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# San Diego Unified School District

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**RULES AND REGULATIONS**  
**FOR IMPLEMENTATION OF THE**  
**CALIFORNIA RELOCATION ASSISTANCE LAW**  
**AND**  
**REAL PROPERTY ACQUISITION GUIDELINES**

DATE ADOPTED: November 13, 2001

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*Prepared by Pacific Relocation Consultants*

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EXHIBIT "A" - Model Relocation Plan

**RULES AND REGULATIONS  
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AND  
REAL PROPERTY ACQUISITION GUIDELINES**

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**I. [§ 100] GENERAL**

**A. [§ 101] Purpose**

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

The Rules and Regulations are designed to carry out the following policies of the Relocation Assistance Law with respect to activities of the **San Diego Unified School District** (the “District”).

1. To ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes or businesses as a result of the actions of the District, in order that such persons shall not suffer disproportionate injury as a result of action taken for the benefit of the public as a whole; and
2. In the acquisition of real property by the District, to ensure consistent and fair treatment for owners of real property in the application of the California Relocation Assistance Law regarding real property to be acquired, to encourage and expedite acquisition by agreement with owners of such property in order to avoid litigation and relieve congestion in courts, and to promote confidence in public land acquisition.

**B. [§ 102] Authority**

These Rules and Regulations have been adopted by resolution of the District pursuant to §7267.8(a) of the California Government Code, and are in conformity with the Relocation Assistance Law and the Relocation Assistance and Real Property Acquisition Guidelines.

**C. [§ 103] Effective Date; Applicability**

The effective date of these Rules and Regulations shall be the date of their adoption by the District. These Rules and Regulations shall be applicable to acquisition leading to the exercise of

eminent domain as contemplated by §7260 et. seq. of the California Government Code and occurring after their adoption by the District.

These Rules and Regulations supersede all other Rules and Regulations for Relocation previously adopted by the District provided, however, that these Rules and Regulations shall not be construed to apply retroactively to actions undertaken by the District prior to their adoption by resolution.

In the event there are conflicts between these Rules and Regulations and the relocation and property acquisition state laws and guidelines and eminent domain laws (the "State Laws") as they currently exist or as they may be amended, the State Laws shall take precedence and District shall amend these Rules and Regulations accordingly.

#### **D. [§ 104] Extent of Relocation Payments**

The District shall provide relocation assistance and shall make all of the relocation payments required by law, including such assistance required by federal law where the making of such payments for projects is financed by the federal government. In addition, the District may make any additional relocation payments which, in the District'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.

#### **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 if the property in any of the foregoing situations is either occupied by the owner or is unoccupied, if the offer for sale is not induced by District disposition, planned condemnation, or redevelopment of surrounding lands, and if the sales price is fair market value or less, as determined by a qualified appraiser, and if no federal funds are involved in the acquisition, construction, or project development or purchases to which §7267.2 of the Relocation Assistance Law is not applicable. "Offered for sale" means either advertised for sale in a publication of general circulation published at least once a week or listed with a licensed real estate broker and published in a multiple listing, pursuant to §1087 of the California Civil Code.

At the time of making the offer to acquire property under this section, the District shall notify the property owner in writing, of the following:

1. The District's plans for developing the property to be acquired or the surrounding property; and

2. Any relocation assistance and benefits provided pursuant to law which the property owner may be foregoing.

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

When a project is a federal project or receives federal assistance which requires compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 USC §§4601 et. seq.) or other applicable federal law, the District shall make relocation assistance payments and provide relocation advisory assistance as required under the applicable federal law. The District may make any such relocation assistance payments in an amount which exceeds the statutory maximum for which the District is obligated under applicable California law if the making of such payment in a greater amount is required under applicable federal law or is required as a condition to secure federal funds. If applicable federal law does not require compliance with federal law or guidelines, or if applicable law does not conflict with the relocation law or these rules, the relocation assistance and benefits to be provided shall be provided without reference to 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 which meets all of the criteria for a comparable replacement dwelling, except that with respect to the number of rooms, habitable living space and type of construction. The dwelling need be only adequate, not comparable.

### **C. [§ 203] 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.

### **D. [§ 204] 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 District 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 District. For purposes of determining a principal stockholder, stock held by a person, his or her spouse and their dependent children will be treated as one unit.

### **E. [§ 205] Average Monthly Income**

For the purpose of determining Base Monthly Rental Housing Costs, "average monthly income" means the displaced persons gross income (as defined in §224) divided by twelve.

#### **F. [§ 206] Base Monthly Rental Housing Costs**

"Base Monthly Rental Housing Costs" for an acquired dwelling is the lesser of the average monthly housing cost (including utilities) 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 (as defined §219) is used instead of the average monthly rental to calculate base monthly rental housing costs..

#### **G. [§ 207] Business**

"Business" means any lawful activity, except a farm operation, provided such lawful activity is not in an unlawful occupancy (as defined in §241), conducted primarily:

1. 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. For the sale of services to the public;
3. 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.

#### **H. [§ 208] Comparable Replacement Dwelling**

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

1. Decent, safe and sanitary (as defined in §211), 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.
2. 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. These Rules and

Regulations do not require that the replacement dwelling be generally as desirable as the acquired dwelling with respect to environmental characteristics. Though a displaced person does not have to accept a dwelling subject to unreasonable adverse environmental conditions, neither is the District 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. 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, functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.
5. Within the Financial Means of the Displaced Person. A replacement dwelling is within the financial means of a displaced person if the monthly rental cost (including utilities and other reasonable recurring expenses) minus any replacement housing payment available to the person (as provided in §614) does not exceed thirty percent (30%) of the person's average monthly income (as defined in §205 and §224). 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 (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 District's may consider a dwelling which exceeds them.

### **I. [§ 209] 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 a one-family dwelling unit, including an undivided interest in common areas and facilities, and such restricted common areas and facilities as may be designated.

#### **J. [§ 210] Date of Acquisition**

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

#### **K. [§ 211] Decent, Safe and Sanitary Housing**

A dwelling which meets with all the following minimum requirements. Exceptions may be made by the District for unusual circumstances or in unique geographic areas.

1. Conforms with all applicable provisions for existing structures that have been constructed under state or local building, plumbing, electrical, housing, fire life safety 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.

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 bears the insignia of approval issued by the State of California, Department of Housing and Community Development.

**L. [§ 212] Director**

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

**M. [§ 213] Displaced Business**

"Displaced business" means any business which qualifies as a displaced person under §215 hereof.

**N. [§ 214] Displaced Farm Operation**

"Displaced farm operation" means any farm operation which qualifies as a displaced person under §215 hereof.

**O. [§ 215] 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 District or the acquisition of the real property, in whole or in part, for a program or project undertaken by the District or by any person having an agreement with or acting on behalf of the District, or a written order from the District to vacate the real property for a public use; or
    - (2) As a direct result of the rehabilitation, demolition or other displacing activity undertaken as the District may prescribe under a program or project undertaken by the District, of real property on which the person is a residential tenant or conducts a business or farm operation, in any case in which the District determines that the displacement is permanent. 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 District.
  - (2) As direct result of the rehabilitation, demolition, or other displacing activity as the District may prescribe under a program and project undertaken by the District, of other real property on which the person conducts a business or farm operation, in any case in which the District determines that the displacement is permanent.

2. “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 as defined in subsection 6008(v) of the Guidelines.
- b. Any person whose right of possession at the time of moving arose after the date of the District’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 District 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.

**P. [§ 216] Displaced Resident**

"Displaced resident" means any individual or family occupant of a dwelling who qualifies as a displaced person under §215 hereof.

**R. [§ 217] District**

“District” means the San Diego Unified School District organized and existing under the Law of the State of California, and any District staff, consultants, assignees, delegates and District

departments who may be assigned the duties and responsibilities for implementing the Relocation Assistance Law pursuant to these Rules and Regulations.

**Q. [§ 218] 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 California 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.

**S. [§ 219] 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.

**T. [§ 220] Elderly Household**

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

**U. [§ 221] 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.

**V. [§ 222] 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.

**W. [§ 223] Federal Project**

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

## **X. [§ 224] 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 employment of the head 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.

## **Y. [§ 225] Handicapped Household**

"Handicapped household" means a household in which any member is handicapped or disabled pursuant to federal or state regulations.

## **Z. [§ 226] Initiation of Negotiations**

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

## **AA. [§ 227] Last Resort Housing**

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

**BB. [§ 228] Manufactured Home or Mobile Home**

"Manufactured Home" or "Mobile Home" means a structure, described in California 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.

**CC. [§ 229] 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.

**DD. [§ 230] 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.

**EE. [§ 231] OPSC**

"OPSC" means the California Department of General Services' Office of Public School Construction.

**FF. [§ 232] 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 interest 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.

**GG. [§ 233] Person**

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

**HH. [§ 234] Personal Property**

"Personal property" means tangible property which is situated on a 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.

**II. [§ 235] Post-Acquisition Tenant**

"Post-acquisition tenant" means a tenant who lawfully commences to occupy property only after its acquisition by the District.

**JJ. [§ 236] 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.

**KK. [§ 237] Public Use**

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

**LL. [§ 238] School Board**

"School Board" means the body of elected officials who have legal authority with respect to the conduct of affairs of the District.

**MM. [§ 239] Small Business**

"Small Business" means a business as defined in Part 24 of Title 49 of The Code of Federal Regulations.

**NN. [§ 240] Tenant**

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

**OO. [§ 241] Unlawful Occupancy**

A person or business is considered to be in unlawful occupancy if the person or business has been ordered to move by a court of competent jurisdiction or if 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.

### **III. [§ 300] RELOCATION ADVISORY ASSISTANCE**

#### **A. [§ 301] Advisory Assistance to be Provided by the District**

Programs or projects undertaken by the District shall be planned in a manner that 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 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 District shall ensure the relocation assistance advisory services described in this §301 are made available to all persons displaced by the District.

In accordance with California Government Code §7261(a), the District may provide relocation advisory assistance (but not benefits, payments or other forms of assistance) if it determines 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 §215, in any case in which the District acquires property for a program or project, any person who occupies the property on a rental basis for a short term commencing after District 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 District.

The relocation advisory assistance to be provided by the District 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, to the extent that it can be reasonably accomplished, 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. Assist each eligible, displaced resident to obtain and move 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 Federal Disaster Relief Act of 1974.
  - 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.
7. Assist each eligible, displaced business in obtaining and becoming established in a suitable replacement location;
8. Provide services in a manner which does not result in different or separate treatment on account of race, color, religion, religious believe, national origin, ancestry, citizenship, age, sex, sexual orientation, marital status, pregnancy, parenthood, medical condition, physical or mental disability or other arbitrary circumstances and in a manner which is otherwise consistent with the applicable state and federal anti-discrimination laws.
9. 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;
10. 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;
11. 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 District 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 District 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] Personal Contact**

As soon as practicable following the initiation of negotiations to acquire a parcel of real property, the District shall contact each eligible person occupying such property to carefully explain and discuss fully with such person the extent of relocation payments and assistance that may be made available by the District. Such 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 §311. All persons shall be advised and encouraged to visit the District's relocation office for information and assistance. The District shall maintain personal contacts with occupants of the property to the maximum extent practicable.

### **3. [§ 305] 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:

- a. The cost attributable to the displaced person's actual occupancy of the replacement housing shall be paid;
- b. 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
- c. 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.

#### **4. [§ 306] Information Statement for Relocation Assistance**

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.

The District 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 District 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 District;
- 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 under limited circumstances provided for in §1203 of these Rules and Regulations;
- 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 District'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, religious believe, national origin, ancestry, citizenship, age, sex, sexual orientation, marital status, pregnancy, parenthood, medical condition, physical or mental disability or other arbitrary circumstances and in a manner which is otherwise consistent with the applicable state and federal anti-discrimination laws.
- f. Encouragement to visit the District'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 District will identify available comparable replacement dwellings 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 District.
  - (4) A statement that persons may seek their own housing accommodations, and urging them, if they do so, to notify the District prior to making a commitment to purchase or occupy the property.
- h. A statement to businesses that the District 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 District of the business concern's intention to move;
  - j. A summary of the District's eviction policy;
  - k. A statement describing the District's grievance procedure, its purpose and how it may be used;
  - l. Any additional information that the District believes would be helpful. Where appropriate, separate information statements shall be prepared for residential and non-residential occupants.

#### **5. [§ 307] Notice of Eligibility Status**

In addition to disseminating general information of the type described in §306, the District shall provide each occupant of the property with individual, written notification of their eligibility status as soon as it has been established.

#### **6. [§ 308] 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.

## **7. [§ 309] Method of Delivery of Informational Material**

To assure receipt of the informational material, the District 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. [§ 310] Determination of Relocation Needs**

#### **1. [§ 311] Interviews**

Immediately following the initiation of negotiations to acquire a parcel of real property, the District 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 District 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. [§ 312] Information to be Obtained from Residential Owner Occupants or Tenants**

The District 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) the 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. [§ 313] Coordination with Other Agencies**

In order to avoid duplication of effort and to ensure that necessary information is available at the appropriate time, the District 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. [§ 314] Interview after Person Moves Without Notice**

If the District fails to conduct the required interview of any eligible person in a timely and effective manner, the District shall make every reasonable effort to identify, locate and interview such person who has moved so that their relocation needs can be determined. The District shall offer such persons all relocation assistance and benefits for which they otherwise qualify and, in addition, shall compensate such persons for all costs occasioned by the entity's failure to provide timely notice and offers of relocation assistance and benefits.

### **2. [§ 315] Relocation Records**

Based on information obtained during interviews and from other sources as applicable, the District 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 him/her to the extent and in the manner provided by law.

### **3. [§ 316] Updating Information**

Information pertaining to the relocation needs of eligible persons occupying each parcel of real property with respect to which the District 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 District.

#### **D. [§ 317] Relocation Site Office**

The District 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 District may also make provision for meeting with displaced persons in their homes or places of business.

**E. [§ 318] Contracting for Relocation Services**

The District 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. [§ 319] Coordination of Relocation Assistance**

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

## **IV. [§ 400] RELOCATION PLANS**

### **A. [§ 401] Relocation Plans**

#### **1. [§ 402] 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 District shall prepare a Relocation Plan and submit it for approval by the School Board unless the District's action will only result in an insignificant amount (as determined by the District) of non-residential displacement, in which case the District 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 §400 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 §400 et seq.

#### **2. [§ 403] Contents of Plan**

A Relocation Plan 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 §404, 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 standard information statement to be sent to all persons displaced in accordance with §306;

- i. Temporary relocation plans, if any;
- j. A description of relocation office operation procedures;
- k. Plans for citizen participation;
- l. An enumeration of the coordination activities undertaken pursuant to §400;
- m. The comments of the relocation committee, if any (pursuant to §802).
- n. A written determination by the District that the necessary resources will be available as required.

### **3. [§ 404] Analysis of Replacement Dwelling Needs and Resources**

A written analysis of replacement dwelling needs and resources shall be prepared. It shall be prepared in sufficient detail to enable determination of the availability for all potential displacees of housing which meets the standards set forth in the definition of comparable replacement dwelling.

The written analysis of replacement dwelling needs shall include:

- 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] Information Required**

The Relocation Plan shall contain sufficient facts to show that:

- a. Fair and reasonable relocation payments will be provided to eligible persons as required by state law and these Rules and Regulations;
- b. A relocation advisory assistance program will be established in conformance with state law and these Rules and Regulations;
- c. Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for by state law and these Rules and Regulations;
- d. Based upon recent survey and analysis of both the housing needs of persons who will be displaced and available replacement housing and considering competing demands for that housing, comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size and cost for the eligible persons who require them;
- e. Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement dwellings available without regard to race, color, religion, religious believe, national origin, ancestry, citizenship, age, sex, sexual orientation, marital status, pregnancy, parenthood, medical condition, physical or mental disability or other arbitrary circumstances and in a manner which is otherwise consistent with the applicable state and federal anti-discrimination laws.;
- f. A relocation plan meeting the requirements of state law and these Rules and Regulations has been prepared;
- g. The necessary relocation resources will be available as required;
- h. With respect to the acquisition of real property, to the greatest extent practicable, adequate provisions have been made to be guided by the applicable provisions of state law and these Rules and Regulations.

#### **5. [§ 406] Review of Relocation Plan**

The Relocation Plan shall be submitted to the Director or designee for review and comment. Following review of the Relocation Plan by the Director or designee, and at least 30 days prior to submitting the Relocation Plan to the School Board for approval, the proposed Relocation Plan shall be made available to the relocation committee, if any, and the public, upon request.

A general notice of the Relocation Plan shall be provided. The general notice shall be designed to reach the occupants of the property; it shall be in accordance with the provisions of the Rules and Regulations; and shall be provided 30 days prior to submission to the School Board for approval.

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

**B. [§ 407] Update of Relocation Plans**

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

## **V. [§ 500] ASSURANCE OF COMPARABLE REPLACEMENT DWELLINGS**

### **A. [§ 501] Requirement Generally**

No displaced resident shall be required to move from his or her dwelling unless, within a reasonable period of time prior to displacement, a comparable replacement dwelling is available to him/her. The District shall assure that, within a reasonable period of time prior to displacement, to the extent that it can be reasonably accomplished, there will be available comparable replacement dwellings equal in number to the number of displaced residents who require such dwellings. In any event, permanent housing facilities (comparable replacement dwellings) shall be made available within three (3) years from the time residents are displaced, and, pending the development of such facilities, there shall be available to such displaced residents adequate temporary housing facilities. In the event permanent housing facilities are not available at the time of displacement, the District may relocate persons to temporary replacement housing, provided that permanent replacement housing is made available within 12 months of the date of the temporary move.

### **B. [§ 502] Procedures for Identifying Comparable Replacement Dwellings**

#### **1. [§ 503] Survey of Available Replacement Dwellings**

Within 60 days of the initiation of negotiations to acquire a parcel of real property, the District shall initiate a survey of available comparable replacement dwellings. If a recent survey that provides the information identified in §504 is not available, the District 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.

#### **2. [§ 504] Information To Be Obtained**

##### **a. [§ 505] Survey Area**

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.

##### **b. [§ 506] Gross Number of Comparable Replacement Dwellings**

###### **(1). [§ 507] Standard Generally**

Only dwelling units which satisfy the standards of comparable replacement dwellings, including the locational criteria, shall be counted as a relocation resource.

**(2). [§ 508] Uncompleted New Construction or Rehabilitation**

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.

**(3). [§ 509] Publicly Subsidized Housing**

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:

- (a) The dwelling units will be available when needed;
- (b) The governmental body providing the subsidy has made, in writing, a reasonably binding commitment of assistance;
- (c) 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;
- (d) The number of dwelling units available in the area exceeds the number of households in need of the units. This requirement can be waived by the OPSC if the District can establish that such units will be replaced within two years. To establish that last resort housing will be developed as required, the District must have site control with permissive zoning, preliminary plans and conditional commitments for subsidy and financing, or the equivalent, and must identify ownership;
- (e) With respect to uncompleted new construction or rehabilitation, such publicly subsidized dwelling units are being subsidized to provide relocation resources.

**c. [§ 510] Adjustment for Concurrent Displacement**

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. [§ 511] Review of Survey Results**

When more than fifteen (15) households will be displaced, 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 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 District may proceed to displace residents from dwellings, but only to the extent that the District obtains referrals of comparable replacement dwellings for such residents in accordance with the provisions of §512.

### **C. [§ 512] Referrals of Replacement Dwellings**

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

The District'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 §208.

### **D. [§ 513] Temporary Move**

#### **1. [§ 514] Use of Temporary Replacement Housing**

The District may relocate displaced residents to temporary replacement housing under the conditions provided in §516. Such housing shall meet the standards of an adequate replacement dwelling.

The District shall minimize, to the greatest extent feasible, the use of temporary replacement housing. Temporary replacement housing may be used, among other appropriate times, when a project plan anticipates moving individuals back into completed project accommodations, at the displaced person's election for a limited period of time.

## **2. [§ 515] Relocation Assistance and Payments**

The District 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.

## **3. [§ 516] Assurances Prior to Temporary Move**

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

- a. 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.
- b. Comparable replacement dwellings will be made available, on a priority basis, to the individual or family who has been temporarily rehoused;
- c. The move to temporary replacement housing will not affect a claimant's eligibility for a replacement housing payment nor deprive him/her 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;
- d. 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;
- e. The District will pay all costs in connection with the move to temporary replacement housing, including increased housing costs.

## **E. [§ 517] Retention of Benefits Upon Move to Last Resort Housing**

The District 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.

## **F. [§ 518] Last Resort Housing**

1. Whenever comparable replacement dwellings are not available, or are not available within the monetary limits of §605 or §615, as appropriate, the District shall provide additional or alternative assistance under the provisions of this part.
2. The methods of providing replacement housing of last resort include, but are not limited to:
  - a. 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 §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 District, the entire rental assistance payment under this part could be paid to the displaced person in a lump sum.
  - b. 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 2(a).
  - c. 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 2(a).
  - d. The relocation and, if necessary, rehabilitation of a dwelling.
  - e. The purchase of land and/or a replacement dwelling by the District and subsequent sale or lease to, or exchange with a displaced person.
  - f. For purposes of accommodating the needs of handicapped persons, the removal of barriers to the handicapped.
3. Only at the discretion of displacing agencies are post-acquisition tenants entitled to last resort housing payments.

## **G. [§ 519] Move to Substandard Dwelling Unit**

The District shall inspect each replacement dwelling prior to the time a displaced resident occupies it. The District 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 District and the dwelling unit does not satisfy the standard of a comparable replacement dwelling, the District 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 District;  
or
2. If the rental or purchase of the substandard dwelling unit is the result of the District'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 District'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 met is 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.

#### **H. [§ 520] 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 District 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.

## **VI. [§ 600] RELOCATION PAYMENTS TO DISPLACED RESIDENTS**

### **A. [§ 601] Payments Required**

The District 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 therefrom because he or she is displaced by the District 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 District on the basis of the lower of at least two (2) comparable, competitive bids from professional movers, unless otherwise waived by the District.

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 District 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 District 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 District, including connection charges imposed by public utilities for starting utility service.

### **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 District. 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 District 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. 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 District 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 District 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 District may reduce the requirement as necessary.
- c. Purchases and occupies a replacement dwelling within one year from the later of: 1) the date on which he or she moves from the acquired dwelling, 2) the date he or she receives final payment from the District for all costs of the acquired dwelling or, 3) in the case of condemnation, the date the full amount of the estimate of just compensation is deposited in the court. 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 District 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 District may extend the deadline as necessary. If by the deadline the displaced person has contracted to purchase a replacement dwelling, the District will extend the deadline to the extent reasonable. 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 District 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 District 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; or

- (2) Schedule Method. Where the District 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 District 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; or
- (3) Alternative Method. Where the District determines that neither the schedule, nor comparative method is feasible in a given situation, by the use of another reasonable method selected by the District.

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 area.

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 (where the retention, move or occupancy is permitted within the jurisdiction), 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 this §604, 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 District shall make, to a displaced tenant who meets the eligibility requirements of §616, a payment not to exceed \$5,250 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 downpayment 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 District 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 District 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 District 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 District may extend the deadline as necessary. If by the deadline the displaced person has contracted to rent or purchase a replacement dwelling, the District will extend the deadline. 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.

In implementing the relocation assistance law, it is the intent that special consideration shall be given to assisting any displaced resident 62 years of age or older to locate or lease or rent a comparable replacement dwelling.

### **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 District 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; or
  - (b) Schedule Method. Where the District 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 District 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; or
  - (c) Alternative Method. Where the District determines that neither the schedule, nor comparable method is feasible in a given situation, by the use of another reasonable method selected by the District.

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 District will include as a component of rent

the cost or estimated cost of utilities, but not including telephone service.

- (d) Last Resort Housing. Payments will be made to eligible displaced residential occupants in accordance with §7264.5 of the California Government Code, Chapter 16, in accordance with procedures developed by the District.

**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 District.

**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 may rebut this presumption 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 §613 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 District 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 resident 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 District) 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.

## **VII. [§ 700] RELOCATION PAYMENTS TO DISPLACED BUSINESSES**

### **A. [§ 701] Payments Required**

The District shall compensate the owner of a displaced business for the expenses described in §702 and §703 or §706 and §707. Whenever the acquisition of real property used for a business causes the business to move from real property upon which the same business is conducted, or to move its personal property therefrom, 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 District 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 District 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 providing 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 District or consultants retained by the District. The necessity of other services not provided by the District shall be determined by the District.

Payment for all of the above necessary services must be approved in writing by the District 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 District before any costs are incurred, otherwise, such services are not reimbursable. An itemized statement of all services shall be provided to the District 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 District.

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 interest 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 District, 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 lesser.

## **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 District for such loss shall not exceed an amount equal to the estimated reasonable cost of moving the personal property, as determined by the District. 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 District or the displaced business, and approved by the District.

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 District; 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 District, 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) Receipted invoices, bills, receipts, and a completed District 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. Eligible Reestablishment Expenses**

In addition to moving expense payments, a farm, nonprofit organization or small business of not more than 500 employees, shall be entitled to actual and reasonable reestablishment expenses, not to exceed \$10,000. 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 (two) 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.
- m. For purposes of this subsection the term “small business” shall mean 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 this subsection.

## **2. 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, filing cabinets, 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 paragraph 1.e. of this section.

- d. Interest on money borrowed to make the move or purchase the replacement property.
- e. Payment to a part-time business in the home which does not contribute materially to the household income.

**D. [§ 707] Alternate Payments**

**1. [§ 708] Determination of Payments**

**a. [§ 709] Amount of Payment**

A displaced business which moves or discontinues, and which meets the eligibility requirements of §710, 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) or more than twenty thousand dollars (\$20,000). Said dollar limitation shall apply to a single business regardless of whether it is carried on under one or more legal entities.

**b. [§ 710] 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 own, control, or manage the affairs of the entities.

## **2. [§ 711] Eligibility**

### **a. [§ 712] Business**

A displaced business is eligible for the payment provided for in §707 only if the District 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 no 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 during the two taxable years prior to displacement; or
  - (b) The displaced business had average annual net earnings of at least \$1,000 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 District determines that the two year period prior to displacement is not representative of average receipts, earnings or income, the District may make use of a more representative period.
  - (d) If application of the above criteria creates an inequity or hardship, the District may use other criteria as permitted in 49 CFR 24.306.

## **VIII. [§ 800] CITIZEN PARTICIPATION**

### **A. [§ 801] Requirement Generally**

All persons who will be displaced, neighborhood groups and relocation committee, if any, shall be given an opportunity to review the relocation plan and monitor the relocation assistance program.

### **B. [§ 802] Relocation Committee**

When a substantial number of persons will be displaced from their dwellings, the District, when necessary, 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 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 District 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] Minimum Requirements**

At a minimum the District shall guarantee the following:

1. Timely and full access to all documents relevant to the relocation program. The District may reasonably restrict access to material where its confidentiality is protected by law or its disclosure is prohibited by law. The District 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 the plan when it is forwarded to the School Board.
4. Prompt, written responses to any written objections or criticisms.

## **IX. [§ 900] CLAIM AND PAYMENT PROCEDURES**

### **A. [§ 901] Filing of Claims**

All claims for relocation assistance and payments filed with the District 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 District may 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 two (2) competitive bids. If the District 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 District 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 District. A self-move to storage may be approved by the District at the District's sole discretion.

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

Whenever the District 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 District 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 District 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 District. Proof of earnings may be established by income tax returns, financial statements and accounting records or similar evidence acceptable to the District.

## **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 District 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 District, 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 District, and the District may pay the mover directly.

### **3. [§ 912] Methods Not Exclusive**

The specific provisions of these Rules and Regulations are not intended to preclude the District'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 District has verified that the displaced resident has purchased and occupied a decent, safe and sanitary 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 District may, at the District's discretion, make a provisional replacement housing payment to the displaced homeowner equal to the difference between the District'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 District. 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 District 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 District 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 District has determined the amount of the rent differential payment is \$5,250 or less 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. In cases involving rental differential payments in excess of \$5,250 (Last Resort payments), the District shall have the authority to disburse payments under this section in a lump sum, monthly or at other intervals.

### **E. [§ 919] Assistance and Payments to Persons Moving without Notice**

If the District fails to inform any eligible displaced person of the relocation payments and assistance that may be made available by the District in a timely manner, the District 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 District was required to offer assistance and benefits, shall be provided all such assistance and payments for which they otherwise qualify. When appropriate, the District shall also compensate such persons for additional costs incurred as a result of the District's failure to provide timely notice and offers of relocation assistance and benefits.

### **F. [§ 920] Termination of Relocation Assistance**

The District'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; 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.

## **X. [§ 1000] GRIEVANCE PROCEDURES**

### **A. [§ 1001] Purpose**

The purpose of this section is to set forth guidelines for processing appeals from District determinations as to eligibility, the amount of payment, and for processing appeals from persons aggrieved by a District's failure to refer them to comparable permanent or adequate temporary replacement housing.

### **B. [§ 1002] Right of Review**

Any complainant, that is any person who believes himself/herself aggrieved by a determination as to eligibility, the amount of payment, the failure of the District to provide comparable permanent or adequate temporary replacement housing or the District's property management practices may, at his/her election, have his/her claim reviewed and reconsidered by the Director or an authorized designee in accordance with the procedures set forth in §1000.

### **C. [§ 1003] Notification to Complainant**

If the District denies or refuses to consider a claim, the District's notification to the complainant of its determination shall inform the complainant of its reasons and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English.

### **D. [§ 1004] Stages of Review by the District**

1. **Request for Further Written Information.** A complainant may request the District to provide him/her with a full written explanation of its determination and the basis therefore, if he/she feels that the explanation accompanying the payment of the claim or notice of the District's determination was incorrect or inadequate. The District shall provide such an explanation to the complainant within three weeks of its receipt of his request.
2. **Informal Oral Presentation.** A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed within the period described in subsection 4 of this section, and within 15 days of the request the District shall afford the complainant the opportunity to make such presentation. The complainant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the complainant to discuss the claim with the Director or a designee having authority to revise the initial determination on the claim. The District shall make a summary of the matters discussed in the oral presentation to be included as

part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.

3. **Written Request for Review and Reconsideration.** At any time within the period described in subsection 4, a complainant may file a written request for formal review and reconsideration. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material which may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, the complainant's request should be granted.
4. **Time Limit for Requesting Review.** A complainant desiring either an informal oral presentation or seeking a formal review and reconsideration shall make a request to the District within eighteen months following the date he moves from the property or the date he receives final compensation for the property, whichever is later.

#### **E. [§ 1005] Formal Review and Reconsideration by the District**

1. **General.** The District shall consider the request for review and shall decide whether a modification of its initial determination is necessary. This review shall be conducted by the Director or an authorized, impartial designee. (The designee may be a committee). A designee shall have the authority to revise the initial determination or the determination of a previous oral presentation. The District 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 District shall inform him that he has the right to be represented by an attorney, to present his case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he has exhausted administrative appeal.
2. **Scope of Review.** The District shall review and reconsider its initial determination of the claimant's case in light of:
  - (a) All material upon which the District 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 the claim.

- (c) Any additional written or relevant documentary material submitted by the claimant.
- (d) Any further information which the District in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

**3. Determination on Review by District.**

- (a) The determination on review by the District shall include, but is not limited to:
  - (1) The District's decision on reconsideration of the claim.
  - (2) The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale.
  - (3) A statement to the claimant that administrative remedies have been exhausted and judicial review may be sought.
- (b) The determination shall be in writing with a copy provided to the claimant.

**4. Time Limits.**

- (a) The District shall issue its determination of review as soon as possible but no later than 6 weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later.
- (b) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the District shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than 2 weeks from receipt of the last material submitted by the claimant or the date of the hearing, whichever is later.

**F. [§ 1006] Refusals to Waive Time Limitation**

Whenever a District rejects a request by a claimant for a waiver of the time limits, a claimant may file a written request for review of this decision in accordance with the procedures set forth in §1004 and §1005, except that such written request for review shall be filed within 90 days of the claimant's receipt of the District's determination.

**G. [§ 1007] Extension of Time Limits**

The time limits specified in section §1004 may be extended for good cause by the District.

**H. [§ 1008] Recommendations by Third Party**

Upon agreement between the claimant and the District, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the Director for its

final determination. In reviewing the claim and making recommendations to the District, the third party or parties shall be guided by the provisions of §1000.

**I. [§ 1009] Review of Files By Claimant**

Except to the extent the confidentiality of material is protected by law or its disclosure is prohibited by law, a District shall permit the claimant to inspect all files and records bearing upon his claim or the prosecution of the claimant's grievance. If a claimant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

**J. [§ 1010] Effect of Determination**

The principles established in all determinations by a District shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

**K. [§ 1011] Right to Counsel**

Any aggrieved party has a right to representation by legal or other counsel at his expense at any and all stages of the proceedings set forth in these sections.

**L. [§ 1012] Stay of Displacement Pending Review**

If a complainant seeks to prevent displacement, the District shall not require the complainant to move until at least 20 days after it has made a determination and the complainant has had an opportunity to seek judicial review. In all cases the District shall notify the complainant in writing 20 days prior to the proposed new date of displacement.

**M. [§ 1013] Joint Complainants**

Where more than one person is aggrieved by the failure of the District 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.

**N. [§ 1014] Judicial Review**

Nothing in this Article 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 this Article.

## **XI.[§ 1100] ACQUISITION PROCEDURES**

These acquisition procedures apply to those procedures that the District is to undertake pursuant to §7267 and §7267.2 of the Government Code prior to the adoption of a Resolution of Necessity to enable the District 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 do not apply to alternate means of acquisition of property by the District.

### **A. [§ 1101] Acquisition of Property by Negotiation**

The District shall make every reasonable effort to acquire property by negotiation and to do so expeditiously, provided that these acquisition procedures shall not apply to the entry upon property pursuant to §1245.010 of the Code of Civil Procedures 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 provisions 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.

### **B. [§ 1102] Appraisal of Property**

Before negotiations are initiated to acquire property, the District shall have the property appraised, giving 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. If a property is "offered for sale" pursuant to Government Code §7267.2(b), or if property is acquired by donation to the District, an appraisal is not required.

### **C. [§ 1103] Notice of Decision to Appraise**

#### **1. [§ 1104] Contents of Notice**

The District 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 state, as a minimum, that:

- a. A specific area is being considered for a particular public use;
- b. The owner's property is located within the area;
- c. 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 District 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 District's acquisition procedures and the principal rights and options available to the owner. Such statement shall inform the owner of the property that if the District decides to acquire the subject property, certain prescribed land acquisition procedures will be followed and the statement shall include the following explanations:

- a. A description of the basic objective of the District's land acquisition program and a reference to the availability of the District's statement covering 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 District 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 the remainder, he or she has a possible right to compensation for loss of goodwill. The District shall include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure, §1263.510 et seq.);
- d. A statement that, if the owner is not satisfied with the District's offer of just compensation, he or she will be given a reasonable opportunity to present relevant material, which the District will carefully consider, and that if a voluntary agreement cannot be reached the District, as soon as possible, will either hold a hearing in connection with the matter of a resolution of necessity or give a notice that it does not intend, at this time, to proceed with any acquisition of the property.
- e. A statement that if construction or development of a project shall be scheduled 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 District of the date by which the move is required;
- f. Subsequent to acquisition or an Order of Prejudgment Possession, a statement that, if arrangements are made 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 District 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, the District shall make reasonable efforts to determine the identity or the owner and other interested parties.

##### **1. [§ 1107] Record Title**

District shall obtain reasonably current preliminary title reports, litigation reports, lot book reports, county assessment records or other reports and searches of the public records of the county to identify the name and address of the record owner of the property.

##### **2. [§ 1108] Occupants**

District 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 make reasonable inquiry of the record owner as to the knowledge of the owner concerning such occupants.

##### **3. [§ 1109] Notices to Contact Owner**

Notices 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 or at the last known or most current address as may be reasonably available.

##### **4. [§ 1110] Identity and Address of Owner**

If the identity and address of the owner or other parties cannot be located by search of the public records or by inspection of the property, in order to attempt to obtain such information, District shall make further good faith efforts to identify and locate the owner and interested parties, including (for example) contact with utility companies servicing the property, District licensing departments, the building and safety department and other city departments to whom property owners make reports, file applications or otherwise transact business, as well as other probable sources of such information.

## **E. [§ 1111] Establishment of Just Compensation**

1. Before negotiations are initiated to acquire property, the District 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 District'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 District or its designated officer and the District or its delegated officer has determined in writing that the appraisal is approved. The District 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 District 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 District.

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

- a. The real property being acquired; and
  - b. Where the real property acquired is part of a larger parcel, the injury or benefit, if any, to the remainder.
2. Notwithstanding subdivision 1., the District 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 District believes to be just compensation thereof, (2) the District 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., "offered for sale" means any of the following:
    - a. Directly offered by the landowner to the District for a specified price in advance of negotiations by the District
    - 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 District initiates contact with the landowner regarding the District's possible acquisition of the property.

## **F. [§ 1112] Uneconomic Remnant**

Whenever a part of a parcel of property is to be acquired by the District for a public use and the remainder, or a portion of the remainder, will be left in such size, shape or condition as to constitute an uneconomic remnant the District shall offer to acquire the remnant 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 this property and which has little or no utility or value to such owner.

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 District determined by the person.

## **G. [§ 1113] Initiation of Negotiations**

### **1. [§ 1114] Written Offer**

The District 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, and for the full amount so established, provided that the amount shall, unless otherwise indicated in the offer, 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 District makes its offer to acquire the property it shall provide the owner with a written statement of the basis for 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 sufficiently detailed description of the location, and extent of, and interest in, the property to be taken;
- 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 District 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 District except for an amount to compensate the owner for that portion of loss of goodwill provided in accordance with §6100 of the state Guidelines;
  - (5) Does not reflect any consideration for loss of goodwill for which the owner may claim payment under procedures set forth in these Rules and Regulations.
- e. If after receiving the District's offer the owner requests additional information regarding the determination of just compensation, the District 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) Identification of some of the sales, contracts to sell and purchase, and leases 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.
- f. With respect to each sale, contract, or lease provided in accordance with e(4) 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 District may, if the document is available for inspection, state the place where and the times when it is available for inspection.;
- g. The requirements of this subsection do not apply to requests made after an eminent domain proceeding is commenced.

## **H. [§ 1116] Loss of Goodwill**

Nothing in this §1100 shall be construed to deprive a tenant of the right to obtain payment for his or her property interest as otherwise provided by law.

As soon as practicable after the initiation of negotiations the District 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 District shall include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure, §1263.510) and these Rules & Regulations (§1117).

## **I. [§ 1117] Compensation for Loss of Goodwill**

Notwithstanding any other provisions of §1100 to the contrary, the procedure for determining and offering compensation for loss of goodwill in connection with the District's acquisition of any property shall be governed by §1118 through §1124.

### **1. [§ 1118] Compensation Generally**

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

Within the meaning of this §1117, "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.

In order to be entitled to compensation on loss of goodwill such owner of a business shall first have proved all of the following:

- a. The loss is caused by the acquisition 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;
- d. Compensation for the loss will not be duplicated in the compensation otherwise paid to the owner.

## **2. [§ 1119] Notice of Intent to Claim Loss of Goodwill**

Prior to a business completing its relocation from property acquired by the District, or prior to the date such business discontinues, the owner of such business may notify the District that it intends to provide satisfactory documentation of items a. through d. in §1118.

## **3. [§ 1120] Conference to Discuss Eligibility to Receive Compensation for Loss of Goodwill**

Upon receipt of the notice required by §1119, the Director or designee shall confer with the claimant regarding the issues set forth in §1118. Based upon review and consideration of information presented at said conference, the Director will decide whether or not a goodwill appraisal should be undertaken. If the Director's determination is to go forward, the District shall authorize an appraisal provided that it shall be for the purposes of negotiation and shall not be binding upon the District. In the event that the District does authorize an appraisal of goodwill, notice of this decision to appraise shall be given to the business owner/claimant. The appraisal report need not be disclosed to the business/owner claimant unless and until required by the Eminent Domain Law.

## **4. [§ 1121] 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 District such business records as the District may require, including, but not limited to federal and state income tax returns, financial statements and accounting records, for confidential use for the purpose of appraising the loss of goodwill of the business.

## **5. [§ 1122] Calculation of Net Amount of Just Compensation for Loss of Goodwill for Negotiation Purposes**

The District shall calculate the amount it believes to be the net amount of just compensation for loss of goodwill to which the business is entitled, considering:

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

## **6. [§ 1123] Notice to Owner; Written Offer**

As soon as possible after the net amount of just compensation (if any) for loss of goodwill has been calculated, the District shall make its written offer to the business owner/claimant to compensate the claimant in such amount.

## **7. [§ 1124] Eminent Domain**

Notwithstanding any other provision of § 1117 to the contrary, in the event an eminent domain proceeding is brought by the District to acquire any property, the owner of any business thereon shall claim compensation for loss of goodwill in connection with such proceeding, and the failure to do so shall constitute a waiver of compensation for loss of goodwill.

## **J. [§ 1125] Negotiations; Eminent Domain**

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

1. The District 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 District 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 District shall have its appraisal updated;
4. If a modification in the District'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 District either advance the time of condemnation, or defer negotiations on condemnation and 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 District holds the required hearing and adopts a resolution of necessity to acquire any interest in property, the District shall promptly institute formal condemnation proceedings. The District 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.

## **K. [§ 1126] Notice of Decision Not to Acquire**

Whenever the District has forwarded a Notice of Intent to Displace, a Notice of Decision to Appraise, or has made a firm offer and subsequently the District decides not to acquire the property, the District 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. The notice shall state that

the District has decided not to acquire the property. It shall be served not later than ten (10) days following the date of the District decision not to acquire. Upon receipt of such notice any person shall be deemed not to be a displaced person.

**L. [§ 1127] Incidental Expenses**

If the real property is acquired by purchase, the District shall reimburse the owner for all reasonable expenses the owner necessarily incurred incidental to the conveyance of such property to the District. Among the expenses requiring payment are the following:

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 District, or the effective date of possession of such property by the District, whichever is earlier.

The District 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 District.

**M. [§ 1128] Purchase Price as Public Information**

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

**N. [§ 1129] Service of Notice**

Service of all notices required by this §1100 shall be made either by first class mail or by personal service upon the person notified.

## **XII. [§ 1200] PROPERTY MANAGEMENT PRACTICES**

### **A. [§ 1201] Short Term Rental**

If the District 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 District 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 District of the date by which such move is required. The District 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 District.

8. Failure to execute a rental agreement with the District 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 District 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 District 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, those who lawfully occupy property only after the District acquires it are not eligible for relocation assistance and benefits other than advisory assistance to the extent authorized by the District. The District shall inform and update post-acquisition tenants regarding the projected date of displacement.

##### **4. [§ 1208] Move from Permanent Housing**

Where the District, 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 District 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 District.

##### **5. [§ 1209] Service of Notice**

Service of all notices required by this §1200 shall be made either by certified mail, return receipt requested or by personal service upon the person to be notified.

## **XII. [§ 1300] GENERAL PROVISIONS**

### **A. [§ 1301] 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 this law which can be given effect without the invalid provision or application, and to this end the provisions of this law are severable.

### **B. [§ 1302] Application of Rules & Regulations**

These rules and regulations shall be applicable on or after their effective date of adoption of the District.

### **C. [§ 1303] Amendments**

The District reserves the right to amend these rules, regulations, procedures, and policies.

# 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 more clear, 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.)*

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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:*

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*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.*

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**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 with 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.*

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### **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.*

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### **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 (c)(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 statements, whichever is applicable:*

\_\_\_\_\_ (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)*

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\_\_\_\_\_ (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)*

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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.*

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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: \_\_\_\_\_.