", a claim for payment of actual reasonable moving expenses shall be supported by a bill or other evidence of expenses incurred.

Each claim in excess of one thousand dollars (\$1,000) for the costs incurred by a displaced business in moving the business operation shall be supported by at least three (3) competitive bids. If the Displacing Agency determines that compliance with the bid requirement is impractical, or if estimates in an amount less than one thousand dollars (\$1,000) are obtained, a claim may be supported by estimates in lieu of bids.

b. [§ 905] Self-Moves

Approval of a self-move shall be conditioned upon whether the displaced business has a permanent replacement site to move to. If so, the Displacing Agency may, at its sole discretion, approve a payment for moving expenses, in an amount not to exceed the lowest acceptable bid or estimate obtained by the Displacing Agency. A self-move to storage may be approved by the Displacing Agency at its sole discretion.

c. [§ 906] Exemption from Public Utilities Commission Regulations

Whenever the Displacing Agency must pay the actual cost of moving a displaced person or business, the costs of such move shall be exempt from regulation by the Public Utilities Commission. The Displacing Agency may solicit competitive bids from qualified bidders for performance of the work. Bids submitted in response to such solicitations shall be exempt from regulation by the Public Utilities Commission.

2. [§ 907] Loss of Property

A claim by a displaced business for payment for the actual direct loss of tangible personal property pursuant to §704 shall be supported by written evidence of loss which may include appraisals, certified prices, bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and other records appropriate to support the claim or the Displacing Agency may agree as to the value of the property left in place.

3. [§ 908] Proof of Earnings

If a displaced business elects to receive an alternate payment pursuant to §707 of these Rules and Regulations, the business shall provide proof of its earnings to the Displacing Agency. Proof of earnings for the last five (5) business years may be established by income tax returns, financial statements and accounting records or similar evidence acceptable to the Displacing Agency.

C. [§ 909] Payment of Moving Expenses

1. [§ 910] Advance Payment

An eligible displaced resident or displaced business may be paid for his or her anticipated moving expenses in advance of the actual move. The Displacing Agency shall provide advance payment whenever later payment would result in financial hardship. Particular consideration shall be given to the financial limitations and difficulties experienced by low and moderate income residents and small farm and business operations.

2. [§ 911] Direct Payment

By prearrangement between the Displacing Agency, the displaced resident or displaced business, and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the Displacing Agency, and the Displacing Agency may pay the mover directly.

3. [§ 912] Methods Not Exclusive

The specific provisions of these Rules and Regulations are not intended to preclude the Displacing Agency's reliance upon other reasonable means of effecting a move, including contracting moves and arranging for assignment of moving expense payments by displaced persons.

D. [§ 913] Payments for Replacement Dwellings

1. [§ 914] Payment for Purchase of Comparable Replacement Dwelling

a. [§ 915] Disbursement

When the Displacing Agency has determined the amount of the payment for purchase of a comparable replacement dwelling to which the displaced resident is entitled and has verified that the displaced resident occupies a comparable replacement dwelling, payment shall be made to the displaced resident.

b. [§ 916] Provisional Payment Pending Condemnation

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the Displacing Agency may, at the Displacing Agency's sole discretion, make a provisional replacement housing payment to the displaced homeowner equal to the difference between the Displacing Agency's maximum offer for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement that upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court. If the acquisition price as determined by the court is greater than the maximum offer upon which the provisional replacement housing payment is based, the difference shall be refunded by the homeowner to the Displacing Agency. If the acquisition price as determined by the court is less than the maximum offer upon which the provisional replacement housing payment is based, the difference shall be paid to the homeowner. An agreement shall be entered into between the Displacing Agency and the displaced homeowner setting forth terms and conditions for payment and refund of such amounts.

c. [§ 917] Certificate of Eligibility

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment, the Displacing Agency shall certify to any interested party, financial institution or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he or she purchases and occupies a dwelling within the time limits prescribed.

2. [§ 918] Rent Differential Payments

When the Displacing Agency has determined the amount of the rent differential payment to which the displaced resident is entitled and has verified that the displaced resident occupies a comparable replacement dwelling, payment shall be made in a lump sum to the displaced resident unless the payment is, as determined by the Displacing Agency in its sole discretion, in excess of the maximum amount set forth in §615, in which case payments may be made in periodic installments.

E. [§ 919] Assistance Payments – Persons Moving Without Notice

If the Displacing Agency fails to inform any eligible displaced Person of the relocation payments and assistance that may be made available by the Displacing Agency in a timely and effective manner, the Agency shall make every reasonable effort to identify and locate such person who has moved. Eligible displaced Persons who move without offers of assistance and benefits, after the Displacing Agency was required to offer assistance and benefits, shall be provided all such assistance and payments for which they otherwise qualify. When appropriate, the

Displacing Agency shall also compensate such persons for additional costs incurred as a result of the Displacing Agency's failure to provide timely notice and offers of relocation assistance and benefits.

F. [§ 920] Termination of Relocation Assistance

The Displacing Agency's relocation obligations cease under the following circumstances:

1. A displaced resident moves to a comparable replacement dwelling and receives all assistance and payments to which he or she is entitled;
2. The displaced resident moves to substandard housing and refuses reasonable offers of additional assistance in moving to a decent, safe and sanitary replacement dwelling and receives all payments to which he or she is entitled;
3. All reasonable efforts to trace a person have failed;
4. The business concern or farm operation has received all assistance and payments to which it is entitled and has been successfully relocated or has ceased operations;
5. A person displaced from his or her dwelling, business or farm operation refuses reasonable offers of assistance, payments and comparable replacement dwellings.

The Displacing Agency determines a relocatee is not a Displaced Person or is otherwise not entitled to relocation assistance.

X. [§ 1000] GRIEVANCE PROCEDURES

A. [§ 1001] Purpose

The purpose of the Grievance Procedures is to attempt to resolve disputes between the claimant and the Displacing Agency at the lowest possible administrative level while affording the claimant an opportunity to have a full and fair review of his or her case. Therefore, all relevant evidence should be presented at the lowest level of these proceedings. In any case where such evidence could have been presented at a lower level and the claimant failed to do so, the Relocation Appeals Board may refer the matter back to the lower level for consideration and determination prior to their considering such evidence.

B. [§ 1002] Right of Review

Any displaced person who is not satisfied with a determination as to eligibility, amount of payment, and failure by the Displacing Agency to provide comparable permanent or adequate temporary replacement housing or the Displacing Agency's property management practices, or not properly applying appropriate regulations, at his or her election may have his or her claim reviewed and reconsidered in accordance with the following procedures.

C. [§ 1003] Request for Further Written Information

A claimant shall first request the Displacing Agency's designated representative to provide him with a full written explanation of the determination and the basis therefore, which explanation shall be provided to the claimant within three weeks from the date of receipt of the request. This request must be made within the same 18 month period described in §1009.

If the Displacing Agency denies or refuses to consider a claim, the Displacing Agency's notification to the claimant of its determination shall inform the claimant of its reasons and the applicable procedures for obtaining review of the decision. If necessary to provide the information in the language most easily understood by the recipient, such notification shall be printed in a language other than English.

D. [§ 1004] Informal Oral Presentation

If the claimant feels that the written explanation is incorrect or inadequate, he or she may request an informal hearing with the Community Development Director (Director). All such requests shall be in writing and shall be accompanied by a relocation complaint form (in substantial form similar to Exhibit "B") if required by the Displacing Agency. The request for an informal hearing must be submitted to the Director within the same 18 month period described in §1009.

Within fifteen (15) days from the date of receipt of claimant's written request, including a relocation complaint form (incorporated as **Exhibit "B"**), claimant shall be afforded an opportunity to make an oral presentation to the Director to enable the claimant to discuss the claim with the

Director. The claimant may be represented by an attorney or other person of his or her choosing at the oral hearing (at the cost of the claimant).

The Director shall prepare a summary of the matters discussed and determinations made during the informal oral hearing, place a copy of the summary in claimant's file, and serve a copy thereof upon the claimant.

E. [§ 1005] Written Request for Review and Reconsideration

At any time within the period described in §1009 a claimant may file a written request for formal review and reconsideration. The claimant may include in the request for review any statement of fact within the claimant's knowledge or belief or other material which may have a bearing on the appeal. If the claimant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, the claimant's request shall be granted.

F. [§ 1006] Formal Review and Reconsideration by Director

1. The Director shall consider the request for review and shall decide whether a modification of the initial determinations necessary. The Director shall have the authority to revise the initial determination or the determination of a previous oral presentation. The Director shall consider every aggrieved person's complaint regardless of form, and shall if necessary provide assistance to the claimant in preparing the written claim. When a claimant seeks review, the Director shall inform claimant he or she has the right to be represented by an attorney, to present his or her case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination, as may be required, for a full and true disclosure of facts, and to seek judicial review once claimant has exhausted administrative appeal.
2. The Director shall review and consider the initial determination of the claimant's case in light of:
 - a. All material upon which the Displacing Agency based its original determination including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness.
 - b. The reasons given by the claimant for requesting review and reconsideration of his or her claim.
 - c. Any additional written or relevant documentary material submitted by the claimant.

- d. Any further information which the Director may, in his or her discretion, obtain by request, investigation or research, to insure fair and full review of the claim.
3. The determination on review by the Director shall include, but is not limited to:
 - a. The Director's decision on reconsideration of the claim.
 - b. The factual and legal basis upon which the decision is based, including any pertinent explanation or rationale.
 - c. A statement of claimant's right to seek further review of his or her claim by the Relocation Appeals Board and an explanation of the steps the claimant must take to obtain this review.

The Director shall issue his or her determination of review as soon as possible but no later than forty-five (45) days from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later.

In case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the Director shall furnish a written statement to claimant stating the reason for the dismissal of the claim as soon as possible but not later than fifteen (15) days from receipt of the last material submitted by the claimant or the date of the hearing, whichever is later.

G. [§ 1007] Appeals Board Review

If the claimant feels that the Director's determination following the informal oral hearing or written review by the Director is incorrect or inadequate, he or she may request a formal hearing before a Relocation Appeals Board.

To obtain a formal hearing before a Relocation Appeals Board the claimant must request in writing that the Director schedule such a hearing. Such request shall be made within the period described in §1009.

1. Within fifteen (15) days from the date of receipt of claimant's written request, he or she will be notified of the formal hearing date. If the claimant requests additional time to prepare material for consideration and shows good cause therefor, the hearing date shall be continued to another date.
2. The Relocation Appeals Board shall have the authority to revise the prior determination of the Director.
3. The Relocation Appeals Board shall, at the time it gives notice of the formal hearing date, notify the claimant that he or she has the right to be represented

by an attorney or others at his or her own expense, to present his or her case by oral or documentary evidence; the right to submit oral or documentary evidence; the right to submit rebuttal evidence to conduct such cross examination as may be required for a full and true disclosure of facts; and the right to seek judicial review once claimant has exhausted administrative appeal.

4. The Relocation Appeals Board shall review the initial determination or the determination made at an informal hearing taking into consideration all material upon which the challenged determination was made, all applicable rules and regulations, the reasons given by the claimant for requesting review, any additional relevant evidence, oral or documentary, submitted by either the claimant or the Displacing Agency's representatives. No evidence may be relied upon by the Relocation Appeals Board where the claimant has been improperly denied an opportunity to rebut evidence or cross-examine a witness.
5. The Relocation Appeals Board shall make its recommendation within six weeks from the date on which the formal hearing is concluded or the date of receipt of the last material submitted, whichever is later.
6. The Relocation Appeals Board's recommendation shall be made in writing and shall contain its recommendation, the factual and legal basis upon which the recommendation is made and a statement informing the claimant of his or her right to seek judicial review.
7. The claimant and the Displacing Agency's governing body shall be promptly served with a copy of the Relocation Appeals Board's recommendation.

H. [§ 1008] Determination by City Council or Agency Board

Upon reviewing the recommendation of the Relocation Appeals Board, the Director shall refer the recommendation to the City Council or Agency Board, as applicable, at its next regular meeting and the City Council or Agency Board shall thereupon fix a time for considering the matter, which time shall be not less than thirty (30) days from the time the recommendation is delivered to the City Council or Agency Board by the Director.

On the date thus fixed, or on the date to which the matter shall have been continued, the City Council or Agency Board shall proceed to consider the recommendation of the Relocation Appeals Board and shall make and enter on its minutes its final determination therein, which may confirm, modify, or set aside the findings of the Relocation Appeals Board. The City Council's or Agency Board's determination in the matter shall be final and conclusive. The Displacing Agency shall provide a written determination to the claimant.

The claimant shall be deemed to have exhausted his/her administrative remedies upon the Displacing Agency taking action upon his/her appeal or the failure of the claimant to timely pursue its rights hereunder.

I. [§ 1009] Time Limits

A claimant desiring either an informal oral presentation or seeking a formal review and reconsideration, including seeking the review of the Relocation Appeals Board, shall make a request within eighteen (18) months following the later of (i) the date he/she moves from the property or (ii) the date he/she receives final compensation for the property. The Director may, but is not required to, extend any of the time limits specified in this Article upon a showing of good cause. Any refusal to waive a time limit may be reviewed in accordance with the procedures set forth in sections 1003 and 1007 above; except that such written request for review shall be filed within ninety (90) days of claimant's receipt of the Displacing Agency's determination.

J. [§ 1010] Review of Files by Claimant

The claimant may inspect all files and records bearing upon his or her claim or the prosecution of the claimant's grievance, except to the extent the confidentiality of the material sought or the disclosure thereof is protected or prohibited by law.

K. [§ 1011] Effect of Determination

Determinations made by the Displacing Agency with respect to acquisition and relocation policies and procedures shall be applicable to all eligible persons in similar situations regardless of whether any such eligible person seeks a review. All written determinations shall be filed in the records of the Displacing Agency and available for public inspection.

L. [§ 1012] Right to Counsel

Any claimant has the right to be represented by an attorney at his or her expense at any and all stages of the proceedings set forth in this Article.

M. [§ 1013] Further Review

If the Displacing Agency, as set forth in §1008, denies the eligibility of a claimant for a payment, or disapproves the full amount claimed, or refuses to consider the claim on its merits because of untimely filing, or any other ground, the Displacing Agency's notification to the claimant of its determination shall inform the claimant of its reasons therefor, and shall also inform the claimant of the applicable procedures for obtaining further review of this determination.

N. [§ 1014] Joint Complainants

Where more than one person is aggrieved by the failure of the Displacing Agency to refer them to comparable permanent or adequate temporary replacement housing, the complainants may

join in filing a single written request for review. A determination shall be made as herein provided for each of the complainants.

O. [§ 1015] Judicial Review

Nothing in this section shall in any way preclude or limit a claimant from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available under these Rules and Regulations.

XL.[§ 1100] ACQUISITION PROCEDURES

These acquisition procedures are intended to comply with the guidelines set forth in §7267, §7267.1 and §7267.2 of the Government Code which the Displacing Agency shall follow prior to the adoption of a Resolution of Necessity. Compliance with these procedures shall enable the Displacing Agency to declare upon adopting a Resolution of Necessity that it has found and determined pursuant to Code of Civil Procedure §1245.230, that either the offer required by §7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence. These acquisition procedures shall only apply to those acquisitions by the Displacing Agency that are subject to the provisions set forth in sections 7267 to 7267.7, inclusive, of the Government Code.

A. [§ 1101] Acquisition of Property by Negotiation

The Displacing Agency shall make every reasonable effort to acquire property by negotiation and to do so expeditiously. These acquisition procedures shall not apply to the entry upon property pursuant to §1245.010 of the Code of Civil Procedure in order to make photographs, studies, surveys, examinations, tests, soundings, borings, samplings or appraisals or to engage in similar activities reasonably related to acquisition or use of the property for that use, nor shall these acquisition procedures apply to the acquisition of any easement, right-of-way, covenant, or other non-possessory interest in real property to be acquired for the construction, reconstruction, alteration, enlargement, maintenance, renewal, repair, or replacement of subsurface sewers, waterlines or appurtenances, drains, septic tanks, or storm water drains.

At the time of making an offer to acquire property under this Section, the Displacing Agency shall notify the property owner in writing, of the following:

1. The Displacing Agency's plans for developing the property to be acquired or the surrounding property; and
2. Any relocation assistance and benefits provided pursuant to state law which the property owner may be foregoing.

B. [§ 1102] Appraisal of Property

Before negotiations are initiated to acquire property, the Displacing Agency shall have the property appraised, and shall give the owner or his or her designated representative an opportunity, by reasonable advance written notice, to accompany the appraiser during the inspection of the property. The Displacing Agency shall not be required to have the property appraised where the property is "offered for sale" within the meaning of Government Code §7267.2(b), or where the property is acquired by donation to the Displacing Agency.

C. [§ 1103] Notice of Decision to Appraise

1. [§ 1104] Contents of Notice

The Displacing Agency shall provide the owner with written notice of its decision to appraise the real property as soon as possible after the decision to appraise has been reached. The notice shall, at a minimum, contain the following:

- a. A statement that a specific area is being considered for a particular public use, i.e., the project;
- b. A statement that the owner's property is located within the project area;
- c. A statement that the owner's property, which shall be generally described, may be acquired in connection with the public use; and
- d. A statement that the owner or his or her representative (designated in writing) shall be given the opportunity to accompany each appraiser during his or her inspection of the property.

2. [§ 1105] Information Statement: Property Acquisition Procedures

At the time the Displacing Agency notifies an owner of its decision to appraise real property, it shall furnish the owner with a written explanation of its land acquisition procedures, describing in non-technical, understandable terms the Displacing Agency's acquisition procedures and the principal rights and options available to the owner. Such statement shall inform the owner that if the Displacing Agency decides to acquire the subject property, certain prescribed land acquisition procedures will be followed. The statement shall also include the following explanations:

- a. A description of the basic objective of the Displacing Agency's land acquisition program and a reference to the availability of the Displacing Agency's written explanation concerning the relocation benefits to which an owner-occupant may be eligible.
- b. A statement that, if the acquisition of any part of the real property would leave the owner with an uneconomic remnant, the Displacing Agency will offer to acquire the uneconomic remnant, if the owner so desires.
- c. A statement that, if the owner of real property is also the owner of a business conducted on the real property to be acquired, or on any remainder parcel, the owner may have a right to compensation for loss of goodwill. The Displacing Agency shall include a copy of the pertinent provisions of the Eminent Domain Law pertaining to compensation for loss of goodwill set forth in Code of Civil Procedure, §1263.510 et seq., as well as a copy of the sections of these Rules and Regulations commencing with §1116.

- d. A statement that, if the owner is not satisfied with the Displacing Agency's offer of just compensation, the owner will be given a reasonable opportunity to present any relevant material, which the Displacing Agency will carefully consider, and that if a voluntary agreement cannot be reached, the Displacing Agency, as soon as possible, will either hold a hearing in connection with the matter of a Resolution of Necessity or give notice that it does not intend, at this time, to proceed with acquisition of the property.
- e. A statement that the Displacing Agency shall schedule the construction or development of a project such that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a comparable replacement dwelling will be available) or to move his or her business without at least 90 days written notice from the Displacing Agency of the date by which the move is required.
- f. A statement that if the Displacing Agency arranges to rent the property to an owner or his or her tenant for a short term, or for a period subject to termination by the Displacing Agency on short notice, the rental will not exceed the lesser of the fair rental value of the property to a short term occupier or the pro rata portion of the fair market value for a typical rental period. If the owner or tenant is an occupant of a dwelling, the rental for the dwelling shall be within his or her financial means.

D. [§ 1106] Prior to Making an Offer to Purchase

Prior to making an offer to purchase the property, the Displacing Agency shall make reasonable efforts to determine the identity of the owner and other interested parties.

1. [§ 1107] Record Title

The Displacing Agency shall obtain reasonably current preliminary title reports, litigation guarantees, reports, lot book reports, county assessment records or other information reasonably accessible from the public records of the County, to identify the name and address of the record owner of the property.

2. [§ 1108] Occupants

The Displacing Agency shall conduct a reasonable visual inspection of the property to identify tenants, residents, businesses, or other persons in possession of the property who have, or, by their occupation of the property, may have, a compensable interest in the

property and shall make a reasonable inquiry of the record owner as to the owner's knowledge concerning such occupants.

3. [§ 1109] Notices to Contact Owner

Any notifications or other attempts to contact the owner and other interested parties shall be made at the property if the owner or other interested parties are present on the property. Otherwise, such notifications and contacts shall be made at the last known or most current address of the owner or other interested parties, as may be reasonably available to the Displacing Agency.

4. [§ 1110] Identity and Address of Owner

If the identity and address of the owner or other interested parties cannot be located by search of the public records or by inspection of the property, in order to attempt to obtain such information, the Displacing Agency shall make further good faith efforts to identify and locate the owner and other interested parties, including, for example, contact with utility companies servicing the property, and inquiry of the Displacing Agency's licensing department, building and safety department, and any other departments to which property owners make reports, file applications or otherwise transact business. The Displacing Agency shall also consult other probable sources of such information.

E. [§ 1111] Establishment of Just Compensation

1. Before negotiations are initiated to acquire property, the Displacing Agency shall establish an amount it believes to be just compensation for the property to be acquired, which amount shall, in no event, be less than the Displacing Agency's approved appraisal of the fair market value of the property. The appraisal shall not be deemed approved unless it has been reviewed to the satisfaction of the Displacing Agency or its designated officer and the Displacing Agency or its designated officer has determined in writing that the appraisal is approved. The Displacing Agency may initiate negotiations without first having obtained an appraisal in the event the property to be acquired has a low market value not justifying, in the opinion of the Displacing Agency the expense or delay of an appraisal and the owner of the property agrees, in writing, to sell or donate the property without an appraisal having first been obtained and approved by the Displacing Agency.

The determination of just compensation shall be based upon consideration of:

- a. The real property being acquired;
- b. Where the real property acquired is part of a larger parcel, any damages to the remainder; and

- c. Loss of goodwill where the owner of the property is also the owner of a business conducted on the property to be acquired or on the remainder, and where the provisions of the Eminent Domain Law pertaining to compensation for loss of goodwill are satisfied.
- 2. Notwithstanding subdivision 1 of this section , the Displacing Agency may make an offer to the owner or owners of record to acquire real property for less than an amount which it believes to be just compensation thereof if (1) the real property is offered for sale by the owner at a specified price less than the amount the Displacing Agency believes to be just compensation therefor, (2) the Displacing Agency offers a price which is equal to the specified price for which the property is being offered by the landowner, and (3) no federal funds are involved in the acquisition, construction, or project development.
- 3. As used in subdivision 2 of this section, the term "offered for sale" means any of the following:
 - a. Directly offered by the landowner to the Displacing Agency for a specified price in advance of negotiations by the Displacing Agency.
 - b. Offered for sale to the general public at an advertised or published, specified price set no more than six (6) months prior to and still available at the time the Displacing Agency initiates contact with the landowner regarding the Displacing Agency's possible acquisition of the property.

F. [§ 1112] Uneconomic Remnant; Donation of Property

- 1. Whenever a portion of property is to be acquired by the Displacing Agency for a public use and the remainder will be left in such size, shape or condition as to constitute an uneconomic remnant, the Displacing Agency shall offer to acquire the entire property if the owner so desires. An uneconomic remnant is a parcel of real property in which the owner retains an interest after partial acquisition of the property and which has little or no utility or value to such owner.
- 2. A person whose real property is being acquired, may, after the person has been fully informed of his or her right to receive just compensation for the property, donate the property, any part thereof, any interest therein, or any compensation paid therefor to a public entity determined by the person.

G. [§ 1113] Initiation of Negotiations

1. [§ 1114] Written Offer

The Displacing Agency shall make its first written offer to acquire the property as soon as practicable following service of the Notice of Decision to Appraise. Such offer shall be made as soon as possible after the amount of just compensation is established by the appraisal. The offer shall include the full amount of just compensation established, unless otherwise indicated in the offer, and shall represent the fair market value of the property identified in the offer to be acquired without apportionment between the parties who may claim a compensable interest in the property.

2. [§ 1115] Statement of the Basis of Just Compensation

At the time the Displacing Agency makes its offer to acquire the property it shall provide the owner with a written statement of the basis for its determination of just compensation. The statement shall include the following:

- a. A general statement of the public use for which the property is to be acquired;
- b. A description of the location and extent of the property to be taken, with sufficient detail for reasonable identification and the interest to be acquired;
- c. An inventory identifying the buildings, structures, fixtures, and other improvements;
- d. A recital of the amount of the offer and a statement that such amount:
 - (1) Is the full amount believed by the Displacing Agency to be just compensation for the property taken;
 - (2) Is not less than the approved appraisal of the fair market value of the property;
 - (3) Disregards any decrease or increase in the fair market value of the real property to be acquired prior to the date of valuation caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for such project, other than that due to physical deterioration within the reasonable control of the owner or occupant;
 - (4) Does not reflect any consideration of or allowance for any relocation assistance and payments or other benefits which the owner is entitled to receive under an agreement with the Displacing Agency except for an amount to compensate the owner for that portion of loss of goodwill provided in accordance with §6100 of the state Guidelines;

- e. If the owner of real property to be acquired is also the owner of a business conducted upon the property or the remainder, the statement shall include an indication of the amount of compensation for loss of goodwill, if any.
- f. If after receiving the Displacing Agency's offer the owner requests additional information regarding the determination of just compensation, the Displacing Agency shall provide the following information to the extent that the determination of just compensation is based thereon:
 - (1) The date of valuation used.
 - (2) The highest and best use of the property.
 - (3) The applicable zoning.
 - (4) The principal transactions, reproduction or replacement cost analysis, or income capitalization analysis, supporting the determination of value.
 - (5) If the property is a portion of a larger parcel, a description of the larger parcel, with sufficient detail for reasonable identification.
- g. With respect to each sale, contract, or lease provided in accordance with subdivision f.(4) of §1115 above, the following data should be provided:
 - (1) The names and business or residence addresses, if known, of the parties to the transaction.
 - (2) The location of the property subject to the transaction.
 - (3) The date of the transaction.
 - (4) The price and other significant terms and circumstances of the transaction, if known. In lieu of stating the other terms and circumstances, the Displacing Agency may, if the document is available for inspection, state the place where and the times when it is available for inspection.;
- h. The requirements of this subsection do not apply to requests made after an eminent domain proceeding is commenced.

H. [§ 1116] Right to Obtain Payment

Nothing in these acquisition procedures shall be construed to deprive a tenant of the right to obtain payment for his or her property interest as otherwise provided by law.

I. [§ 1117] Loss of Goodwill

As soon as practicable after the initiation of negotiations the Displacing Agency shall provide written notification to the owner of a business conducted on the real property to be acquired or on the remainder, who is not also the owner of the real property, concerning his or her possible right to compensation for loss of goodwill. The Displacing Agency shall include a copy of the provisions of the Eminent Domain Law pertaining to compensation for loss of goodwill set forth in Code of Civil Procedure, §1263.510. The Displacing Agency shall also include a copy of the portion of these Rules and Regulations pertaining to compensation for loss of goodwill.

J. [§ 1118] Compensation for Loss of Goodwill

The procedure for determining and offering compensation for loss of goodwill in connection with the Displacing Agency's acquisition of any property shall be governed by §1118 through §1124, inclusive, of these Rules and Regulations.

1. [§ 1119] Compensation Generally

With respect to the owner of a business conducted on property acquired by the Displacing Agency, or on the remainder if such property is part of a larger parcel, the amount of just compensation to be paid by the Displacing Agency may include consideration of loss of goodwill, to the extent required by law and these Rules and Regulations.

Within the meaning of these Rules and Regulations, "goodwill" consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old or acquisition of new patronage.

The owner of a business shall be compensated for loss of goodwill if the owner proves all of the following:

- a. The loss is caused by the taking of the property or the injury to the remainder;
- b. The loss cannot reasonably be prevented by the relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill;
- c. Compensation for the loss will not be included in payments under §700 of these Rules and Regulations or under §7262 of the Government Code;
- d. Compensation for the loss will not be duplicated in the compensation otherwise paid to the owner.

2. [§ 1120] Notice of Intent to Claim Loss of Goodwill

The owner of a business conducted on property acquired by the Displacing Agency, or on the remainder if such property is part of a larger parcel, may, at any time prior to relocating from, or discontinuing its operation on, the property, notify the Displacing Agency of its intent to provide any information, materials, or data in order to satisfy the requirements of subdivisions (a) through (d), inclusive, of §1118.

3. [§ 1121] Conference to Discuss Eligibility to Receive Compensation for Loss of Goodwill

Upon receipt of the notice required by §1120, the Director or his or her designee shall confer with the business owner regarding the owner's claim for compensation for loss of goodwill. Based upon review and consideration of information presented at the conference, the Director shall determine whether a goodwill appraisal should be made.

4. [§ 1122] Business Records; Authorization to Negotiate

If the determination to appraise loss of goodwill is made as provided in §1120, the owner of the business shall provide to the Displacing Agency such business records as the Displacing Agency may require, including, but not limited to state income tax returns, financial statements, and any accounting records. The Displacing Agency shall preserve the confidentiality of the financial records, and shall not use such records for any purpose other than to determine the business owner's entitlement to, or amount of, compensation for loss of goodwill.

5. [§ 1123] Calculation of Net Amount of Just Compensation for Loss of Goodwill for Negotiation Purposes

The Displacing Agency shall calculate the amount it believes to be the net amount of just compensation for loss of goodwill to which the business is entitled. In making this calculation, the Displacing Agency shall consider the following:

- a. The amount the Displacing Agency believes to be the total amount of loss of goodwill to which business owner is entitled; and
- b. Any compensation for loss of goodwill the Displacing Agency determines is included in payments made or to be made under §700 of these Rules and Regulations.

6. [§ 1124] Eminent Domain

Notwithstanding any other provision contained in the acquisition procedures, in the event an eminent domain proceeding is brought by the Displacing Agency to acquire any property, the owner of any business located on the property, or the remainder if such property is part of a larger parcel, may claim compensation for loss of goodwill in connection with such proceeding. The business owner/claimant's failure to do so shall constitute a waiver of any compensation for loss of goodwill.

K. [§ 1125] Negotiations; Eminent Domain

Prior to the commencement of an eminent domain proceeding to acquire real property:

1. The Displacing Agency shall make reasonable efforts to discuss with the owner its offer to purchase the owner's real property;
2. The owner shall be given reasonable opportunity to present material which he or she believes to be relevant as to the question of value and to suggest modification in the proposed terms and conditions of the purchase, and the Displacing Agency shall carefully consider the owner's presentation;
3. If the evidence presented by an owner or a material change in the character or condition of the property indicates the need for a new appraisal or if a significant delay has occurred since the determination of just compensation, the Displacing Agency shall have its appraisal updated;
4. If a modification in the Displacing Agency's determination of just compensation is warranted, an appropriate price adjustment shall be made and the new amount determined to be just compensation shall be promptly offered in writing to the owner.

In no event shall the Displacing Agency either advance the time of condemnation, or defer negotiations or condemnation or the deposit of funds in court for the use of the owner, or take any other action coercive or misleading in nature, in order to compel or induce an agreement on the price to be paid for the property.

If the Displacing Agency holds the required hearing and adopts a resolution of necessity to acquire any interest in property, the Displacing Agency shall promptly institute formal condemnation proceedings. The Displacing Agency shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his or her property.

L. [§ 1126] Notice of Decision Not to Acquire

Whenever the Displacing Agency has forwarded a Notice of Intent to Displace, a Notice of Decision to Appraise, or has made a firm offer and subsequently decides not to acquire the property, the Displacing Agency shall serve a notice in writing on the owner, all persons occupying the property and all other persons potentially eligible for relocation payments and assistance. This notice shall state that the Displacing Agency has decided not to acquire the property. It shall be served not later than ten (10) days following the date of the Displacing Agency's decision not to acquire. Upon receipt of such notice any person shall be deemed not to be a displaced person.

M. [§ 1127] Incidental Expenses

If the real property is acquired by purchase, the Displacing Agency shall reimburse the owner for all reasonable expenses the owner necessarily incurred incidental to the conveyance of such property to the Displacing Agency. The following expenses shall be reimbursed to the owner:

1. Recording fees, transfer taxes and similar expenses incidental to conveying the real property;
2. The pro rata portion of charges for public service, such as water, sewage, and trash collection, which are allocable to the period subsequent to the date of transfer of title to the Displacing Agency, or the effective date of possession of such property by the Displacing Agency, whichever is earlier.

The Displacing Agency shall inform the owner that he or she may apply for a rebate of the pro rata portion of any real property taxes paid, which are allocable to the period subsequent to the date of transfer of the property to the Displacing Agency or the effective date of possession of such property by the Displacing Agency, whichever is earlier.

N. [§ 1128] Purchase Price as Public Information

The purchase price and other consideration paid by the Displacing Agency for real property is public information and shall be made available upon request.

O. [§ 1129] Service of Notice

Service of all notices required by these acquisition procedures shall be made either by first class mail or by personal service upon the person to be notified.

XII. [§ 1200] PROPERTY MANAGEMENT PRACTICES

A. [§ 1201] Short Term Rental

If the Displacing Agency permits an owner or tenant to occupy the acquired real property on a rental basis for a short term or for a period subject to termination by the Displacing Agency on short notice, the amount of rent required shall not exceed the lesser of the fair rental value to a short term occupier or a pro rata portion of the fair rental value for a typical rental period. If the owner or tenant is an occupant of a dwelling, the rental for the dwelling shall be within his or her financial means.

B. [§ 1202] Notice to Vacate

The construction or development of a project shall be so scheduled that no eligible person occupying real property shall be required to move from a dwelling, or to move his or her business, without at least ninety (90) days written notice from the Displacing Agency of the date by which such move is required. The Displacing Agency shall notify each individual tenant to be displaced as well as each owner-occupant.

C. [§ 1203] Eviction

Eviction is permissible only as a last resort. Relocation records must be documented to reflect the specific circumstances surrounding the eviction. Eviction may be undertaken for one or more of the following reasons:

1. Failure to pay rent, except in those cases where the failure to pay is the result of lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
2. Remaining in possession after expiration or termination of the term;
3. Performance of a dangerous or illegal act on the property;
4. Material breach of the rental agreement and failure to correct such breach within thirty (30) days of notice;
5. Maintenance of a nuisance and failure to abate within a reasonable time following notice;
6. Refusal to accept one of a reasonable number of offers of replacement dwellings;
7. The eviction is required by state or local law and cannot be prevented by reasonable efforts on the part of the Displacing Agency.

8. Failure to execute a rental agreement with the Displacing Agency provided the 90 day notice to vacate had been given, relocation information had been given at least 90 days prior to eviction, and referrals to comparable replacement housing have been given.

D. [§ 1204] Status of Post-Acquisition Tenants

1. [§ 1205] Notice of Status

The Displacing Agency shall inform prospective post-acquisition tenants, before they occupy the property, that the property has been acquired for a public use and will be available only in the interim between acquisition and development and that development for such use may result in termination of the tenancy sooner than would otherwise be expected.

The Displacing Agency shall also inform prospective post-acquisition tenants regarding the projected date of displacement and, periodically, shall inform post-acquisition tenants of any changes in such date.

2. [§ 1206] Notice to Vacate

A post-acquisition tenant who occupies acquired real property on a rental basis for a short term and who is informed that the property has been acquired for a public use shall be given any notices required by law.

3. [§ 1207] Eligibility for Relocation Assistance and Payments

Post-acquisition tenants are not eligible for relocation assistance and payments if, before occupying the property, they are informed by the Displacing Agency that the property has been acquired for a public use and will be available only in the interim between acquisition and development and that development for such use may result in termination of the tenancy sooner than would otherwise be expected. When so informed, post-acquisition tenants are not eligible even though they move as a result of a written order from the Displacing Agency to vacate the real property.

Persons, who become post-acquisition tenants after the effective date of these Rules and Regulations, who are not so informed and who move as a result of a written order from the Displacing Agency to vacate, are eligible for relocation assistance and payments, except where they are evicted in accordance with §1203 of the Rules and Regulations.

4. [§ 1208] Move from Permanent Housing

Where the Displacing Agency, on property it owns, is making housing available on a permanent basis (i.e., not pending development), a post-acquisition tenant who moves as a result of a written order from the Displacing Agency to vacate is eligible for relocation assistance and payments if the order to vacate is related to a plan to demolish or rehabilitate such dwelling units. A

post-acquisition tenant who is required to move as a result of the sale of such dwelling units to a private person for demolition or rehabilitation is eligible without need for a written order to vacate from the Displacing Agency.

Exhibit "A"
MODEL RELOCATION PLAN
For Displacement of Fifteen Households or less

INTRODUCTION

Please choose and complete one of the following paragraphs, whichever best describes your project. Any of the following paragraphs may be modified, made clearer, or rewritten to better describe your project or situation.

- (1) _____ has entered or will be entering into an Agreement with _____ to rehabilitate rental housing units within the City/County of _____. _____ households will have to be permanently displaced for this project to go forward. _____ households will have to be temporarily displaced for the project to go forward. The location of this housing, which is the subject of this relocation plan, is generally described as follows: _____
(See attached project site map -- **Attachment 1**)
- (2) _____ has entered into an Agreement with _____ to purchase and develop property within the City/County of _____. As a result, some housing will be affected and _____ households will have to be permanently displaced for this project to go forward. The location of this housing, which is the subject of this relocation plan, is generally described as follows:
(See attached project site map -- **Attachment 1**)
- (3) _____ has taken action which may result in the purchase and development of property within the City/County of _____. As a result, some housing will be affected and _____ households will have to be permanently displaced for this project to go forward. The location of this housing, which is the subject of this plan, is generally described as follows:

(See attached project site map -- **Attachment 1**)
- (4) *(If you wish, you may use the following space to describe your project.)* _____

(The name of the entity or consultant preparing the plan) _____ has prepared and will administer this Relocation Plan (the "Plan"), under the direction of or involvement with *(name of public agency involved with the project)* _____. This Plan provides the results of a needs assessment survey, a housing resource study and details of the displacing entity's proposed relocation program. This Plan sets forth policies and procedures necessary to conform with statutes and regulations established by the California Relocation Assistance Law, California Government Code section 7260 et seq. (the "CRAL") and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, chapter 6, section 6000 et seq. (the "Guidelines").

If there are federal funds involved in this project, this Plan and benefits may also need to conform with the Uniform Relocation Act (46 U.S.C. § 4600 et seq.), its implementing regulations (49 C.F.R. part 24) and other requirements and regulations of the applicable funding source.

No displacement activities will take place prior to the required reviews and approval of this Plan.

A. ASSESSMENT OF NEEDS

To obtain information for the preparation of this Plan, a personal interview was conducted with (number) _____ of the households living on the Project site. *(If a personal interview was not done with any of the households, briefly explain how the relevant information was obtained.)*

A table is attached showing some of the household characteristics and needs. (See – **Attachment 2**)

Attached are the most current income limits for the "very low-", "low-", and "moderate-" income categories as established by HUD for _____ County. *(Attach the most current HUD income category limits for your county -- **Attachment 3**.)* The attached table shows the income categories for each of the households. (**Attachment 2**)

Briefly, describe the neighborhood demographics and characteristics:

Briefly describe any location needs and preferences for housing (such as preference for home ownership or tenancy, preferred area of relocation, proximity to public transportation, employment, schools, medical facilities, public/social services and agencies, recreational services, parks, community centers, and shopping) and any other special needs (such as the need for a unit with disabled access or special services, special language needs, special schools, etc.) of each of the displaced households

B. REPLACEMENT HOUSING RESOURCES

A resource survey was made on or about _____ to identify available comparable, decent, safe and sanitary units available in close proximity to the Project site. _____ three bedroom units, _____ two bedroom units, and _____ one bedroom units will be required to adequately relocate the Project site households. *(If larger units are needed, please indicate :)* _____. Therefore, the survey focused on confirming the availability of this number and size of bedroom units. Attached is a copy of the resource survey showing the number and size of the available units found in the survey and their rent or purchase levels and location. *(Please create and attach a housing survey which conforms to the housing needs and preferences identified elsewhere in this Plan -- **Attachment 4**.)*

Briefly describe how the replacement housing resources meet the specific needs identified in section A.

C. CONCURRENT RESIDENTIAL DISPLACEMENT

Briefly describe any current or proposed displacing activities in your jurisdiction which may impact upon the ability to relocate the displaced households.

D. TEMPORARY HOUSING

Please check any of the following numbered paragraphs, whichever is applicable:

- _____ (1) There is no anticipated need for temporary housing. Should such a need arise, the displacing entity will respond appropriately and in conformance with all applicable laws and requirements. *(If you check this paragraph, you may skip to section E.)*
- _____ (2) There is a need to provide temporary housing, for not more than 180 days, for those households as indicated in the attached table of housing characteristics and needs (Attachment 2). This project is a "Qualified Affordable Housing Preservation Project" as defined in Government Code sections 7260, subdivision (c)(3)(B)(ii), and 7262.5. _____ households are expected to be temporarily displaced and they will be entitled to the following benefits and assurances:
- (a) The right to a temporary unit inside or, with the written consent of the household, outside the project as long as such unit meets the standards of "comparable replacement housing" as defined in section E below; and
 - (b) The cost of the replacement housing, including rent and average monthly utility costs, will not exceed 30% of the household's average monthly income or their current rent amount, whichever is less; and
 - (c) The right to return to their original unit; and
 - (d) The rent for the first 12 months upon returning to the original unit, will not exceed the lower of the following: (1) up to 5% higher than the rent at the time of displacement; or (2) up to 30% of the household's income; and
 - (e) The estimated time for displacement will be reasonable; and
 - (f) The temporary replacement housing will not be unreasonably impacted by the rehabilitation construction, taking into account the age and physical condition of household members; and
 - (g) Moving expenses. See section H for an explanation of allowable moving expenses.

It is estimated that the temporary displacement for each of the households will occur on or about _____

It is estimated that the length of time of displacement for each household (not to exceed 180 days) will be _____

- _____ (3) As a result of rehabilitation, some households will be temporarily displaced for a period not to exceed 90 days. The attached table identifies households which will be displaced for no more than 90 days (Attachment 2). These households are entitled to the following benefits and assurances:
- (a) The right to move back into their original unit; and

- (b) The right to be temporarily relocated to "comparable" replacement housing as defined in section E below; and
- (c) The cost of the replacement housing, including rent and average monthly utility costs, will not exceed 30% of the household's average monthly income or their current rent amount, whichever is less; and
- (d) For the first 12 months upon return to their original units, the rent shall not exceed the lesser of the rent levels prior to displacement or 25% of the household's average monthly income; and
- (e) Moving expenses. See section H for allowable moving expenses.

_____ (4) The displacing entity may need to temporarily move some households until such time that permanent comparable replacement housing is available. The displacing entity may only use this option under the following conditions and written assurances to the displaced households:

- (a) The displaced household agrees to such temporary relocation; and
- (b) The temporary housing must be adequate; and
- (c) Permanent comparable housing must be made available to the displaced household no later than 12 months after the temporary move. The household, however, may agree to extend the 12 month period; and
- (d) Permanent comparable replacement housing will be made available on a priority basis to the household and if the project plan anticipates moves back into the project area, the temporarily displaced household will be given priority to obtain such housing; and
- (e) The temporary move will not affect the household's eligibility for replacement housing benefits or relocation assistance. Also, the temporary move will not deprive the household of the choice of replacement units that would have been available had the temporary move not taken place, and the costs of the temporary move will not be considered as part of the relocation payments to which the household is entitled; and
- (f) The displacing entity will pay all costs in connection with the move to temporary housing, including increased housing costs.

E. PROGRAM ASSURANCES AND STANDARDS

There are adequate funds to relocate all the households. Services will be provided to ensure that displacement does not result in different or separate treatment of households based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Unruh Act, as well as any other arbitrary or unlawful discrimination.

No one will be displaced without 90 days notice and unless "comparable" replacement housing can be located. "Comparable" housing includes standards such as: decent, safe, and sanitary (as defined in § 6008(d) of the Guidelines); comparable as to the number of bedrooms, living space, and type and quality of construction of the acquired unit but not lesser in rooms or living space than necessary to accommodate the displaced household; in an area that does not have unreasonable environmental conditions; not generally less desirable than the acquired unit with respect to location to schools, employment, health and medical facilities, and other public and commercial

facilities and services; and within the financial means of the displaced household as defined in section 6008, subdivision 8)(5) of the Guidelines. The relocation program to be implemented by the displacing entity conforms with the standards and provisions set forth in Government Code section 7260 et seq., the Guidelines, California Health and Safety Code section 33410 et seq., if applicable, and all other applicable regulations and requirements.

F. RELOCATION ASSISTANCE PROGRAM

Staff is available to assist any displaced household with questions about relocation and/or assistance in relocating. Relocation staff can be contacted at _____ from _____ a.m. to _____ p.m. The Relocation Office is located at _____. A comprehensive relocation assistance program, with technical and advisory assistance, will be provided to the households being displaced. Close contact will be maintained with each household. Specific activities will include:

Distribution of informational brochures. *(Attach sample brochures and notices to be given to displaced households – Attachment 5.)*

1. Timely referrals to at least three comparable replacement units as defined above and, if necessary, transportation will be provided to inspect potential replacement units.
2. Assistance with completion and filing of relocation claims, rental applications, and appeals forms, if necessary.

G. CITIZEN PARTICIPATION/PLAN REVIEW

This Plan will be provided to each household and will be made available to the public for the mandatory thirty (30) day review period. Comments to this Plan will be included as a Plan addendum prior to submission for approval before the *(name of responsible agency)* _____. A copy of the approved Plan will be forwarded to the California Department of Housing and Community Development (HCD).

H. RELOCATION BENEFIT CATEGORIES

This section generally explains the benefits available to displaced tenants and homeowner households only. If you have households that are mobilehome/manufactured homeowners, or homeowner households that wish to retain and move their units, you should consult the CRAL, the Guidelines, and other applicable regulations and requirements for additional information.

Relocation benefits will be provided in accordance with the CRAL, the Guidelines, and all other applicable regulations and requirements. Benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. The displacing entity will provide appropriate benefits for each displaced household as required by the above laws and requirements.

Residential Moving Expense Payments

The subject households will be eligible to receive a payment for moving expenses. Payments will be made based upon either a fixed room count schedule or an invoice for actual reasonable moving expenses from a licensed professional mover. For temporary moves, moving expenses will be paid for both the move to temporary replacement housing and the move back to the rehabilitated unit.

- 1) Fixed Payment - A fixed payment for moving expenses based on the number of rooms containing furniture or other personal property to be moved. The fixed moving payment will be based upon the most recent Federal Highway Administration schedules maintained by the California Department of Transportation. *(If using fixed payment, attach the most current moving schedules -- Attachment 6.)*

- OR -

- 2) Actual Reasonable Moving Expense Payments - The displaced households may elect to have a licensed, professional mover perform the move; if so, the displacing entity will pay for the actual cost of the move up to 50 miles and all reasonable charges for packing, unpacking, insurance, and utility connection charges. The payment will be made directly to the mover or as reimbursement to the displaced household.

Rental Assistance/Down Payment Assistance

Displaced households who are residential tenants and who have established residency within the Project site for a minimum of 90 days prior to the "initiation of negotiations" will be eligible for both Rental Assistance and Moving Expense Payments. *Check one of the following:*

_____ (1) **[Public Agency Acquisition]** "Initiation of Negotiations" is defined as the first written offer to buy the property from which the households will be displaced. In this case, the estimated or actual date of the first written offer to purchase the properties of the tenant households is *(if known at this time)* _____.

_____ (2) **[Private Entity Acquisition]** "Initiation of Negotiations" is defined as the **later** of the actual date of acquisition **or** the date of the Agreement between the private entity and the public agency for purposes of acquiring and developing or rehabilitating the subject property. In this case, the estimated or actual date of "initiation of negotiations" is *(if known at this time)* _____.

Except in the case of Last Resort situations, Rental Assistance Payments will be limited to a maximum of \$5,250 based upon the monthly housing need over a forty-two (42) month period. In addition, the households may opt to apply the amount to which they are entitled toward the purchase of a replacement unit.

Last Resort Housing Payment

Check one of the following statements, whichever is applicable:

_____ (1) There is adequate "comparable replacement housing" according to the attached housing survey (**Attachment 4**). Therefore, there is no need to provide Last Resort Housing Payments. *(If you checked this paragraph, you may skip to Assistance to Homeowners below.)*

_____ (2) There is a lack of "comparable replacement housing" according to the attached housing survey (**Attachment 4**). Therefore, there is a need to provide Last Resort Housing Payments.

"Last Resort Housing" payments are authorized by statute if affordable "comparable replacement housing" cannot be found for the displaced tenant household (i.e., housing not more than 30% of the household's average monthly income.) In this case, payments may be made beyond the \$5,250 statutory cap up to 42 months worth of rental assistance. The supplemental increment beyond \$5,250 may be paid in installments or in a lump sum at the discretion of the displacing entity. *Briefly specify your policy concerning allowing lump sum or installment payments.*

If a household chooses to purchase a replacement home rather than rent, the household will have the right to request a lump sum payment of the entire balance to which they are entitled.

Assistance to Homeowners

Check one of the following statements, whichever is applicable:

_____ (1) No homeowners will be displaced by this Project. *(If you check this paragraph, you may skip the rest of this section.)*

_____ (2) It is anticipated that _____ homeowners will be displaced by this Project.

Homeowners displaced by this Project will be eligible for relocation replacement housing payments if the following conditions are met:

(a) The household has owned and occupied their unit for not less than 180 days prior to the "Initiation of Negotiations." (See, Rental Assistance/Down Payment Assistance above); and

(b) The household purchases and occupies a replacement unit within one year from: (i) the date that the household receives the final payment from the displacing entity for all the costs of the acquired unit - **or** - (ii) the date that the household vacates the acquired unit, whichever is later.

Displaced homeowner households will receive assistance in locating a "comparable replacement" unit and will be eligible for the following benefits, not to exceed \$22,500:

1. Purchase Price Differential:

The displaced households will be entitled to receive an amount equal to the difference between the price paid for the acquired unit and the amount required to purchase a "comparable replacement" unit. The displacing entity is allowed the following options in paying any price differential as explained in section 6102 of the Guidelines: *(Check which option is being used.)*

_____ (a) Comparative Method: On a case-by-case basis, the displacing entity will determine the price of a "comparable replacement" unit, which is most representative of the acquired unit, by selecting and considering the listing price of at least three (whenever possible) "comparable replacement" units.

(b) Schedule Method: If the Comparative Method is not feasible, the displacing entity may establish a schedule of reasonable acquisition costs of "comparable replacement" units based on a current analysis of the housing market.

_____ (c) Alternative Method: When neither the Comparative nor Schedule Methods are feasible, the displacing entity may use another reasonable method.

(Attach a more detailed explanation of the method used, and, if appropriate, why other methods were not used. Include an estimate of price differentials for each displaced homeowner, a schedule of acquisition costs, and, to the extent that such information is not included in Attachment 4, a survey of any "comparable replacement" units used in your method -- Attachment 7.)

2. Other Payments:

Moreover, displaced homeowners will receive the following assistance:

(a) Payments to cover the cost between the difference of the household's current debt or mortgage service and any increase in debt or mortgage costs necessary to acquire a "comparable replacement" housing unit; and

(b) Incidental and reasonable one-time costs for acquiring a replacement unit, such as escrow costs, and recording and credit reporting fees.

3. Rental Assistance Option:

If a displaced homeowner household, which has purchased and occupied its current unit at least 180 days prior to the "initiation of negotiations," desires to rent instead of purchase a replacement unit, the household is eligible for all the benefits and assistance that is available to tenant households. However, such replacement housing payments may not exceed the payments the household would have been entitled to if it had elected to purchase a replacement unit.

4. Last Resort Housing Payments:

Check one of the following statements, whichever is applicable:

_____ (1) There is adequate "comparable replacement housing" for homeowner households. *(If you check this paragraph, you may skip the rest of this section.)*

_____ (2) There is a lack of "comparable replacement housing" for homeowner households.

If there is not enough "comparable replacement housing" available, the displacing entity shall pay whatever costs are necessary beyond the statutory cap of \$22,500 to acquire a "comparable replacement" unit, including reasonable incidental expenses.

A displaced homeowner household which has purchased and occupied its current unit for less than 180 days but at least 90 days prior to the "initiation of negotiations" is eligible for all the assistance and benefits that are available to a tenant household.

I. PAYMENT OF RELOCATION BENEFITS

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits must be filed with the displacing entity within eighteen (18) months from: (i) the date the claimant moves from the acquired property; ~~-or-~~ (ii) the date on which final payment for the acquisition of real property is made, whichever is later. Procedures for preparing and filing of claims and processing and delivering of payments are attached. (*Attach a brief description of your relocation policy regarding procedures for relocation payments and assistance – Attachment 8.*)

No household will be displaced until "comparable" housing is located as defined above and in section 6008, subdivisions (c) and (d) of the Guidelines. Relocation staff will inspect any replacement units to which referrals are made to verify that they meet all the standards of decent, safe, and sanitary as defined in section 6008, subdivision (d) of the Guidelines. However, no household will be denied benefits if it chooses to move to a replacement unit which does not meet the standards of decent, safe, and sanitary housing.

J. EVICTION POLICY

The displacing entity recognizes that eviction is permissible only as a last resort and that relocation records must be documented to reflect the specific circumstances surrounding any eviction. Eviction will only take place in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous or illegal act in the unit, or if the household refuses all reasonable offers to move. Eviction will not affect the eligibility of a person legally entitled to relocation benefits.

K. APPEALS POLICY

The appeals policy will follow the standards described in section 6150 et seq. of the Guidelines. Briefly stated, the displaced household will have the right to ask for review when there is a complaint regarding any of its rights to relocation and relocation assistance, such as a determination as to eligibility, the amount of payment, or the failure to provide a comparable replacement housing referral. A copy of the established appeals policy and procedures is attached. (*Attachment 9*)

L. PROJECTED DATES OF DISPLACEMENT

Households will receive a 90 day notice to vacate before they are required to move. These notices are expected to be issued on or about (*give best estimate*) _____.

Relocation is expected to be completed for all households on or about (*give best estimate*) _____.

M. ESTIMATED RELOCATION COSTS

The displacing entity anticipates using the following funds for the Project: _____.

Any and all required financial assistance will be provided. The budget estimate for this Project is: _____.

TABLE OF ATTACHMENTS

- Attachment 1:** Attach Project Site Map.
- Attachment 2:** Attach Table of Household Characteristics and Needs.
(Complete and attach HCD's model Table)
- Attachment 3:** Attach most current HUD Income Category Limits for your County.
(Information may be obtained from HCD)
- Attachment 4:** Attach Housing Resource Survey.
- Attachment 5:** Attach Sample Notices and/or Brochures to be given to Displaced Households.
- Attachment 6:** Attach the most current Fixed Payment Moving Schedule.
(A schedule of payments may be obtained from HCD.)
- Attachment 7:** Attach, if applicable, Explanation of Purchase Price Differential Method, Schedule of Acquisition Costs, and Survey of Comparable Homeowner Housing.
- Attachment 8:** Attach Relocation Payment Policy regarding Procedures for Relocation Payments and Assistance.
- Attachment 9:** Attach Copy of Established Appeals Policy and Procedures.
- Attachment 10:** Attach Plan Addendum.
(Comments submitted regarding the Plan by the Public or HCD.)

Attach any other information that you believe is important or helpful.

Exhibit "B"

RELOCATION ASSISTANCE APPEAL COMPLAINT FORM

PERSONAL INFORMATION NOTICE: Pursuant to the Federal Privacy Act (P.L. 93-579) and the Information Practices Act of 1977 (Civil Code Sections 1798, et seq.), notice is hereby given for the request of personal information by this form. The requested personal information is voluntary. The principal purpose of the voluntary information is to facilitate the processing of this form. The failure to provide all or any part of the requested information may delay processing of this form. No disclosure of personal information will be made unless permissible under Article 6, Section 1798.24 of the IPA of 1977. Each individual has the right upon request and proper identification, to inspect all personal information in any record maintained on the individual by an identifying particular. Direct any inquiries on information maintenance to your local IPA Office.

INSTRUCTIONS TO APPELLANTS:

State nature of your complaint and reasons for this appeal in space at bottom. Attach extra pages if needed. You will be notified of the date when your complaint will be considered. Sign and date this form and mail to:

Attn: [NAME]
[CITY/AGENCY]
[DEPARTMENT]
[ADDRESS]
[CITY, STATE ZIP]

Address of Subject Parcel:

Print or type your full name(s):

Present mailing address:

Day telephone number: () -

Evening telephone number: () -

FOR DISPLACING AGENCY USE ONLY

Will you be present at the hearing?: ☐ Yes ☐ No

Assessor Parcel No:

Will you be represented by counsel?: ☐ Yes ☐ No

R/W No:

This appeal is based on: ☐ Eligibility only
 ☐ Amount of Payment only
 ☐ Eligibility amount

Other:

The Appellant is: ☐ Residential Owner-Occupant
 ☐ Residential Tenant
 ☐ Business Owner/Operator

Appellant's Statement:

This is an appeal of a determination made by the Displacing Agency under the California Relocation Assistance Law (Government Code, Section 7260 et seq.) or Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC § 4601 et. seq.). The nature of my complaint and the reasons why I believe the determination is improper are stated below and/or on the attached pages.

Appellant's Signature:

Date: