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GATEWAY 101 PROJECT
RELOCATION PLAN

Prepared for:

THE CITY OF EAST PALO ALTO REDEVELOPMENT AGENCY

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by

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INTRODUCTION

The City of East Palo Alto Redevelopment Agency (Agency) has designated a 145 acre site as the Gateway 101 Redevelopment Area (Project Area) which includes approximately 473 multi-residential and single family units and 25 businesses. The Agency plans to redevelop the area with construction of a 500,000 square foot regional retail center, new multi and single family residential units, a theater, a park, and a community center. Development of the area will provide an opportunity to enhance the City's very limited tax base and will bring a substantial number of new jobs to the residents of East Palo Alto while also providing needed services to the residents of the City.

This Plan addresses Phase I of the project. The acquisition and development of the first phase of the project will require the relocation of 205 families and 7 commercial occupants.

The Agency is working under guidelines of the State of California and with several consulting firms with specific expertise to create a functional and equitable acquisition and relocation program for those to be displaced.

The undertaking of this project will necessitate acquisition and relocation programs. Acquisition requires appraisal, presenting offers, documentation, escrow and transfers of ownership. The relocation process includes the following activities: interviews, needs analysis, delivering appropriate notices of entitlements, relocation advisory assistance, locating suitable replacement sites, preparing and serving notices to vacate, document preparation, claim review, delivering payments, coordinating moves, documentation of all activities, conversations, etc., and communication with the Agency. Appropriate levels of funding, timely processing of claims, the establishment of a "short notice" type fund with a minimum of \$10,000.00 readily available, the use of an experienced Relocation Consultant, the establishment of a field office in the project area, the provision of language assistance, and the rendering of appropriate levels of service to displacees is critical to the success of these programs.

Linda A. Norwood, Relocation Consultant, an experienced Relocation Consulting Firm, has been selected to prepare the Gateway 101 Project Relocation Plan. The Plan has been prepared in accordance with the provisions of the California Relocation Assistance and Real Property Acquisition Guidelines (California Administrative Code, Title 25, Chapter 6 and Section 7260 et seq.).

The Relocation Plan addresses the following:

1. *A description of the project area and a specific site map.*
2. *The steps and procedures that the Agency will follow to ensure a satisfactory and thorough relocation program.*
3. *Provide the Agency and the public with summary and statistical information to document the characteristics and needs of those to be displaced by the project.*
4. *Determine the impact of the project on displacees and address potential problems that may be caused by the displacement of occupants.*
5. *The issue of housing and commercial space availability to accommodate displacees within the City of East Palo Alto (since the City is very small, only 2.5 square miles) was also researched in nearby communities.*

GATEWAY 101 PROJECT RELOCATION PLAN AND STAFF

The East Palo Alto Redevelopment Agency does not have relocation agents on staff to prepare a Relocation Plan for the Gateway 101 Project. Therefore, the Agency has contracted the services of a professional Relocation Consultant. The timing of this Plan necessitated the hiring of two temporary relocation assistants to facilitate the timely completion of the residential surveys to collect the data needed to prepare the Plan. Since the primary language of many families in the project area is Spanish, the Consultant and both assistants have conducted interviews in both English and Spanish as necessary. It is anticipated that since a large number of families in the project area either speak Spanish, have low income, have large families, or any combination thereof, the time required to efficiently manage a relocation project of this magnitude may require more time than is customary. When these factors are combined with additional obligations for Spanish language, such as document translation, it is probable that three Relocation agents/assistants who speak Spanish will be needed, or that a translator be employed to facilitate the actual Relocation process.

PROJECT ASSURANCES

Community Redevelopment Law requires that, "The legislative body shall insure that the method or plan of the Agency for the relocation of families or single persons to be displaced by a project shall provide that no person(s) or families of low and moderate income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person(s) or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary, and an otherwise standard dwelling. The Agency shall not displace such person or family until such housing units are available and ready for occupancy." Sections 6010 and 6014 of the Department of Housing and Community Development's (HCD) Relocation Assistance regulations provide for similar assurances.

This Plan was prepared under Agency and State guidelines in order to ascertain relocation needs and to provide assurances of the availability of housing to displacees. It is concluded that affordable housing is available for some, however, is not available to all persons being displaced by the project. In order to proceed with the project, the East Palo Alto Redevelopment Agency will initially take such steps as are necessary to provide alternate and affordable housing for project displacees. Should these steps not result in the necessary housing, then, relocation efforts under Article 4 (Last Resort Housing) of HCD regulations will be undertaken.

SECTION I

THE RELOCATION PROGRAM

RELOCATION IMPACT STATEMENT (FINAL)

This document has been prepared pursuant to California relocation rules and regulations. There are 52 residential buildings containing 205 families, 5 businesses and 2 non-profit operations in the project area that will be required to relocate. The effects on residences and businesses to be displaced and the appropriate mitigation measures are addressed herein.

In the assemblage of the Gateway 101 Project site, it must be noted that Federal funds will likely be utilized in the acquisition and relocation of a few parcels within the project area. This may be necessary to facilitate the interchange improvements of the northbound University Avenue off ramp of U.S. Highway 101, which presently traverses the project. At the time of the preparation of this Plan, it was not certain whether a small section of Capitol Avenue between East Bayshore and Donohoe Street, and a small section of Donohoe Street, north of Capitol, would be acquired by CalTrans instead of the Agency using Federal Relocation Assistance and Benefits. Should that be the case, Relocation Assistance and Benefits, pursuant to current Federal regulations, will be available to those impacted residences and businesses. All other residences and businesses will adhere to California Relocation Assistance and Benefits, should differences exist.

Since, at this writing, it is presumed that the parcels in question will be acquired by the Agency, those displacements would not be considered as competing projects. Both residential and commercial uses are presently located on these parcels.

A. PROGRAM OBJECTIVES

The Agency's relocation program for the Gateway 101 Project will pursue the following objectives:

1. To fully inform eligible project area occupants within 15 days following the initiation of negotiations for a parcel as to the availability of and procedures for obtaining relocation assistance and benefits.
2. To determine the needs of each residential and commercial displacee eligible for assistance.
3. To provide at least three referrals to comparable, decent, safe, and sanitary housing units within a reasonable time prior to displacement.
4. To provide current and continuously updated information concerning: the availability and price, of comparable sale and rental housing and comparable commercial properties and locations, as to security deposits, closing costs, typical down payments, interest rates, and terms for commercial and residential property in the area.

5. To assist each eligible displacee to complete applications for relocation payments and benefits and to ensure that such payments and benefits are fair and reasonable.
6. To assist each eligible, displaced residential occupant to obtain and move to a comparable replacement dwelling.
7. To provide each displaced business with assistance in matters related to site selection, space needs, moving logistics, real estate matters, lease terms, etc., and to minimize costs and downtime.
8. To provide orderly, timely, and efficient assistance to ensure that the relocation process does not result in different or separate treatment based on race, color, religion, national origin, ethnicity, gender, marital status, sexual orientation, or other arbitrary circumstances.
9. To supply information concerning federal and state housing programs and other governmental programs providing assistance to displaced persons.
10. To provide other advisory assistance to eligible persons in order to minimize their hardships, including counseling and referrals with regard to housing, financing, employment, training, health and welfare, as well as other assistance.
11. To inform all persons subject to displacement of the Agency's policies with regard to eviction and property management.
12. To establish and maintain a formal appeal procedure for use by displaced persons seeking administrative review of Agency decisions with respect to relocation assistance.
13. To establish a relocation site office accessible to those persons that will be displaced from the project.

B. CITIZEN PARTICIPATION

Section 6012 (Citizen Participation) of the California Administrative Code, Title 25, Chapter 6, is and will be adhered to in both the spirit and letter of the law.

At the very minimum, the Agency has guaranteed the following:

1. Full and timely access to all documents relevant to the relocation program.
2. The provision of technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials.
3. Copies of this Plan shall be submitted for review to the California Department of Housing and Community Development (HCD) thirty (30) days prior to final approval by the City Council.
4. Copies of this Plan shall be submitted for review and comment to the Project Area Committee (PAC) thirty (30) days prior to approval by the City Council.
5. 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 City Council for final approval.
6. A general notice of this Plan shall be distributed to all displacees of this project. This Plan is available for circulation for information and reviews by interested citizen groups, state and county agencies, all persons affected by the public at large.
7. Prompt, written responses to any written objections or criticisms.
8. Upon completion of all reviews, the Plan will be presented for adoption before the City Council.
9. If necessary for timely implementation of the Plan or execution of the Project, the Agency may shorten the time allowed for review and modifications.
10. The Agency has encouraged the residents in the project area towards community organization in the form of a relocation committee (Project Area Committee or, "PAC"). This committee has been formed and is actively serving as the relocation committee. Various meetings have been held, most of which Agency staff/Consultant have attended.

In addition, the Agency encourages displacees with questions and suggestions to contact the appropriate Agency staff member and/or the Relocation Consultant.

C. RELOCATION ADVISORY ASSISTANCE

The Agency will retain a Relocation Consultant, (Consultant) to assist in the administration of its relocation program. Consultant will work closely with Agency staff. Agency staff will make final approvals of all the Relocation Consultant's recommendations. Every effort will be made to ensure that the relocation of displaced persons and businesses occurs with a minimum of delay and hardship.

The following specific services will be provided:

1. Each household and business establishment located in the Gateway 101 Project site area will be personally contacted within 15 days following initiation of negotiations for the parcel which they occupy in order to gather information necessary to assure satisfactory relocation. All relocation benefits, eligibility, requirements, options, and assistance will be explained in detail.
2. Either the "Relocation Assistance Program of Residential Benefits" or the "Business Relocation Assistance Handbook" will be provided, as appropriate, by the Consultant to all displaced persons and businesses. Signed acknowledgments will be obtained to verify receipt of these materials. Samples of both documents may be found in Exhibits "A", and "C", of this Plan. Where appropriate, these informational documents will be provided in Spanish.
3. All tenants will be given a minimum of 90 days written notice followed by a 30 day written notice, prior to being required to vacate. At least three (3) comparable housing referrals will be made to displacees on a timely basis. Field surveys will be conducted in order to identify available housing resources. Every effort will be made to find comparable replacement housing units for displacees which are in close proximity to medical facilities, places of employment, schools, shopping areas, public transportation, and restaurants currently within reach. Replacement housing selections will be inspected by Consultant to verify that they meet all Decent, Safe, and Sanitary requirements. Referrals will *only* be made to such available units.
4. Consultant, will provide current and continuing information on the availability, prices, and locations of comparable residential and commercial rental and sale housing. Data will include, but not be limited to: information regarding security deposits, lease terms, closing costs, typical down payments, interest rates, and loan terms for properties in the area.
5. If necessary, transportation will be provided to any displaced occupant to inspect potential replacement sites within the local area. Consultant will also assist in the preparation of all required relocation claim forms.

6. Replacement site referrals will be made to business owners that match, as closely as possible, the requirements and preferences of each business with regard to size, cost, and location.
7. Consultant, will assist businesses in preparing scopes of service for physical moves and help them to select contractors, sub-contractors, and trades people. Agency staff will coordinate the physical move of businesses and act as a liaison with other appropriate agencies.
8. Consultant will provide orderly, timely, and efficient assistance to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, ethnicity, gender, sexual orientation, marital status, or other arbitrary circumstances.
9. A relocation site office will be established which is accessible to those persons who will be displaced from the project.

In working with residential displacees, special assistance in the form of referrals to governmental and social service agencies will be made, if needed. Referral agencies may include the Department of Public Social Services for income maintenance, food stamps, Medi-Cal, or child protective services. Senior citizens and persons with disabilities may be directed to Social Security and Supplemental Security Income, and/or to senior care agencies in the community.

Although potential Section 8 housing may be available, it has not been included as a relocation resource in this Plan. To the extent, however, that section 8 certification vouchers are available, the San Mateo County Housing Authority will cooperate with the Agency. Any placements pursuant to this program will serve to mitigate Project "Last Resort Housing" needs, if any.

Among the resources which will be utilized in providing needed assistance are the following:

- 1) Department of Social Services (San Mateo County), includes: AFDC, Food Stamp Program, General Assistance, Medi-Cal
- 2) Veterans Administration
- 3) Social Security Administration
- 4) Local Realtors and Multiple Listing Service
- 5) Local Newspapers
- 6) City of East Palo Alto Staff
- 7) Local taxicab services

10. If in the process of relocation, other social needs are found to be necessary, Consultant, will provide referrals to other social service and governmental agency resources, as needed. The following agencies and groups also considered referral resources.

- 1) Catholic Charities
- 2) California Fair Employment and Housing Department
- 3) Mental Health Association
- 4) Aging and Adult Services of San Mateo County
- 5) Senior Information and Referral
- 6) Bayshore Employment Service
- 7) Alcohol and Drug Information and Referral Help Line
- 8) Al-Anon and Alateen
- 9) Alcoholics Anonymous
- 10) The United Way (San Mateo County)
- 11) County of San Mateo Child and Adult Protective Services

D. RELOCATION BENEFIT PAYMENTS

Relocation benefits are provided in accordance with California Relocation Assistance Law (Government Code, Section 7260 et. seq.). Benefits will be paid to eligible displaced persons in the project area upon submission of required claim forms and documentation in accordance with Agency procedures and California Relocation Assistance Law.

Relocation assistance and benefits will be available to the following eligible persons living or conducting a business within the Gateway 101 Project Area:

1. Any person who occupies property from which he/she will be displaced.
2. Any person who will move from real property or will move his/her personal property from real property on which he/she conducts a business.
3. Any person who moves from real property as a result of its acquisition by Agency whether the move is voluntary or involuntary.
4. Any person who, following the initiation of negotiations, moves as a result of the pending acquisition.
5. Any person who moves as the result of pending acquisition by Agency, either following the receipt of a Notice of Intent to Displace, or, as a result of inducement or encouragement by the Agency.

Any person who moves after the initiation of negotiations is entitled to full relocation benefits. Displacees are not required to wait until the actual purchase of the property in order to obtain benefits. Advance payments may be paid for displacees' anticipated moving expenses in advance of the actual move. Agency will make such advance payments whenever later payment would result in a financial hardship.

The following material details the relocation assistance categories and payments provided for in State guidelines as they apply to circumstances in the Gateway 101 project area.

1. Residential Moving Expense Payments

All displaced residential tenants will be eligible to receive a payment for moving expenses.

Moving expense payments will be made based upon a fixed schedule or according to the actual cost of professional services or self moves.

- a) **Fixed Payment** - A fixed payment for moving expenses is based upon a room count of eligible rooms normally used by the occupants in the occupied dwelling, exclusive of bathrooms. This benefit has nothing to do with the actual costs of moving incurred and requires no proof of expenses. It is particularly suitable for relocatees who wish to move themselves. The current fixed moving allowance schedule is presented below.

Unfurnished

<u># of Rooms</u>	<u>Allowance</u>
1	\$ 450.00
2	\$ 600.00
3	\$ 750.00
4	\$ 850.00
5	\$1,050.00
6	\$1,250.00
7	\$1,450.00
8	\$1,600.00
Each additional room	+ \$ 150.00

Furnished

<u># of Rooms</u>	<u>Allowance</u>
First Room	\$ 300.00
Each Additional Room	\$ 50.00

2. Rental Assistance - Payments To Residential Tenants Who Re-Rent

Residential tenants who have established their residency within the project area for a minimum of 90 days prior to the initiation of negotiations and who choose to re-rent, will be eligible for both Moving Expense and Rental Assistance Payments. Except in the case of Last Resort Housing payments, as described in Section E, Rental Assistance Payments will be limited to a maximum lump sum payment of \$5,250.00 based upon the monthly housing need over a forty-eight (48) month period. If a program or project undertaken by the Agency cannot proceed on a timely basis because comparable replacement housing is not available and the Public Agency determines that comparable replacement housing cannot otherwise be made available, Agency shall take any action necessary or appropriate to provide replacement dwellings by using funds in the excess of those authorized for the project. Use of such funds shall be on a case by case basis, for good cause, as determined in accordance with the Last Resort Housing rules and regulations adopted by the Agency. No person(s) shall be required to move from his or her dwelling because of acquisition by the Agency, unless comparable replacement housing is available to the person(s).

The monthly housing assistance need is determined in the following manner:

Compute the estimated cost of renting a comparable Decent, Safe, & Sanitary replacement dwelling (including average monthly utility cost adjustment) adequate in size to accommodate the displacees' family, multiplied by 48 months.

Then:

Subtract the lesser of: Displacees' current average monthly rent (including average monthly utility cost adjustment) for the preceding three (3) months, multiplied by 48 months or 25% of monthly income multiplied by 48 months.

The result will equal the total estimated rental assistance payment over 48 months, excluding moving expenses. (Divide this number by 48 to obtain the monthly housing assistance need).

Example: (Also refer to Exhibit A)

A family's current utility adjusted rent is \$600.00. The utility adjusted rent for a comparable replacement unit is \$650.00. The family's current monthly income is \$1200.00.

So, if:

$$\$600.00 = (\text{Old rent}) \quad \text{and} \quad \$300.00 = (25\% \text{ of income})$$

Then, since 25% of the family's monthly income is a lesser number, than the current utility adjusted monthly rent, it is used in the calculation as follows:

	\$650.00 X 48 (new rent)	\$31,200.00
less	\$300.00 X 48 (25% of monthly income) -	<u>\$14,400.00</u>
	Total rental assistance payment:	<u>\$16,800.00</u>

And, \$16,800.00 divided by 48 months equals \$350.00 assistance per month.

3. Down payment Assistance - Payments to Residential Tenants Who Purchase

Residential tenants who meet the ninety (90) day eligibility criteria, and tenants who otherwise qualify for Last Resort Housing assistance (whether or not they are in occupancy for 90 days), are eligible for the rental assistance payment and may opt to apply the total amount that would otherwise be provided as rental assistance toward the purchase of a home.

Payments shall be made in a lump sum, including cases involving eligibility under Last Resort Housing. The Agency will make available, in a lump sum, the total amount of assistance that a tenant qualifies for, provided that the entire sum is used for a down payment and incidental expenses (such as non-recurring closing costs) usually associated with the purchase of a replacement home.

4. Payments To Non-Tenured Residential Tenants

With the exception of those who may otherwise qualify for Last Resort Housing, residential tenants with less than ninety (90) days of continuous occupancy, prior to the initiation of negotiations, will qualify only for the payment of moving expenses.

5. Payments To Commercial or Non-Profit Enterprises

Commercial or non-profit enterprises are entitled to compensation for a number of reimbursable expenses including, but not necessarily limited to, the cost of:

- a) Moving of personal property.
- b) Payment for search costs.
- c) Payment for low value, high bulk personalty
- d) Loss of tangible personal property
- e) Business re-establishment costs.
- f) Reprinting Costs, or
- g) Instead of any of the above, an In-lieu payment

6. Re-establishment expenses

In addition to compensation for actual moving expenses, a Business Re-establishment Allowance is provided which makes available up to \$10,000.00 for certain non-moving and related expenses such as rent differential, exterior signs, tenant improvements, and advertising.

7. Payment for direct loss of tangible personal property

A displaced business may be eligible to receive a payment for actual direct losses of tangible personal property as a result of moving or discontinuing the business. The amount may not exceed the cost of moving the property. The actual direct loss of property shall be determined on the basis of the lesser of the following:

- a) The fair market value of the property for continued use at its location prior to displacement minus the net proceeds of the sale, *or*
- b) The estimated reasonable costs of relocating the property, *or*
- c) The difference between the depreciated value in place of the item and net proceeds of the sale.

The Agency may require that the business first make a bonafide effort to sell the property or it may permit the owner not to do so. The proceeds of the sale of the property shall be deducted from the determination of the loss. In calculating the payment, the reasonable cost of an effort to sell will be added to the determination of the loss.

8. In lieu payment

Instead of actual moving expense payments, a business may claim an amount equal to the average annual net earnings of the business based, generally, on the previous two years' financial performance, except that such payment shall not be less than \$1,000.00 nor more than \$20,000.00. The In-lieu Payment substitutes for consideration of any otherwise compensable relocation expenses.

The above is a brief summation of benefits. Specific eligibility requirements and qualifications for each payment will be explained to individual residential and commercial or non-profit displacees. In the course of personal interviews, benefits will be explained as they apply on a case-by-case basis. Each displacee will be counseled as to available options. (For further details, refer to the "Residential Assistance Program of Residential Benefits" and the "Business Relocation Assistance Handbook" contained in exhibits "A" and "C").

E. TEMPORARY RELOCATION

The Agency will minimize, to the greatest extent feasible, the use of temporary relocation resources, but, when a project plan anticipates moves back into completed project accommodations, temporary relocation resources may be used *at the displaced person's election for a limited period of time*. Displacees may elect to be relocated to temporary replacement housing without forfeiture of any relocation rights, assistance, services, and/or benefits designed to achieve permanent relocation of displaced persons into comparable replacement housing or new replacement housing when completed and ready for occupancy. Relocation to a temporary replacement site may not be relied upon if a comparable replacement site will not be available to the displacee within 12 months of the date of the temporary move. Prior to the move, the Agency shall have determined and have provided written assurance to each displacee in accordance with section 6044 (paragraphs a through e) of the California Relocation Assistance and Real Property Acquisition Guidelines, California Administrative Code, Title 25, Chapter 6. In summary:

- a) A comparable replacement dwelling shall be made available at the earliest possible date, but not later than 12 months from the date of the move; displacee may agree to extend the 12 month limitation, but if they do not, the Agency shall ensure that a comparable replacement dwelling is available within the initial 12 month period.
- b) A comparable replacement dwelling shall be made available on a priority basis to a displacee who has been moved temporarily.
- c) A displacee who has been moved temporarily shall not affect his/her eligibility for any relocation payment or reduce the amount of any relocation payments, nor shall it deprive him/her of any choice of permanent replacement housing units.

- d) A displacee who has been moved temporarily and who will permanently move back into the project site area, shall be given priority to obtain such housing accommodations.
- e) The Agency shall pay all costs in connection with a temporary move, including increased housing costs.

It is the policy of the Agency and the Consultant to provide maximum assistance to all displacees, where appropriate. Each household will be handled separately to assure that the needs of each are met and that the relocation is accomplished smoothly without undue hardship to those being displaced.

F. LAST RESORT HOUSING PAYMENTS

If, in a specific single residential case, (a) the computed total of rental assistance eligibility exceeds \$5,250.00 or (b) if the total of benefits exceeds \$22,500.00 in the case of an owner occupant, or (c) the household current and/or replacement rent exceeds 25% of their monthly income - and alternate housing is not available - it will be necessary to provide benefits under Last Resort Housing. The provisions of the Last Resort Housing Program allow for payments or other courses of action necessary to make housing available for project relocation needs. In the case of this project, it is estimated that payments within the basic program limits (\$5,250.00) for tenant occupants, will be insufficient to provide Decent, Safe and Sanitary (D.S. & S.) housing to some of the residential displacees. At such time as those displacee families can be identified, a Last Resort Housing Plan specific to the family will be prepared. If a large number of such families is found, project funds may be required to provide the necessary benefits.

If a large number of Last Resort Housing situations are found, the Agency may decide to provide housing as a last resort or increase payments as the alternative to abandoning the project. The Agency should then make a determination that Agency funds, or project funds, will be used as necessary to provide such replacement housing. The term "replacement" does not necessarily mean new construction; for example, the Agency may rehabilitate an existing structure so that it meets decent, safe, and sanitary requirements and can be obtained at an affordable rent or the Agency may obtain assistance through the San Mateo Housing Authority in the form of Section 8 certificates, vouchers, or subsidized housing. Payments in excess of the basic relocation benefit limits are also among the options available. Again, given the potential number of Last Resort Housing instances, it is recommended that a Last Resort Housing Plan be developed and adopted to cover all such instances. The Last Resort Housing

Plan will include such items as: where the housing will be located if new construction is necessary, the financing required, amounts of funds to be diverted, prices, rents, management, ownership, social services, and disposition of proceeds from rent or sale. The Plan may include any type of housing or technique to provide housing, such as new construction, rehabilitations, leasing, seed money for new construction, mortgage assistance and any other method capable of rehousing the displacees and meeting the Agency's project goals. The Last Resort Housing Plan developed may be handled by the Agency or contracted out to others. To the extent applicable, the Agency's replacement housing program may be sufficient to constitute a Last Resort Housing Plan.

Where the Plan contemplates rehousing 25 or less displacees, the Agency may plan and provide for the housing without establishing an agency-community committee. Where more than 25 units are contemplated, as is the case with this project, a committee is required. It is recommended that the existing PAC constitute this committee in the event the Agency determines the need to provide Last Resort Housing. Under current guidelines, the Agency appoints the members from certain groups specified and representatives of affected residents. The guidelines require a committee approval of a simple majority and if no approval, then the local governing body may substitute its approval. A copy of the regulations is included in Exhibit "H". It is recommended that the process be initiated immediately upon determination of the need for the committee.

G. RELOCATION TAX CONSEQUENCES

In general, relocation payments are not considered income for tax purposes. Individual relocation tax questions or problems should be referred to your relocation advisor or tax advisor.

Property owners who are displaced by governmental action are entitled, with certain restrictions, to transfer the property tax assessment basis from the property acquired by the Agency to their comparable replacement property. Application forms and informational supplements, available through the Tax Assessor's Office, will be provided to owners by either relocation or acquisition consultants. The local Tax Assessor's Office is located at 2200 Broadway, Redwood City, California. (Refer to Exhibit "I").

H. APPEAL POLICY

If any person displaced by a redevelopment project of the City of East Palo Alto Redevelopment Agency has any complaints or believes himself/herself aggrieved by a determination as to eligibility, services related to relocation, or other conditions, he/she may elect to have claims reviewed and reconsidered by the Agency.

Any person or organization directly affected by the Relocation Plan may petition the Department of Housing and Community Development (Department) to review the final Relocation Plan of the Agency to determine if the Plan is in compliance with state laws and guidelines or may review the implementation of this Plan to determine if the Agency is acting in compliance with this Relocation Plan. Failure to petition the Department does not limit a complainant's right to seek judicial review.

The Agency's Appeal policy will follow the standards described in Article 5, Section 6150 et seq. of the State Relocation Guidelines. The specific Appeal Procedures utilized in this project are explained below.

Briefly stated, displacees will have the right to ask for an administrative review when they believe themselves aggrieved by a determination as to eligibility, the amount of payment, the failure to provide comparable replacement housing referrals, or the Agency's property management practices.

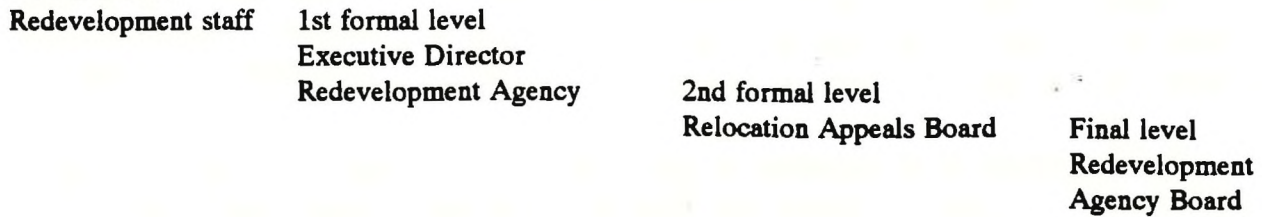
A displacee may request an informal oral presentation before seeking formal review and reconsideration. Such requests must be filed within eighteen (18) months following the date he/she moves from the displacement property or, in the case of an Owner Occupant, the date of vacancy or the date he/she receives final compensation for the property - whichever is later. The Agency will afford the complainant an opportunity to make such presentation within fifteen (15) days of the request.

Requests for review will be directed first to the Executive Director, or designee, of the Redevelopment Agency and, subsequently, to the Relocation Appeals Board. The Relocation Appeals Board is comprised of the five (5) senior members of the City of East Palo Alto Planning Commission, who have been appointed by the Mayor and approved by the City Council, as defined in Article 5, Section 6152(c) and Section 33417.5 of the Health and Safety Code. The Relocation Appeals Board's determination shall be made in writing and shall contain its decision, the factual and legal basis upon which the decision is made and a statement informing the claimant of his/her right to appeal the decision to the Redevelopment Agency Board. A more complete description of the duties and responsibilities of the Relocation Appeals Board is outlined in Exhibit "A".

Any person, who believes himself/herself to be aggrieved by any final decision of the Relocation Appeals Board, may appeal to the Redevelopment Agency Board by filing with the Executive Director a written statement outlining the reasons for such an appeal. The Board may confirm, modify or set aside the findings of the Agency, and its determination in the matter shall be final and conclusive. Written explanations will be made within three (3) weeks. If necessary, Agency notifications will be printed in a language other than English.

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

Informal level



I. EVICITION POLICY

Under State guidelines, eviction is permissible only as a last resort. It in no way affects the eligibility of evicted displaced persons for relocation payments. Relocation records must be documented to reflect the specific circumstances surrounding the eviction.

Eviction shall be undertaken only for one or more of the following reasons:

- a) Failure to pay rent, except in those cases where the failure to pay is due to the 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.
- b) Performance of a dangerous, illegal act in the unit.
- c) Material breach of the rental agreement and failure to correct breach within 30 days of notice.
- d) Maintenance of a nuisance and failure to abate within a reasonable time following notice.
- e) Refusal to accept an offer of a comparable replacement dwelling.
- f) The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity (Agency).

J. PROJECTED DATES OF DISPLACEMENT

Redevelopment of the Gateway 101 Project site has been under study since 1989. On June 19, 1989, the City of East Palo Alto City Council adopted a survey area and authorized Agency staff to proceed with the preparation of redevelopment plan adoption documents. Following further study and negotiations with potential private developers, the boundary for the East Palo Alto Gateway 101 Corridor Project Area (Project Area) was selected. The City Council amended the survey area on March 18, 1991, and further amended it on June 3, 1991. On July 11, 1991, the East Palo Alto Planning Commission, in cooperation with the Agency, selected the Project Area and submitted the Preliminary Plan to the Agency. On September 23, 1991, the Agency accepted the Preliminary Plan and approved submission of documents required by Health and Safety Code Section 33327.

Property appraisals are scheduled to commence during the first quarter of 1994. The acquisition process is projected to begin late in the second quarter or early in the third quarter of 1994. Detailed interviews will be held with residential tenants and business owners at the start of the acquisition process, however, actual relocation is not scheduled to begin until title or possession to the project site has been acquired by the Developer. Completion of relocation is projected to take 18 months if all acquisitions have been initiated within the first 6 months of the commencement of the project. In the event that this Plan and the project are not implemented within one year of the Plan adoption by the Agency and the project proceeds, the Agency will undertake to prepare an update to the Relocation Plan outlining any significant changes that may have occurred since the preparation of the this Relocation Plan.

K. ESTIMATED RELOCATION COSTS

Preliminary funding has been secured through a Memorandum of Agreement between the East Palo Alto Redevelopment Agency and a primary tenant purchasing land in the project. After certification of the Environmental Impact Report (EIR), approval of the Redevelopment Plan, the Specific Plan, and the Relocation Plan, the primary tenant will commit option payments toward the purchase of property in the project area, to be applied to relocation and other costs, including engineering and design work and public improvements that must be accomplished. This amount is anticipated to be four and one half (4.5) million dollars. In addition, four and one half (4.5) million dollars has been approved from the Inter modal Surface Transportation Act (Federal Dept. of Transportation), for proposed interchange reconfiguration improvements. Upon adoption of the EIR and the Redevelopment Plan, the Agency anticipates the sale of approximately 30 acres of land within the project area; the estimated revenue from this sale is thirty (30) million dollars. An application is presently being prepared for submission to the Economic Development Administration (EDA), in the initial amount of five to six million dollars. The Agency is continuing its negotiations with other commercial tenants and non-profit developers, and hopes to secure additional memorandums of agreement soon.

Estimated Project relocation costs, including relocation funds for both residential and commercial occupants and Last Resort Housing relocation payments where appropriate, are best indicated as follows:

ESTIMATED PROJECT RELOCATION COST

Low	High	Most Likely
\$5,750,000.00	\$8,000,000.00	\$6,750,000.00

The above estimates do not include administrative or other overhead fees received to administer the relocation program.

The relocation estimates for residential tenants' benefits were based on initial income information provided during interviews and the comparable replacement housing survey referenced in this document. The relocation estimates for businesses were based on the nature, complexity and level of fixtures found during the survey interviews, coupled with the Consultant's experience in relocation of similar businesses in other projects. The above budget does not take into consideration Section 8 Housing or any other form of housing assistance program.

The estimated relocation budget does not include any funds that may be disbursed to property and business owners for property acquisition, acquisition of business fixtures and equipment, and/or loss of business goodwill. Nor does the budget include the expenses associated with any other consultants or services necessary for the implementation of the project.

If the project is to be implemented and circumstances arise that change either the number of residential and business tenants or the nature of their activity, the Agency will authorize any additional, compensable funds that may need to be appropriated. The Agency pledges to appropriate the necessary funds to ensure the successful completion of the project.

\$450,000 set aside for single family housing take unit and rehab make more functional

SECTION II

DESCRIPTION OF PROJECT AREA

A. LOCATION

The City of East Palo Alto (City) is a small community covering an area of 2.5 square miles. It is located at the southern end of the San Francisco Peninsula along the western side of the San Francisco Bay. It is located within the County of San Mateo which is bordered to the North by the City and County of San Francisco and to the South by the County of Santa Clara. The City is approximately 30 miles south of the City of San Francisco.

The area where the City of East Palo Alto presently exists has had many names over the years; it was originally called Ravenswood. For much of its history, East Palo Alto was part of unincorporated San Mateo County. Much of it was annexed by Menlo Park and Palo Alto from the late 1940s to the early 1960s. East Palo Alto's attempts towards city hood have been ongoing for many years. The first proposal for incorporation occurred in 1931. The idea was revived again in 1935 and in 1951. In 1953, civic leaders formed a committee to study incorporation. This effort died in early 1954, following a near riot of 400 people at a meeting at Brentwood School. In the summer of 1958, residents living west of Bayshore attempted to incorporate themselves into a city to be called Woodland Oaks while at the same time, an effort was made to incorporate the east side into Menlo Park. Both attempts failed. In 1981, the area west of Bayshore again applied for annexation to Menlo Park and was denied. Residents on both sides of the issues were deeply divided. Several reports were subsequently prepared, several ballot measures proposed and failed, and a new petition for incorporation was filed and the measure was placed on the June 1983 ballot. Following a failed attempt to block the election, incorporation was approved by just 15 votes. Another legal challenge ensued, questioning the validity of some absentee ballots. Following a review by the County Superior Court, the measure still won by 13 votes. Prior to this, East Palo Alto did not have an official boundary until it was incorporated on July 1, 1983. Subsequent appeals followed until 1987 when the U.S. Supreme Court declined to review the case, ending all further legal challenges. Political forces on both sides of the issue are still deeply divided and talk of disincorporation has persisted throughout the City's ten years of existence. Although it shares a part of its name with The City of Palo Alto, it has never been a part of that City, nor is it located within the same County. The idea of changing the City's name is being considered on the November 1993 ballot.

Unlike neighboring communities, East Palo Alto does not have a strong economic base. Not only is there little growth, but several key businesses have closed over the years. Today, there are only a handful of small businesses, primarily located along University Avenue, East Bayshore and Bay Road. The property tax base is also weak since most of the homes tend to be older and smaller. The majority of the homes were built in the period beginning in the 1950s through 1969.

B. PROJECT AREA CHARACTERISTICS

The Project site (site) is located in the southwestern portion of the City along the northeast side of U.S. Highway 101. The site comprises approximately 145 acres and is generally bounded by U.S. Highway 101 and East Bayshore Road on the south, Pulgas Avenue on the east, Donohoe and Bell streets on the north; and University and Capitol avenues on the west. The site has direct access from U.S. Highway 101 northbound, however, this ramp will be modified as part of the Gateway 101 Project. U.S. Highway 101 is a major regional transportation corridor that carries north-south traffic along the peninsula between San Francisco and the Silicon Valley, two of the region's largest employment centers. University Avenue connects U.S. 101 with the Bayfront Expressway and the Dumbarton Bridge. This corridor is also regionally significant, linking Interstate 880 and U.S. 101, thus providing access between East Bay communities, the San Francisco Peninsula, and Silicon Valley.

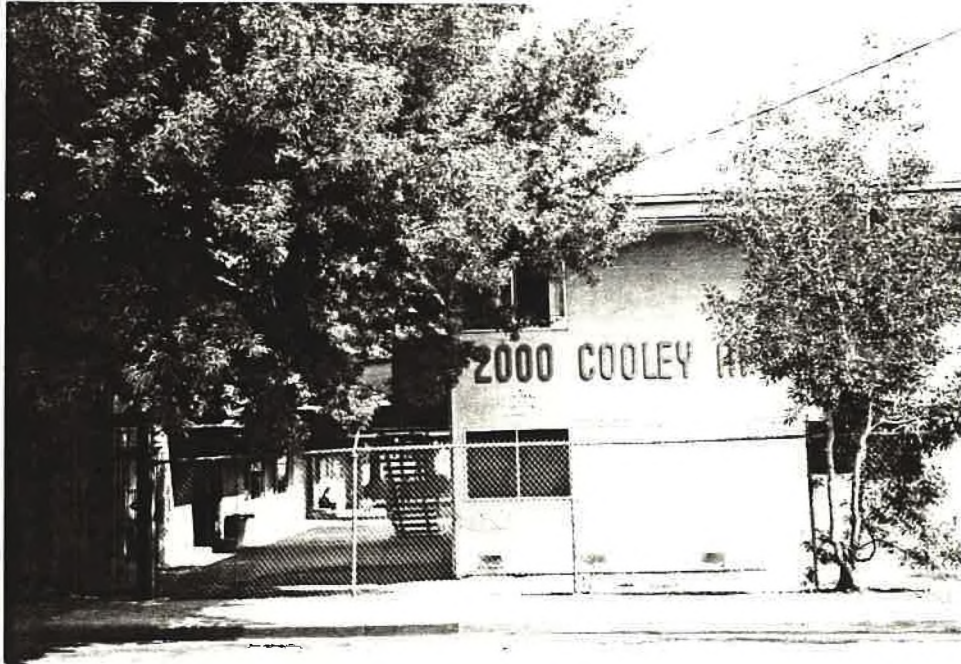
The City's ethnic balance has changed many times over the years. The area was originally inhabited by the Ohlone Indians. Since, it has been primarily inhabited at times by the Spanish, the Chinese, Caucasians, and African Americans. Today, the population includes significant numbers of African Americans, Hispanics, Asians, and Pacific Islanders. 1990 Census figures indicate that the population is currently 42.9% African American (or Black), 33.7% Hispanic, 10.1% Asian/Pacific Islander, .9% American Indian/Eskimo or Aleut, and 12.4% Caucasian or other race not of Hispanic origin.

SamTrans provides public bus transportation along University Avenue. Rail service is accessible within the neighboring City of Palo Alto, Timesavers Para Transit & Escort provides curb-to-curb transportation for the mobility-impaired within San Mateo County. The City of East Palo Alto is located approximately equidistant from the San Francisco International Airport to the north about 20 miles and the San José International Airport to the south about 15 miles. Some of the medical facilities in the area include: the Drew Medical Clinic, located within the City on University Avenue, Palo Alto Medical Clinic, located in the City of Palo Alto, Stanford University Hospital, located in Stanford, El Camino Hospital, located in the City of Mountain View, Kaiser and Sequoia Hospitals, both located in the City of Redwood City, and San Mateo County General and Mills Hospitals, both located in the City of San Mateo.

Schools located within the East Palo Alto Area include: Brentwood Oaks, Belle Haven, Costaño, James Flood, Menlo Oak, Ronald McNair, The New School, Willow Oaks, and the former Ravenswood High School. High school students, attend high school in surrounding communities within the Sequoia Unified High School District which encompasses schools from Menlo Park to Belmont. The former Ravenswood High School is located inside the first phase of the project area. Brentwood Oaks and Ronald McNair, are located in the second phase of the project.

The Site contains 59 parcels which includes a mixture of residential, commercial, and institutional properties. Zoning in the area is mixed. Apartments are found adjacent to single family homes and above commercial businesses. Nurseries and Churches are found between single family homes. Most businesses tend to be stand alones or part of small shopping center complexes. There are approximately 39 residential buildings in the Project Area, including multi-family apartment complexes, and single family homes. There are also several vacant parcels of land, vacancies within apartment buildings, and some vacant homes within the project area. At the time of the survey, 205 occupied residential units and 7 commercial locations were identified within the project boundaries. Most properties within the City tend to be older structures; approximately 18% are estimated to be in need of rehabilitation. Although relatively little new construction has occurred within the past few years, one new tract of homes is currently available on Salas Court, across the street from homes within the project site located on Donohoe Street. Approximately 205 residential displacements, (possibly more due to overcrowding), and 7 commercial displacements are anticipated. Although various other public agencies are pursuing redevelopment/public works projects, there are no known concurrent competing projects of any significance involving residential or commercial relocation on the San Francisco Peninsula.

TYPICAL PROPERTIES



Multiple Residential: 2000 COOLEY



Multiple Residential: 2000 COOLEY

TYPICAL PROPERTIES

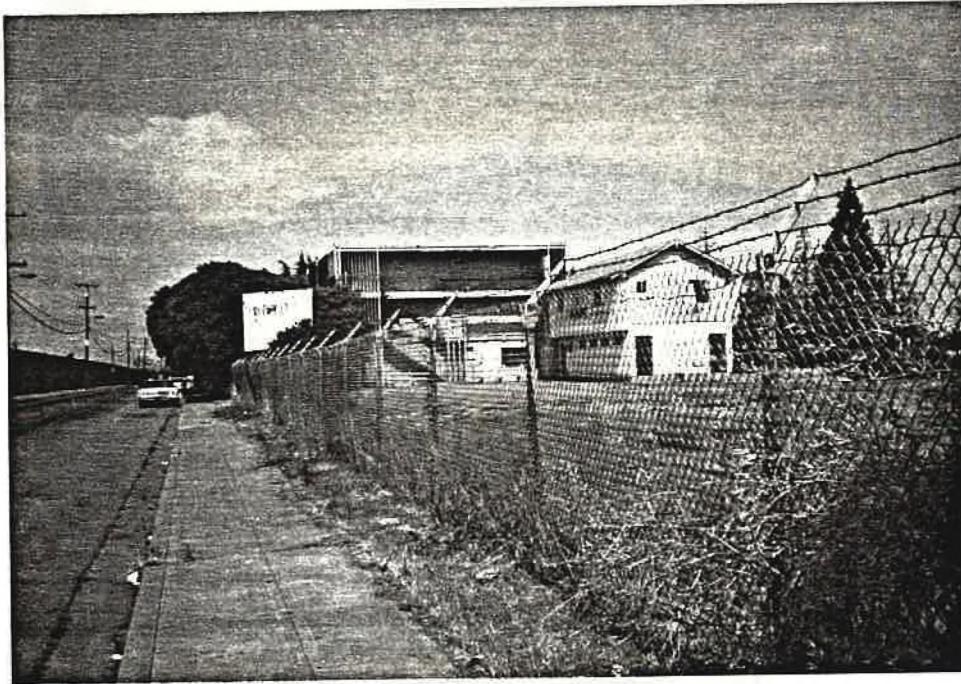


Multiple Residential: 2000 COOLEY



Multiple Residential: 2000 COOLEY

TYPICAL PROPERTIES



Multiple Residential: 1777 EAST BAYSHORE

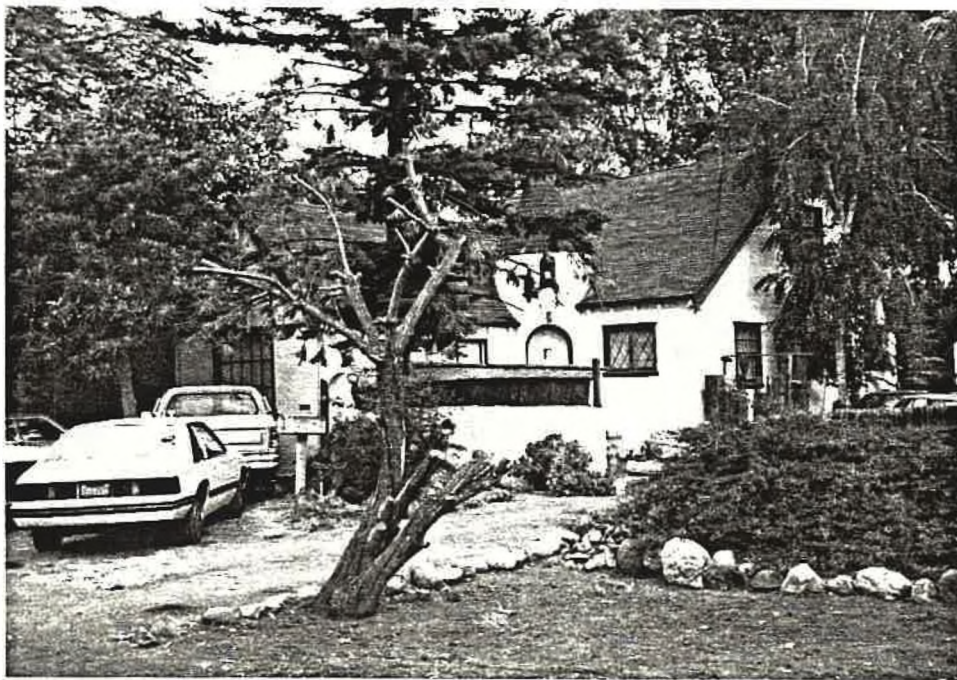


Multiple Residential: 1777 EAST BAYSHORE

TYPICAL PROPERTIES

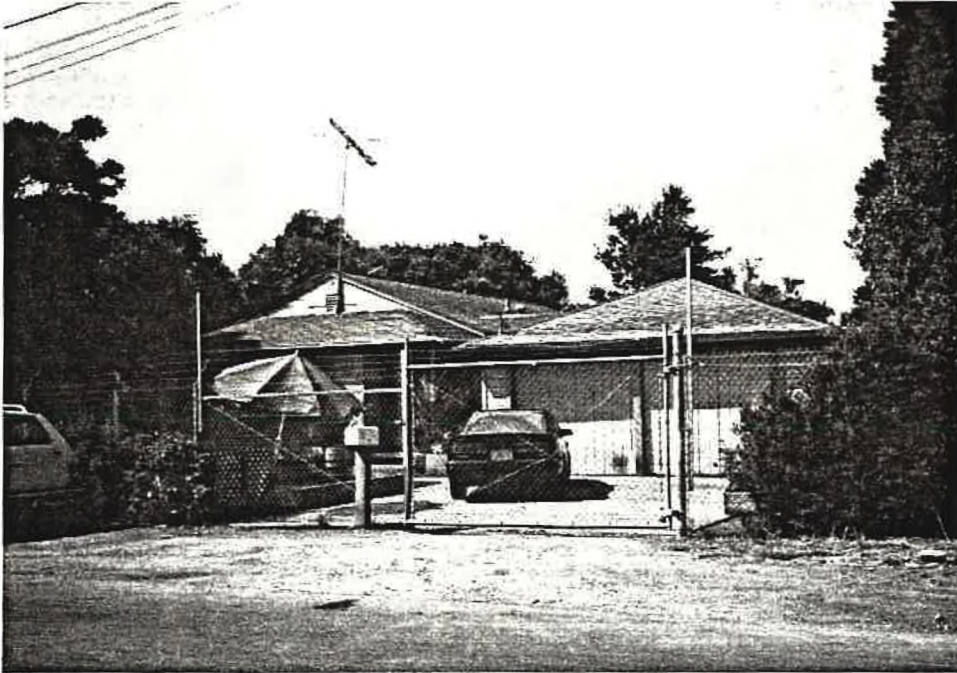


Multiple Residential: 2033 & 2035 COOLEY



Duplex Residential: 2050 CAPITAL

TYPICAL PROPERTIES



SFR Residential: 1939 Clarke



SFR Residential: 2027 Clarke

TYPICAL PROPERTIES



SFR Residential: 1947 Clarke



SFR Residential: 899 O'Conner

TYPICAL PROPERTIES



SFR Residential: 862 Donohoe



SFR Residential: 896 Donohoe

TYPICAL PROPERTIES



Commercial Property : Three Brothers Tacos



Commercial Property: Bayshore Animal Hospital

TYPICAL PROPERTIES



SFR Residential: 1999 Clarke



Multiple Residential: 2076 Capitol

TYPICAL PROPERTIES



Commercial Property: Jones Mortuary



Commercial Property: Econo Auto Shop

SECTION III

ASSESSMENT OF RELOCATION NEEDS

A. METHODOLOGY

Residential and Commercial Data collected for analysis and preparation of this Plan, was collected using door to door, face to face interviews and questionnaires. The interview process began August 4, 1993 and was completed September 15, 1993. Four interviewers conducted detailed, personal interviews with 205 residential and 6 commercial occupants in the English and Spanish languages, as appropriate. The residential questionnaires are four (4) pages in length (Refer to Exhibit E) and the business questionnaires are three (3) pages in length (Refer to Exhibit F). An *aggressive* attempt was made to interview 100% of the occupants within the project area. Two residential and one commercial occupant flatly refused to supply any information. Others either refused to supply some of the information or refused to supply information within the timelines required for timely preparation of this Plan. Others, could not be contacted despite numerous attempts. (Information obtained from residential occupants addresses family size, length of tenancy, source of income, income levels, usual mode of transportation, existence of disabilities, special needs, relocation area preferences, present amenities, and other needed information. This data will enable the Agency to: accurately determine the relocation needs of individuals within the project area, determine whether suitable replacement housing is or will be available for displacees, prepare a Relocation Plan which will provide orderly, timely, and efficient relocation of the displaced individuals, ascertain the magnitude of residential displacements, and estimate costs associated with relocation for budgeting purposes.

Information obtained from business occupants addresses type of business, product, or service, size of business, current lease situation, i.e. existence of a lease, monthly costs, whether or not the lease is renewable, length of time left on current lease, etc., how long the business has been in existence, type of business improvements, physical characteristics of the business, special features, equipment or improvements, type of inventory/stock, whether owner plans to stay in business, relocation area preferences, etc. This information is needed to: accurately determine the relocation needs of business owners within the project area, determine whether suitable replacement business properties are or will be available for displaced businesses, prepare a Relocation Plan which will provide orderly, timely, and efficient relocation of the displaced businesses, ascertain the magnitude of business displacements, and estimate costs associated with relocation for budgeting purposes.

The information contained in these detailed interviews will again be reviewed with each displacee within fifteen (15) days after the initiation of negotiations by the Agency with individual property owners. Any information which may have changed since the initial interview conducted in conjunction with the preparation of this Plan will be corrected/updated at that time.

B. PROJECT DISPLACEMENT DATA

This project, as proposed, will affect/displace 205 (known) residential households, 5 businesses, 1 non-profit organization, and 1 church. This phase of the project requires the acquisition of 59 parcels. 51 of these are improved and 8 are vacant land. The improved parcels are further described as follows:

C. TOTAL UNITS - PHASE I

Type of (known) Occupied Units Displaced

Single Family		28
Owners	20	
Tenants	8	
Duplex (# buildings)		1
Apartment (# buildings)		8
(3-4 units)	2	
(5 + units)	6	
Commercial/Non-Profit		7
(Commercial)	5	
(Non-Profit)	2	
Tenancy Status of Units/Land (Vacant)		27
Single Family	5	
Land	8	
Schools	1	
Apartment Units	13	
Residential (Occupied)		205
Owner occupied	20	
Tenant occupied	185	
Non-Residential		7
Owner occupied	2	
Tenant occupied	5	

The structures affected are, for the most part, older structures. Some of the units are well maintained, both owner and tenant occupied, however, most of the rental units showed signs of moderate to severe deferred maintenance. The majority of the residential and business units are tenant occupied. Some of the residential occupants, both owners and tenants, have been residing in the project area for over 20 years. Specific information obtained from each household interviewed can be found summarized in the following section on Displacement Characteristics.

A discussion of the non-residential units can be found later in this section (section 2).

1. Residential Displacement

The following tables and narrative summarize the project-required housing and socioeconomic characteristics of the displacees. The data presented reflects composite information obtained in a residential survey conducted in August and September of 1993. Photos of typical units are presented in this report. There were 205 questionnaires completed of 208 households for a 98.5% completion rate. Numerous, aggressive attempts were made to interview 100% of households, however, 2 residential occupants refused to be interviewed and 1 was never at the premises. The 3 households and 1 business not surveyed are presumed to fall into the norm of the data obtained.

The questionnaires that were obtained were in various degrees of completion, however, the majority are complete. The exceptions were primarily due to individual's refusing to furnish certain information, usually financial, and/or due to individuals stating that they did not know the answers to some of the questions. Therefore, some of the data does not reflect a 100% survey. A number of units in the project area were found to be vacant. Most residents had been in occupancy for years rather than months.

**NUMBER OF BEDROOMS PER UNIT
(Single Family Homes)**

Number of Bedrooms	Owners	Renters	Total
1	0	2	2
2	5	1	6
3	10	4	14
4	3	1	4
5+	2	0	2

**NUMBER OF ROOMS PER DWELLING UNIT
(Single Family Homes)**

Number of Rooms	Number of Units (Owners)	Number of Units (Renters)	Total
1	0	0	0
2	0	0	0
3	0	2	2
4	1	0	1
5	5	1	6
6	4	4	8
7+	10	1	11

**NUMBER OF BEDROOMS PER UNIT
(Apartments)**

Number of bedrooms	Families
0	16
1	135
2	25
3	1

**NUMBER OF ROOMS PER DWELLING UNIT
(Apartments)**

Number of Rooms	Number of Units
1	0
2	16
3	135
4	25
5+	1

**NUMBER OF BEDROOMS PER UNIT
(Apartments)**

Number of bedrooms	Families
0	16
1	135
2	25
3	1

**NUMBER OF ROOMS PER DWELLING UNIT
(Apartments)**

Number of Rooms	Number of Units
1	0
2	16
3	135
4	25
5+	1

**TOTAL RESIDENTIAL PERSONS DISPLACED
(By number of owner and tenant occupied households)**

Number of persons in family	Number of owner occupied households	Total number of persons	Number of tenant occupied households	Total number of persons
1	0	0	11	11
2	9	18	16	32
3	4	12	25	75
4	2	8	39	156
5	1	5	44	220
6	3	18	18	108
7	0	0	17	119
8	1	8	9	72
9	0	0	0	0
10	0	0	2	20
11	0	0	2	22
12	0	0	1	12
13	0	0	1	13
14	0	0	0	0
15	0	0	0	0
16	0	0	1	16
Totals	20	69	185	876

36/0

4.7

AGE/SEX CHARACTERISTICS

AGES	OWNERS	OWNERS	TENANTS	TENANTS	TOTALS
	MALE	FEMALE	MALE	FEMALE	
0-5	2	2	90	93	187
6-10	5	3	52	63	123
11-15	1	4	38	42	85
16-24	3	4	70	69	146
25-35	4	6	111	104	225
36-50	7	6	44	37	94
51-64	7	9	16	8	40
65-70	2	0	4	5	11
71+	1	3	5	6	15
TOTALS	32	37	430	427	926

The largest age category is adults in the 25 to 35 year old age range. This category is followed by children in the 0 to 5 year old age range. The third largest age category is the 16 to 24 age range. The ages of all persons in the project area are not represented in the above chart because, in some cases, the interviewee did not know the ages of everyone who lived in the residence.

NUMBER OF FAMILIES WITH CHILDREN

# of children per family	# of families with indicated # of children
1	27
2	54
3	40
4	17
5	11
6	1
7	2
8	1
9	0
10	1

There are 416 (reported) children in the project area. Seventeen (17) are residing within 20 owner occupied households and 399 are residing within 185 tenant occupied households.

DISABILITIES

Twenty one (21) families in the project area reported disabilities. While no individuals were found to be wheelchair bound, several individuals did report health conditions of a nature that would require that they be relocated to single story housing.

ETHNIC COMPOSITION OF THE FAMILIES

ETHNIC IDENTIFICATION	OWNER	RENTER
NATIVE AMERICAN	0	0
CAUCASIAN	0	1
AFRICAN AMERICAN/BLACK	10	14
HISPANIC	8	163
MIDDLE EASTERN	0	0
ASIAN INDIAN	0	0
ASIAN/PACIFIC ISLANDER	2	8
OTHER	0	0
TOTALS	20	185

The largest ethnic group of displacees in the project area who are home owners are those who classify as African American or Black. This group represents 50% of all the home owners. The second largest ethnic group of home owners are those who classify as Hispanic. This group represents 40% of all the home owners. The third largest ethnic group of home owners are those who classify as Asian or Pacific Islander. This group represents 10% of all the home owners.

The largest ethnic group of displacees in the project area who are renters are those who classify as Hispanic. This group represents 88% of all the renters. The second largest group are those who classify as African American or Black. This group represents 8% of all the renters. The third largest group are those who classify as Asian or Pacific Islander. This group represents 4% of all the renters.

FEMALE HEAD OF HOUSEHOLD

Nine (9) female heads of household are home owners in the project area. Twenty nine female heads of household are renters in the project area.

LANGUAGE ASSISTANCE

Language assistance in the Spanish language will be necessary for approximately 80% of the households in the project area.

SINGLE HEAD OF HOUSEHOLD

Fifty seven (57) single heads of household were identified in the project area.

PRIMARY HOUSEHOLD LANGUAGE

PRIMARY LANGUAGE SPOKEN IN HOUSEHOLD	TOTAL NUMBER OF FAMILIES
ENGLISH	32
SPANISH	163
VIETNAMESE	3
SAMOAN	3
TONGAN	3
TAGALOG	1

YEARS AT CURRENT ADDRESS

TIME AT CURRENT ADDRESS	NUMBER OF FAMILIES	PERCENTAGE OF FAMILIES
LESS THAN 90 DAYS	12	6%
91-180 DAYS	6	3%
181 DAYS TO 364 DAYS	13	6%
1 YR-1 YR, 364 DAYS	27	13%
2-5 YEARS	81	40%
6-10 YEARS	38	20%
11-19	16	8%
20+ YEARS	9	4%
Unknown	3	.01%

Persons living within the project area, overall, tend to be long term occupants. The majority (40%) of persons living in the project area have been living in their present dwelling for between 2 and 5 years (persons living in an apartment for several years who had recently moved to another apartment *within the same complex* were counted as of the date they originally moved into the complex). The second longest period of occupancy is 6-10 years (20%). Only twelve (12) families (6% of the total) had been in occupancy for less than 90 days and only 6 families (3% of the total) had been in occupancy for between 91 and 180 days.

MONTHLY RENTAL RATES (RENTERS)

MONTHLY RENTAL RATE	NUMBER OF FAMILIES	PERCENTAGE
\$201 TO \$249	0	--
\$250 TO \$299	10	6%
\$300 TO \$349	18	10%
\$350 TO \$399	10	6%
\$400 TO \$449	33	18%
\$450 TO \$499	13	7%
\$500 TO \$549	67	37%
\$550 TO \$599	5	3%
\$600 TO \$649	18	10%
\$650 TO \$699	4	2%
\$700 TO \$799	2	.01%
\$800 TO \$899	1	.01%
\$900 TO \$999	2	.01%
\$1000 +	0	--
Total *	183	

The largest percentage (37%) of the tenants are paying between \$500.00 and \$549.00 per month for rent for one bedroom apartments; 18% were paying between \$400.00 and \$449.00. The majority of the two bedroom apartments were renting between \$600.00 to \$649.00 per month; 10% of the tenants were in this category. Many of the tenants are paying below market rental rates for their dwelling units. This *may* be due to the fact that they have been in occupancy for several years and because all rentals within the City containing five (5) or more units are under rent control.

Three families said that they did not know how much they were paying for rent (primarily because the individual responsible for paying it was not available).

UTILITIES INCLUDED

TYPE OF UTILITY INCLUDED (IF ANY)	NUMBER OF UNITS IN WHICH UTILITY INCLUDED
ALL	3
WATER	175
GARBAGE	179
GAS	included in "all" above
ELECTRIC	included in "all" above
NONE	4

RENT SUBSIDIES

TYPE\SOURCE OF SUBSIDY	NUMBER OF FAMILIES RECEIVING SUBSIDY
SECTION 8	0
SPOUSAL SUPPORT	0
OTHER FAMILY SUPPORT	1
NONE	177
OTHER	5

PRIMARY/SECONDARY MODES OF TRANSPORTATION

TYPE OF TRANSPORTATION	PRIMARY	SECONDARY
AUTOMOBILE	185	0
BUS/OTHER MASS TRANSIT	11	12
MOTORCYCLE	0	1
BICYCLE	2	6
RIDE WITH OTHERS/CARPOOL	5	8
WALK	2	3
OTHER	0	0

The majority of households listed automobile as their primary means of transportation and bus/other mass transit as their secondary means of transportation.

NUMBER OF VEHICLES PER HOUSEHOLD

NUMBER OF VEHICLES OWNED	NUMBER OF FAMILIES
1	113
2	48
3	12
4 OR MORE	11
	<div style="display: flex; justify-content: space-between;"> 184 184 </div>

Most households in the project area owned one or more vehicles.

MAJOR REASON FOR LIVING AT CURRENT LOCATION

REASON	# OF FAMILIES (PRIMARY REASON)	# OF FAMILIES (SECONDARY REASONS)
HIGH COST OF HOUSING ELSEWHERE	84	27
CONVENIENT TO WORK	12	8
SCHOOL DISTRICT SCHOOLS	4	5
CONVENIENT TO SHOPPING	0	0
FRIENDS/RELATIVES IN AREA	20	6
LIKE THE HOUSE/APARTMENT/ DUPLEX	20	7
ONLY PLACE AVAILABLE	21	20
CHURCH IN AREA	2	1
CONVENIENT TO PUBLIC TRANSPORTATION	1	0
CONVENIENT FOR ALL NEEDS	31	13
ASSOCIATION WITH PEOPLE IN AREA	1	2
RETIREMENT INCOME	1	0
OTHER	5	6
NONE STATED	3	0

The major primary and secondary consideration for living in the project area is because of the high cost of housing elsewhere. The second most important primary and secondary reason is that the area is convenient for all needs; this reason was closely followed by "only place available".

SOURCE OF HOUSEHOLD INCOME

SOURCE OF INCOME	NUMBER OF FAMILIES
EMPLOYMENT	175
SELF-EMPLOYMENT	7
PENSIONS	9
SOCIAL SECURITY	14
SSI	5
WELFARE	38
AFDC	5
UNEMPLOYMENT	7
FAMILY SUBSIDY	3
OTHER	4

16%
267

Most families in the Project area contain one or more members who are employed. The employment income of one or more family members was frequently supplemented by social security, pension, welfare, or other income of other family members.

PREFERENCE TO OWN OR RENT REPLACEMENT UNIT

REPLACEMENT UNIT	NUMBER OF FAMILIES
PURCHASE	59
RENT	141
UNDECIDED	5

PREFERRED TYPE OF RELOCATION UNIT

TYPE OF REPLACEMENT UNIT	NUMBER OF FAMILIES
SINGLE FAMILY HOME	110
DUPLEX	17
APARTMENT	73
CONDOMINIUM/TOWNHOUSE	2
MOBILE HOME	0
OTHER	0
NOT STATED	3

Single family homes were overwhelmingly the preferred type of Relocation unit. All 20 homowners preferred single family homes and 89 of the tenant families preferred this type of unit. Apartments were the second most preferred type of replacement dwelling unit.

RELOCATION AREA OF CHOICE

AREA	FIRST CHOICE	SECOND CHOICE
EAST PALO ALTO	86	15
PALO ALTO	9	13
MOUNTAIN VIEW	31	29
SUNNYVALE	8	13
MENLO PARK	4	11
REDWOOD CITY	14	22
SAN MATEO/FOSTER CITY	3	4
OTHER PENINSULA CITY	0	2
CITY OUTSIDE SF PENINSULA	21	21
UNDECIDED	29	--

The first choice of persons in the project area is a preference to remain in East Palo Alto. The second most preferred first choice city is Mountain View. Mountain View is also the most preferred second choice city, followed by Redwood City.

RELOCATION NEEDS OF THE HOUSEHOLD
(Household desires or needs to be close to)

DESIRES/NEEDS FOR REPLACEMENT UNIT	NUMBER
CLOSE TO SCHOOLS	57
CLOSE TO MARKETS	148
CLOSE TO TRANSPORTATION	138
CLOSE TO MEDICAL FACILITIES	148
CLOSE TO EMPLOYMENT	161
AFFORDABLE HOUSING	192
A UNIT THAT ACCEPTS PETS	29
OTHER SPECIAL NEEDS	8

HOUSEHOLDS WITH PETS

TYPE OF PET	TOTAL NUMBER OF PETS	NUMBER OF FAMILIES WITH PETS (BY TYPE)
DOG	18	12
CAT	10	8
RABBIT	1	1
BIRD	28	3
CHICKEN/CAPON	6	2
OTHER	3	2

RESIDENTIAL UNITS OPERATING A BUSINESS OUT OF THE HOME

Eleven (11) of the residential households reported operating a business from their residential units.

2. Business Displacement

There are 7 business/non-profit locations, which are currently occupied and conducting business, that are to be displaced in the first phase of the project . These businesses occupy a total of six (6) buildings.

ETHNIC IDENTIFICATION OF BUSINESS OWNERS

ETHNIC IDENTIFICATION	NUMBER
NATIVE AMERICAN	0
CAUCASIAN	0
AFRICAN	2
AMERICAN/BLACK	
HISPANIC	2
MIDDLE EASTERN	0
ASIAN INDIAN	2
ASIAN/PACIFIC ISLANDER	1
OTHER	0

STATED INTENTIONS OF BUSINESS OWNERS

(Regarding the time of relocation)

BUSINESS OWNER'S INTENT	NUMBER OF BUSINESSES
PREFER TO CONTINUE IN BUSINESS IN EPA	2
MAY CONTINUE IN BUSINESS IN ANOTHER CITY	4
WILL CEASE BUSINESS OPERATIONS	0

Two (2) of the six businesses interviewed in the project area preferred to stay within East Palo Alto. Two (2) of the six indicated that they would *only* consider East Palo Alto as a replacement site. Four (4) indicated that they would consider relocating to other nearby cities. None stated that they would cease business or non-profit operations.

Should any or all of the businesses desire to relocate outside the City of East Palo Alto, there is an adequate supply of available commercial, retail, and office space, in the sizes specified by the displacees, within nearby peninsula cities and the South Bay Area to choose from. Comparable, vacant commercial rental space currently rents for between \$.65 to \$1.25 per square foot per month, depending on size, location, lease longevity and other factors. The Consultant will assist each business owner in locating suitable replacement sites whether or not they are relocating within the City of East Palo Alto. Referrals will be provided to other sites or locations, upon request. Contacts with real estate agents will be used to provide market assistance, where practical. If related to the move and, if necessary to accomplish the move, legal or outside assistance may be provided upon approval of the Agency. Should there be tenant installed equipment or fixtures, then assistance and advice shall be available to properly inventory the items and then to acquire such items, if requested, upon a legal determination that they are considered to be part of the realty. Abandoned personal property, under certain conditions, may also be purchased under tangible loss rules.

Business owners within the project area operating types of businesses that are compatible with the proposed retail center, will also be extended the opportunity to obtain commercial/retail space within the planned retail center. Displaced business owners within the project area, electing to move into the new retail center when completed, may be eligible to have the Agency provide for storage of fixtures, equipment, and inventory while their business is temporarily closed.

The Agency will minimize to the greatest extent feasible, the use of temporary relocation resources, but, when a project plan anticipates moves back into completed project accommodations, temporary relocation resources may be used at the displaced person's election for a limited period of time. Owners may elect to be relocated to a temporary commercial site and continue business operations within the City without forfeiture of any relocation rights, assistance, services, and/or benefits designed to achieve permanent relocation of displaced persons into comparable replacement units or until the new retail center is completed and ready for occupancy. Businesses engaged in operations of a nature that would require extensive fixturing, would not be likely candidates for temporary relocation. However, in such cases, some limited business operation may still be workable. Temporary moves will only be used if requested by the displaced business and if reasonable to do. Relocation to a temporary replacement site may not be relied upon if a comparable replacement site will not be available to the displacee within 12 months of the date of the temporary move. Prior to the move, the Agency shall have determined and have provided written assurance to each displacee in accordance with section 6044 (paragraphs a through e) of the California Relocation Assistance and Real Property Acquisition Guidelines, California Administrative Code, Title 25, Chapter 6.

In summary:

- a) Comparable replacement housing shall be made available at the earliest possible date, but not later than 12 months from the date of the move; displacee may agree to extend the 12 month limitation, but if not, the Agency shall ensure that a comparable replacement site is available within the initial 12 month period.
- b) A comparable replacement unit shall be made available on a priority basis to a displacee who has been moved temporarily.
- c) A displacee who has moved temporarily shall not have his/her eligibility for any relocation payment or reduce the amount of any relocation payments nor shall it deprive him/her of any choice of permanent replacement sites.
- d) A displacee who has been moved temporarily and who will permanently move back into the project site area, shall be given priority to obtain such units.
- e) The Agency shall pay all costs in connection with a temporary move, including, increased rental costs.

It is the policy of the Agency and the Consultant to provide maximum assistance to all displacees, where appropriate. Each business and household will be handled separately to assure that the needs of each are met and that the relocation is accomplished smoothly without undue hardship to those being displaced.

COMMERCIAL SPACE REQUIREMENTS

SPACE REQUIREMENTS	NUMBER OF BUSINESSES
SIMILAR TO PRESENT SITE	4
SMALLER THAN PRESENT SITE	0
LARGER THAN PRESENT SITE	2

Currently, the existing inventory of commercial space and vacant land for the construction of commercial space is adequate within the City of East Palo Alto and nearby communities. Therefore, those businesses wishing to relocate within the City or in nearby communities should be easily accommodated.

In the unlikely circumstances that sufficient replacement sites are unavailable at the time of displacement, and a business owner within the project area does not wish to wait until a suitable replacement site is available or temporarily relocate, if feasible, the business owner may opt to move to another area or cease business operations completely and file a loss of business goodwill claim with the Agency. However, it should be noted that this is an acquisition process, *not a relocation process*. Such claim must, however, be justified and properly documented.

"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. A business owner, displaced from property by the Agency, may be entitled to compensation for loss of goodwill, if any, if the business is able to show such loss pursuant to the requirements of California Code of Civil Procedure, Section 1263.510. This Code Section essentially states that the owner of a business shall be compensated for loss of goodwill, *if he or she proves all of the following*:

- 1) The loss is caused by the taking of the property.
- 2) The loss cannot reasonably be prevented by relocation of the business or by taking steps and adopting procedures that a reasonably prudent person would take and adopt in preserving the goodwill.
- 3) Compensation for the loss will not be included in payments made to the business owner for relocation and/or re-establishment expenses.
- 4) Compensation for the loss will not be duplicated in the compensation otherwise awarded to the owner.

D. REPLACEMENT HOUSING AVAILABILITY

Replacement housing and commercial space availability was researched using the following resources:

- a: Local newspapers with classified sections serving East Palo Alto and nearby communities with similar housing prices, including the San Mateo Times, the San José Mercury News, and the Palo Alto Weekly.
- b: Property management companies and Realtors serving the area.
- c: Computerized multiple listings.
- d: City rent stabilization records and contacts with property owners.
- e: Automobile and pedestrian surveys of *all* the City's streets to locate properties not commercially advertised or in MLS computer listings.

1. For sale housing

A review of the September, 1993, Menlo-Atherton and Redwood City Multiple Listing Service computer printout for the City of East Palo Alto, East Menlo Park, and Redwood City indicated ample "for sale" single family housing ranging from \$100,000 to \$300,000. There were 112 single family homes and 4 townhomes/condominiums for sale within the City of East Palo Alto under \$300,000; the homes ranged from 1 to 6 bedrooms. There were also numerous listings within other nearby surveyed areas. As of August, 1993, there were a total of 134 single family listings in East Palo Alto and 208 single family listings in Menlo Park. The Menlo-Atherton and Redwood City Multiple Listing Services indicated numerous homes available with prices up to \$300,000 for single family homes, condominiums, townhomes, and duplexes with up to 3 bedrooms. There were 12 single family homes within East Palo Alto containing 4, 5, and 6 bedrooms with prices up to \$389,500. Traditionally, the prime season for availability of "for sale" housing home listings/sales is the spring and summer months. At this time, because of current economic conditions, home prices are very low and interest rates are at their lowest point in 25 years. This combination of circumstances should greatly facilitate loan qualification for replacement housing for current homeowners and for tenants making their first home purchase.

Lower financing rates, relaxed down payment requirements, developer buy downs and various other financing options, may make home ownership available to more of the displaced than in the recent past.

The Menlo-Atherton and Redwood City Real Estate Boards' listings were searched during September 1993. The following tables depict the bedroom and price range of the available "for sale" units in the replacement area. Comparable areas of East Menlo Park, Palo Alto, and Redwood City were also surveyed since East Palo Alto is a very small community and the areas are reasonably the same or better.

**PROJECT AREA HOUSING AND AVAILABILITY
WITHIN EAST PALO ALTO (Owners)**

SIZE OF UNIT	NO. OF OCCUPIED UNITS	NO. OF UNITS NEEDED	NO. OF UNITS AVAILABLE
1 BR	0	0	1
2 BR	5	5	26
3 BR	10	11	74
4 BR	3	3	6
5 BR	2	2	4
6 BR	0	0	2
TOTALS	20	21	113

**SINGLE FAMILY HOMES FOR SALE
(East Palo Alto)**

Price (in thousands)	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
100-125	0	6	2	0	0	0
126-150	1	12	27	1	0	0
151-175	0	6	30	2	0	0
176-200	0	2	11	2	1	0
201-225	0	0	1	0	2	0
226-250	0	0	3	1	0	2
251-275	0	0	0	0	0	0
276-300+	0	0	0	0	1	0
TOTAL	1	26	74	6	4	2

There is ample availability. Availability was also surveyed monthly beginning in January 1993. There has been a consistent supply of available homes for sale in this area to date.

**SINGLE FAMILY HOMES FOR SALE
(Menlo Park)**

Price (in thousands)	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
100-125	0	0	0	0	0	0
126-150	0	1	2	0	0	0
151-175	0	1	7	2	0	0
176-200	0	0	3	1	0	0
201-225	0	5	2	0	0	0
226-250	0	7	2	0	0	0
251-275	0	6	4	0	0	0
276-300	0	4	7	0	0	0
TOTALS	0	24	27	3	0	0

There is ample availability. Availability was also surveyed monthly beginning in January 1993. There has been a consistent supply of available homes for sale in this area to date.

**SINGLE FAMILY HOMES FOR SALE
(East Palo Alto & East Menlo Park Combined)**

Price (in thousands)	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
100-125	0	6	2	0	0	0
126-150	1	13	27	1	0	0
151-175	1	6	31	2	0	0
176-200	0	2	10	2	1	0
201-225	0	0	1	1	2	0
226-250	0	1	3	2	0	2
251-275	0	0	0	1	0	0
276-300	0	0	0	0	0	0
TOTALS	2	28	74	9	3	2

There is ample availability. Availability was also surveyed monthly beginning in January 1993. There has been a consistent supply of available homes for sale in these areas to date.

**SINGLE FAMILY HOMES FOR SALE
(Palo Alto)**

Price (in thousands)	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
100-125	0	0	0	0	0	0
126-150	0	0	0	0	0	0
151-175	0	0	0	0	0	0
176-200	0	0	0	0	0	0
201-225	0	0	0	0	0	0
226-250	0	2	0	0	0	0
251-275	1	4	5	0	0	0
276-300	1	7	3	0	0	0
TOTALS	2	13	8	0	0	0

There is ample availability. Availability was also surveyed monthly beginning in January 1993. There has been a consistent supply of available homes for sale in this area to date.

**SINGLE FAMILY HOMES FOR SALE
(Redwood City)**

Price (in thousands)	1 BR	2 BR	3 BR	4 BR	5 BR	6 BR
100-125	0	0	0	0	0	0
126-150	1	0	1	0	0	0
151-175	0	7	1	0	0	0
176-200	1	21	7	1	0	0
201-225	0	13	17	1	0	0
226-250	1	9	14	0	0	0
251-275	0	9	18	2	1	0
276-300	0	10	21	3	1	0
TOTALS	3	69	79	7	2	0

There is ample availability. A review of prior data compiled monthly since January 1993 indicates substantial availability in this area and continuing supply.

**CONDOMINIUMS AND TOWNHOMES FOR SALE
(East Palo Alto)**

Price (in thousands)	1 BR	2 BR	3 BR
75- 99	2	0	0
100-125	0	1	0
126-150	0	0	0
151-175	0	1	0
176-200	0	0	0
201-225	0	0	0
226-250	0	0	0
251-275	0	0	0
276-300	0	0	0
TOTALS	2	2	0

**CONDOMINIUMS AND TOWNHOMES FOR SALE
(Menlo Park)**

Price (in thousands)	1 BR	2 BR	3 BR
75- 99	0	0	0
100-125	0	0	0
126-150	1	0	0
151-175	0	0	0
176-200	2	1	2
201-225	0	3	0
226-250	0	6	0
251-275	0	0	3
276-300	0	1	0
TOTALS	3	11	5

**CONDOMINIUMS AND TOWNHOMES FOR SALE
(East Palo Alto and East Menlo Park Combined)**

Price (in thousands)	1 BR	2 BR	3 BR
75- 99	2	0	0
100-125	1	1	0
126-150	0	0	0
151-175	0	1	0
176-200	0	0	0
201-225	0	0	0
226-250	0	0	0
251-275	0	0	0
276-300	0	0	0
TOTALS	3	2	0

**CONDOMINIUMS AND TOWNHOMES FOR SALE
(Palo Alto)**

Price (in thousands)	1 BR	2 BR	3 BR
75- 99	0	0	0
100-125	0	0	0
126-150	0	4	0
151-175	1	4	0
176-200	1	3	0
201-225	0	5	0
226-250	0	5	0
251-275	0	0	0
276-300	0	4	4
TOTALS	2	25	4

**CONDOMINIUMS AND TOWNHOMES FOR SALE
(Redwood City)**

Price (in thousands)	STUDIO	1 BR	2 BR	3 BR
75- 99	1	0	0	0
100-125	0	1	0	2
126-150	0	0	2	1
151-175	0	0	4	0
176-200	0	0	8	1
201-225	0	0	5	1
226-250	0	0	6	1
251-275	0	0	1	3
276-300	0	0	1	5
TOTALS	1	1	27	14

**DUPLEXES FOR SALE
(East Palo Alto)**

Price (in thousands)	Number available
75- 99	0
100-125	0
126-150	0
151-175	1
176-200	0
201-225	0
226-250	0
251-275	2
276-300	0
TOTALS	3

**DUPLEXES FOR SALE
(East Palo Alto, Palo Alto, Redwood City, and Menlo Park Combined)**

Price (in thousands)	1/1 BR	1/2 BR	1/4 BR	2/2 BR	2/3 BR	3/3 BR	STUDIO/ 1 BR
75- 99	--	--	--	--	--	--	--
100-125	--	--	--	--	--	--	--
126-150	--	--	--	--	--	--	--
151-175	--	--	--	2	--	--	--
176-200	--	--	--	1	--	--	--
201-225	--	--	--	--	1	--	--
226-250	--	1	--	1	--	1	1
251-275	--	--	--	2	--	--	--
276-300	--	2	--	6	1	--	1
301-350	1	2	1	5	4	--	--
351-400	--	--	--	--	--	--	--
401+							
TOTALS	1	5	1	17	6	1	2

TOTAL INVENTORY OF SINGLE FAMILY HOMES FOR SALE IN EAST PALO ALTO AND MENLO PARK IN 1993

1993	EAST PALO ALTO	MENLO PARK
JANUARY	126	185
FEBRUARY	135	214
MARCH	143	228
APRIL	149	225
MAY	150	226
JUNE	146	212
JULY	140	211
AUGUST	134	208
SEPTEMBER	NOT YET AVAILABLE	NOT YET AVAILABLE

TOTAL INVENTORY OF SINGLE FAMILY HOMES FOR SALE IN REDWOOD CITY, SAN CARLOS, AND BELMONT IN 1993

1993	NO. OF REDWOOD CITY MLS LISTINGS
JANUARY	230
FEBRUARY	244
MARCH	341
APRIL	302
MAY	269
JUNE	315
JULY	303
AUGUST	276
SEPTEMBER	234

2. For Rent housing

A survey of available rental housing units was conducted in East Palo Alto, and comparable areas of East Menlo Park, Redwood City, and Palo Alto, during the week of October 3, 1993 of to determine whether sufficient vacant rental units exist to relocate all of the displacees being displaced as a result of the Project. The following tables indicate, by rental rate and bedroom count, the relocation rental resources found. Note that, in all categories, there is sufficient availability of studio, one and two bedroom units. The current rental rates that are being paid by displacees indicates that in most cases there is a disparity between what they now pay and what they will most likely pay for their replacement unit. The charts that follow illustrate this. This is compounded by the fact that the majority of the tenants are currently paying more than 25% of their gross monthly household income for housing; should this "apparent" fact be borne out upon verification of incomes, it will be addressed in a Last Resort Housing Plan. Four and five bedroom rental units were in relatively short supply, thus, the needs of displacees requiring such replacement units will be also be addressed in a Last Resort Housing Plan.

Many units, particularly in the more modest price ranges, are not advertised. These units are typically passed on by word of mouth or by signs posted on the unit itself. These resources were also used when found to be D. S. & S., comparable, and available. The following chart shows project area housing for tenant occupied dwellings by number of units and rental range:

**PROJECT AREA HOUSING
(Tenants)**

SIZE OF UNIT	NO. OF OCCUPIED UNITS	RENTAL RANGE PAID	MEDIAN RENT PAID
STUDIO	16	\$254-\$412	\$315
1 BR	137	\$253-\$600	\$500
2 BR	26	\$420-\$800	\$620
3 BR	5	\$425-\$775	\$907
4 BR	1	\$557-\$557	\$557
5 BR	0	0	0

**AVAILABLE RENTAL HOUSING
(Apartments)**

SIZE OF UNIT	NO. OF AVAILABLE UNITS	RENTAL RANGE	MEDIAN RENT
STUDIO	47	\$300-\$545	\$450
1 BR	182	\$450-\$975	\$550
2 BR	49	\$650-\$1500	\$750

The above chart shows numbers of available studio, one, and two bedroom apartments within East Palo Alto and neighboring communities. Nearly all the units were available within East Palo Alto. The rental ranges and median rents are also shown.

**AVAILABLE RENTAL HOUSING
(Duplexes & Townhouses)**

SIZE OF UNIT	NO. OF AVAILABLE UNITS	RENTAL RANGE	MEDIAN RENT
STUDIO	0	-	-
1 BR	2	\$695-\$800	\$750
2 BR	15	\$795-\$1250	\$1,050
3 BR	7	\$995-\$1499	\$1250

The above information regarding duplexes and townhouses is provided for the reader, although, few displacees are occupying duplexes. The median replacement rent for this unit is \$750.00. No displacees are occupying townhomes. All other tenant displacees occupying three bedroom units are occupying single family homes.

**AVAILABLE RENTAL HOUSING
(Single Family Homes)**

Monthly Rental Rate	1 BR	2 BR	3 BR	4 BR
800-850	0	1	0	0
851-900	0	0	0	0
901-950	0	1	0	1
951-1000	0	6	1	0
1000-1050	0	0	0	0
1051-1100	0	3	0	0
1101-1200	0	2	2	0
1201-1300	0	2	4	1
1301-1400	0	1	3	0
1401-1500	0	0	2	0
1501-1600	0	0	3	0
1601-1700	0	1	6	0
1701-1800	0	0	2	0
1801-1900	0	0	3	0
1901-2000	0	0	1	0
2001+	0	1	3	3
TOTALS	0	18	30	5

The rental range for 2 bedroom single family homes is \$1,050.00 to \$1,300.00; the rental range for 3 bedroom homes is \$1,200.00 to \$1,700.00; the median rental rate for 4 bedroom homes is \$2200.00. No one or five bedroom homes were located.

In general, typical apartment rental rates within East Palo Alto are somewhat higher than those currently being paid by displacees. Studio apartments generally rent for about \$450.00 per month, (\$135.00 above the median paid by displacees); one bedroom apartments generally rent for about \$550.00 \$50.00 above the median paid by displacees); two bedroom units generally rent for \$750.00 (\$130.00 above the median paid by displacees). It should be noted that, at the time the surveys were completed, the residents of the Catalina Apartments, which contains an approximate mix of 31 one bedroom apartments and 13 studio apartments (approximately 44 units), indicated that, effective September 1, 1993, their rent would be increased by \$84.00. This rent increase would substantially lower the difference between the median rents that displacees are currently paying and the median rents that they would pay at their replacement units for studio and one bedroom apartments; it would also affect the need for or amount of funds utilized under a Last Resort Housing Program for the tenants occupying this apartment complex. The potential increase in rents, although slight, combined with the fact that some of the displacees are now paying in the excess of 25% of their monthly gross income for rent, indicates that Last Resort Housing payments will likely be necessary to ensure the equitable relocation of the displacees.

E. New Construction and Rehabilitated Housing

For replacement housing, Redevelopment law requires that new housing built within the designated project area by the Agency must contain a minimum of 30% that is affordable to low and moderate income families. Fifty percent (50%) of that must be affordable to very low income families. New housing built by private developers, whether or not Agency funds are used, must contain a minimum of 15% that is affordable to low and moderate income families; forty percent (40%) of that must be affordable to very low income families.

Potential sources of funding for new construction or rehabilitation of replacement housing include Community Development Block Grant (CDBG) funds and HUD HOME Funds administered through the County of San Mateo for land acquisition, pre-development, and other costs associated with providing affordable housing. Offering of tax credits to private investors who contribute equity to the project is currently being explored. The County of San Mateo has land banked a property on Beech Street which is available now. This vacant property will accommodate between 10 and 15 single family homes. New homes could be built and existing homes could be moved to the site and rehabilitated. Homeowners within the project site would be given, on an as needed basis, a new foundation, new landscaping, a new roof, new wiring, new plumbing, a new garage, new curb, gutter, and sidewalk, utilities, etc.

The City also has a designated site located on Gloria Way which is anticipated to be ready for occupancy in July of 1995. This complex is expected to contain 30 units which may be purchased and 50 rental units. The building will contain a mixture of 2, 3, and 4 bedroom apartments. Another City designated property, located on Weeks Street will be ready for occupancy in January 1996. The building will contain 80 two and three bedroom apartment units. The Redevelopment Project will create between 234 and 469 new housing units. In addition, negotiations are ongoing for the Woodland Creek site which, if acquired, will allow for the development of 45 townhomes in East Palo Alto.

The Redevelopment Agency of the City of Redwood City will soon begin construction of Windham Place, a 15 unit townhouse complex. This complex will contain 100% affordable housing; the unit will contain 2 and 3 bedrooms.

Construction is anticipated to be completed by the end of 1994. The Redevelopment Agency of the City of Redwood City is also planning its "Main/Middlefield Project". This project will consist of 70 to 90 residential units with residential rental units constructed above retail spaces. Between 25 and 50 percent of the residential units will be designated as "affordable housing". The building will contain studios to 3 bedroom units; construction should be complete within 2 to 3 years. Another project that this Agency is pursuing is a new housing complex containing up to 200 residential units with 15% to be designated as "affordable housing". At this writing, a developer is promoting the project but financing details have not been resolved. Should this project materialize, construction should be completed within 3 to 5 years. None of these projects will involve any significant displacement of residences or businesses.

The City of San Mateo has designated two sites to build multi family housing. Although the plans have not been finalized, it is anticipated that approximately 15 to 20 units will be created, most likely containing a mixture of one and two bedrooms. Residential displacement is almost completed. A portion of the project will be designated as "affordable housing", however, the percentage has not yet been determined. The completion date is not yet available, however, the project should begin construction fairly soon. The City is also using County HOME funds to convert some existing commercial units to 8 very low income rentals fairly soon also.

The City of San Carlos has begun construction on a 16 unit, 100% "affordable housing" apartment complex which will contain: one bedroom units from \$229 to \$540; two bedroom units from \$331 to \$638; and, three bedroom units from \$363 to \$736. This project should be completed in the summer of 1994. This City is also ready to begin constructing a mixed use structure containing a combination of parking and 30 to 40 "affordable housing" unit. This project should be completed in the summer of 1995. The City of San Carlos also has a "first time home buyers" program.

RELOCATION PLAN

1. Relocation of Occupants

Each displacee, whether individual, family, or business, will be advised of their rights, entitlements and eligibilities under the Relocation Act. They will be notified in person of the services available to them, such as an explanation of the program, provisions of the appropriate residential or business relocation brochure, calculation of their monetary entitlements, assistance with locating a suitable replacement property, including showing the property, inspection of replacement property to ensure compliance with Decent, Safe, and Sanitary standards, assistance in preparing an appeal, assistance in closing an escrow or setting up rental arrangements, and general advisory assistance by answering any questions regarding the program and by coordinating all aspects of the relocation program. The basis for Agency standards is the HCD published regulations (Refer to Exhibit H). Relocation services will be established to meet State regulations. Information explaining the proposed basic assistance is included in Exhibit A.

All occupants will be offered the advisory assistance portion of the relocation benefits package. Tenant occupants will be informed of their eligibility for any rent differential payments they are entitled to under the basic relocation program. This amount is limited to the \$5,250.00 program maximum. Any additional entitlements under Last Resort Housing will also be explained.

All residential owner-occupants will be referred to D.S. & S. single family "For Sale" housing unless they choose to rent, move to a retirement home, etc., for replacement purposes. Houses for rent, apartments or duplex type units will be referred to the tenant occupants and, where the displacee elects to purchase, houses, condos, or townhouses that are affordable to them will be referred to them. Each household will be advised of their amount of supplemental payments, if any, for renting or buying a replacement dwelling.

Upon approval of a LAST RESORT HOUSING PLAN, the options allowed will be explained to each eligible household. This would include the option to not accept LAST RESORT HOUSING.

Due to the age and health of several of the residential occupants, the Consultant will need to handle all or most details of their moves. In some instances, other parties, friends or relatives of displacees, will be contacted to coordinate relocation. A considerable amount of personal assistance will be needed to provide an orderly and timely relocation and to reduce stress normally associated with a change in location. It is recommended that the Agency consider contracting with several local movers and explain the Relocation program and moving benefits; the expectations of the Agency, the need for fast response time and client sensitivity, and the assurance that the movers have the financial ability to allow for normal Agency processing time to receive payment for the move should also be discussed. Those movers able to meet this criteria should be included on a newly created Agency list of "Approved movers". For each move involving a commercial mover, at least two movers from the approved list should be contacted to provide written bids for moving costs; the mover submitting the low bid should receive the job and should provide advice or counseling to the displacee to make the move more efficient. This method will provide fast, efficient service to displacees and provide

savings to the Agency. Should the displacee then elect to do a self move and be re-reimbursed at *actual* cost versus moving costs by schedule, the low bid received will also serve to establish a maximum reimbursable amount which can be communicated to the displacee.

Where commercial moves are estimated at \$1,500.00 or less for moving personal property the Agency, or its representative, may issue a moving cost finding. The moving cost finding will reduce paperwork requirements for low cost moves and provide convenience to the displacee and Agency while establishing a fair and equitable cost for relocating personal property.

2. Special Problems

Some of the elderly and others in the project area have some physical limitations. These are, generally, related to an inability or preference not to climb stairs. At least 148 households reported a need to be close to a hospital for quick emergency treatment.

Communications is the most observable problem. One hundred sixty four (164) of the households require explanations and assistance in the Spanish language. Although other primary languages exist within the project area such as: Vietnamese, Samoan, Tongan, and Tagalog, all families interviewed who spoke these languages as their primary language also spoke English quite well. Language assistance for these families is not anticipated, however, it is recommended that the Agency identify translators, should any of these families request such assistance.

3. Last Resort Housing

The Agency Board may decide to provide housing as a last resort as the alternative to abandoning the project. The head of the displacing agency should then make a determination that Agency funds, or project funds will be used as necessary to provide such replacement housing. (As used here, the term "replacement" does not necessarily mean new construction.) This project will lightly require Last Resort Housing which will exceed 25 household units.

Upon determination by the Agency that Agency funds will be used to make available the required housing, it is recommended that a Last Resort Housing Plan be developed and adopted. The Plan is to cover such items as where the housing will be located if construction is necessary, the financing required, amounts of funds to be diverted, prices, rents, management, ownership, social services, and disposition of proceeds from rent or sale. The Plan may include any type of housing or technique to provide housing, such as new construction, rehabilitations, leasing, seed money for new construction, mortgage assistance and any other method capable of rehousing the displacees and meeting the Agency's project goals. Payments in excess of the basic Relocation Benefits limits are also part of the options available. The Plan may be developed by the Agency or contracted out to others.

Where a Plan contemplates rehousing 25 or less displacees, the Agency may plan and provide for the housing without establishing an Agency-community committee. Where more than twenty-five (25) units are contemplated, a committee is required. Under current guidelines, the head of the Agency appoints the members with certain groups specified and representatives of affected residents. For this project, it is recommended the existing PAC be utilized as this committee.

4. Competing Projects

State Relocation guidelines provide that other concurrent displacement projects in the area which would compete for a substantial supply of available replacement housing units must be considered. Surveys of adjacent cities and/or other agencies that may be displacing tenants revealed that no other project involving residential or commercial displacement will be occurring *concurrently* with the Gateway 101 Project. Also, there are presently no other agencies within East Palo Alto or the neighboring communities undertaking such projects other than those mentioned earlier in this Plan (Refer to "New Construction and Rehabilitated Housing, para. C above). Survey numbers are not exact because of turnover rates, therefore, at any given time, there may be fewer units available than identified. However, this may be offset, in part, due to the fact that some available units are not publicly advertised and some landlords/property managers are unable to provide current information on the properties they manage.

5. Temporary Residential Housing

In the event that permanent residential replacement housing is not readily available to meet occupant needs at the time of displacement, and a temporary move becomes necessary, the Agency will approve the provision of temporary replacement housing at the request of the displacee. Any such housing will be inspected before occupancy is permitted to ensure that such housing meets normal standards for decent, safe, and sanitary housing. Displacees required to move temporarily will continue to be entitled to full relocation benefits for a move to permanent housing, however, this move must occur within 12 months from the date of relocation to temporary housing. The Relocation Consultant will provide assistance in locating a suitable, permanent replacement dwelling until a permanent location is found.

6. Re-rental Policy and Clearance Policy

It is recommended that the Agency establish a policy of no re-rental of the acquired units within the project area. It is anticipated that the acquisition of properties will be timed reasonably close to construction. Therefore, the introduction of non-eligible tenants would be impractical and would create possible relocation difficulties. This no re-rental policy will have little impact upon the existing rental market. The rental loss from these properties would be less significant and less costly than the potential problems resulting from the introduction of additional displacees. For apartment complexes, *reasonably near the initiation of negotiations to purchase*, it is recommended that the units be rented by the Agency and held vacant as existing tenants vacate. When each single and multiple family dwelling is vacant, it is highly recommended that the buildings be removed or demolished immediately to eliminate the possible nuisance of vacant buildings and to maintain the ambiance and safety of neighborhoods for those residents still in occupancy.

7. Hardship

There are no known or reported hardship or unusual conditions existing within the project area. However, due either to loss of employment, lack of established credit, or large family size, it may be difficult to obtain replacement housing and meet income and other requirements of the replacement landlord. These issues will be addressed and resolved by the relocation consultant for the project based on the situation at the time of the displacement.

8. Language Assistance

Language assistance in the Spanish language will be necessary to work with the majority of the residential households and at least one of the businesses. Bilingual Consultants or Consultants with interpreters will ensure that households and businesses obtain a full understanding of the program and eligible benefits. Brochures explaining benefits and other documents will be translated into the Spanish language.

9. Potential For Adverse Environmental Conditions

Historically, the City of East Palo Alto has had the unfortunate distinction of having been appropriately labeled as a high crime area. Thus, the question of whether or not *any* replacement housing within the City limits would meet the criteria for Decent, *Safe*, and Sanitary comparable replacement housing could be raised. In the past year, such successful, unprecedented, and extraordinary steps have been taken to ameliorate the crime problem in East Palo Alto, and warrant mention here.

In April of 1992, a "Red Team" was created. This team was initially composed of four City of Palo Alto Officers, two Menlo Park Officers, one East Palo Alto Officer, one State Department of Corrections Parole Agent, one California Highway Patrol Agent, and one Federal Alcohol, Tobacco, and Firearms Agent. In April of 1993, the Governor's High Crime Response Team aka "Operation Safe Streets" was born. This team is composed of:

- a) 12 California Highway Patrol Officers
- b) 18 San Mateo County Sheriffs
- c) The Red Team (which has now dropped the CHP Officer and ATF Agent)
- d) Direct support of the Governor's State Agencies in the areas of Technical and Tactical Support. They also act as Consultants and Facilitators to assist with Redevelopment, Housing, Education, Daycare, Welfare, Mental Health, and Economic issues since neglect in these areas is closely associated with high crime.
- e) CalTrans also offers assistance with issues involving the streets within the City.

The Sheriff's Department has already made a long term commitment to this team and the other agencies are expected to follow suit. The City also has 35 sworn Police Officers.

In addition to this bold increase in law enforcement, an unprecedented level of cooperation has formed between government and police officials from the cities of East Palo Alto, Palo Alto, and Menlo Park. This includes the Mayors and City Managers of all three cities, the Police Chiefs of all three cities, the County Sheriff, and the Commissioner and Captain of the Redwood City Branch of the California Highway Patrol. The results of these drastic law

enforcement efforts and unprecedented levels of cooperation when comparing the period ending five months prior to the inception of the program with the first five months of the program show the following results for the type crimes reported to the FBI on a uniform crime report:

Robberies	↓ 62%
Robberies with firearms	↓ 81%
Assaults	↓ 12%
Assaults with firearms	↓ 48%
Burglary	↓ 16%
Larceny Theft	↑ 6%*
Vehicle Theft	↓ 43%
Rape	↓ 43%
Murder	↓ 67%

*This increase is primarily due to the fact that since the police department was previously so under staffed, police responses had to be prioritized. Since this classification of crime was assigned a low priority, it generally could not be investigated and, thus, was under reported.

As of October 1, 1992 East Palo Alto had 35 homicides; as of October 1, 1993, there have been only 5 homicides.

Total overall decrease	↓ 34%
Total arrests	↑ 57%

It should also be noted that two major donations were recently received by the City of East Palo Alto Police Department. The first grant, in the amount of \$80,000, was used to purchase vests and new patrol cars for the officers. The second donation, in the amount of \$500,000, was used to provide an Administrative Manager for three years, a Training Officer for two years, more new police vehicles, computers and firearms.

10. Field Office and Information Center

Because of the size and complexity of this project and as a convenience to tenants, many of which have one (or no) vehicle per household, it is highly recommended that a Relocation Field Office be established within the project area. The hours of operation should be posted and alternative phone numbers indicated. This office should be open initially, at minimum, on three separate days of the week and at varying times which should include day, weekend, and evening hours. Bilingual Spanish assistance should be available either in the office or by phone from the office during all hours of operation.

11. Low and Moderate Income Occupants

The Gateway 101 Project will cause the displacement of low and moderate income tenants and homeowners. During the interview process, income and other statistical information was obtained which provides a preliminary count of persons within the specified income limits. The Federal Department of Housing and Urban Development (HUD) periodically establishes median family income (four members) for various areas. The State Department of Housing & Community Development (HCD) publishes a schedule of income limits for each California County. The San Mateo County area is one such area and includes the City of East Palo Alto.

The median income in San Mateo County area for a family of four is \$54,300. The very low income level is \$29,200, the lower income level is \$39,700, and the moderate income level is 70,100. The median income in East Palo Alto per the 1990 census is \$29,206 (based on 1989 figures).

The California Section 6932 very low income and lower income limits are the very low and low income limits established by HUD for use in HUD's Section 8 housing program. In establishing its income limits, HUD estimates area median family income for the current federal fiscal year. HUD's very low four-person income limit is 50 percent of area median income except that HUD has established a higher limit in some areas based on high rent levels relative to incomes in that area. Except in high income areas, HUD's four-person low income limit is 80/50 of the very low income limit. This means that HUD's four-person low income limit in most areas is either 80 percent of area median or a higher figure (in those areas in which HUD has made an upward adjustment to the four-person very low income limit). In high income areas, the four-person low income limit is less than 80 percent of area median because there is a national maximum or cap. The cap is the national median family income, and no four-person low income limit may exceed HUD's estimate of the national median income of all families (\$39,700).

HCD calculates "median" and "moderate" income limits based on HUD's very low income limits. The four-person median income limit is two times HUD's four-person very low income limit. The four-person moderate income limit is 120 percent of HCD's four-person median income limit. At all income levels, the income limits for household sizes other than four persons are calculated using the four person income limit as the base.

HUD's formulas are as follows:

No. of persons	1	2	3	4	5	6	7	8
Factor	.7	.8	.9	base	1.08	1.16	1.24	1.32

"Area median", as defined in federal law and HUD regulations is the higher of:

- a) The metropolitan area or non metropolitan county median family income, or
- b) The statewide non metropolitan median family income (\$34,200 for federal fiscal year 1993).

The median annual income among homeowners in the project area is: \$28,800

The median annual income among tenants in the project area is: \$13,200.

12. Non-Residential (Business)

Six of the seven businesses completing the survey have machinery, equipment and/or fixtures. During the appraisal process, the items which are affixed (installed) will be inventoried and valued. These items may be purchased as part of the realty. In the event they are not purchased and are considered personal property, they would fall into the relocation assistance category. Where there is substantial machinery to be moved and reinstalled, a longer relocation time will be needed. Two of the businesses also own the real estate. This factor generally increases the choices of the displaced business. In the case of one of these businesses, it is a single family home which has been converted to business use, therefore either a commercial or residential property *may* suffice as a suitable replacement site. The other business will require commercial space exclusively. A maximum lead time is needed to accomplish an orderly and efficient move for this type of business and ownership.

All the business will require referrals to available spaces, preferably nearby. Due to the nature of the businesses, a Realtor should assist by providing zoning information and maps of suitable replacement areas.

There are two non-profit organizations in this phase of the project.

SUMMARY OF RELOCATION PROGRAM

Residential

The Agency will assist displacees to the maximum extent feasible, in conformance with California Relocation Assistance Law, to minimize potential hardships for displacees which could result from the relocation process. In relocating the businesses and households to be displaced, the Agency will take full advantage of all resources available to ensure a successful relocation program. Some of the more important of these resources are:

- a) Agency's Relocation Advisory Assistance Program
- b) Agency's Moving Assistance Payments Program
- c) Agency's Replacement Housing Payments Program
- d) Agency's use of the appropriate level of lead time
- e) Agency will ensure that all replacement properties meet decent, safe, and sanitary guidelines including ensuring that replacement residential properties contain the appropriate number of bedrooms to properly house each family.
- f) Agency's utilization of assistance from private sector and local government agencies
- g) Agency will provide bilingual assistance as necessary
- h) Agency will open a project area information office
- i) Agency will distribute available rental listings specific to resident's needs and provide Realtor referrals to residents who wish to purchase a replacement home or commercial property.
- j) The Agency will strictly adhere to the provisions of California Relocation Assistance Law (Government Code Sections 7260 et seq) and California Housing and Community Development Department regulations (California Administrative Code, title 25, chapter 6).

Everyone displaced will be provided with advisory assistance in finding substitute residences. This assistance is provided under the Agency's Relocation Advisory Assistance Program.

The Agency will pay the eligible displacee his/her actual reasonable moving expenses for a move accomplished by a commercial mover based on the lower of two bids prepared by professional commercial movers, or, residents may elect to be paid moving expenses by fixed payment schedule, based on room count, which provides a certain sum of money per room, excluding bathrooms. Displacees may also elect to be reimbursed for actual moving expenses up the amount of the lower of two bids prepared by a commercial mover. Moving expenses may include: packing, unpacking, disconnecting and reconnecting appliances, crating, uncrating, loading, unloading, insuring, transportation of personal property for a maximum of 50 miles, temporary storage, reestablishing of personalty, and temporary lodging of displacees.

In addition to receiving relocation advisory assistance, moving cost payments, and the fair market value for their property, eligible residential homeowner displacees will be entitled to relocation payments which are intended to relieve the financial hardship of acquiring replacement housing. Under the relocation payments program the eligible homeowner occupant displacees will be entitled to purchase differential payments, incidental costs of purchase payments, and interest differential payments. Purchase differential payments enable displaced persons to obtain decent, safe, and sanitary replacement homes when the price they must pay for the comparable replacement home is higher than the price of the home they are forced to vacate.

Eligible renters and short-term homeowners (one who has lived in their home for at least 90 days, but less than 180 consecutive days immediately preceding the first written offer) who live in the residence purchased by the Agency will receive rental supplements if the cost of the replacement housing is greater than that which they are currently paying. This rent supplement may not exceed \$5,250.00 over a 48 month period. An alternate down payment supplement is available to be used by either an eligible tenant or short-term owner occupant (one who has lived in their home for at least 90 days, but less than 180 consecutive days immediately preceding the first written offer), to buy a replacement dwelling. This payment provides up to \$5,250.00. It is to be applied against down payment and eligible incidental expenses.

In addition to the previously described financial assistance, replacement housing as a last resort can be provided if comparable replacement sale or rental housing is not available and cannot otherwise be made available. Under this Relocation Plan, a Last Resort Housing Plan is needed.

Based on the data collected from project area displacees, a review of Agency plans for creation of new and rehabilitated housing stock, and an analysis of availability of housing stock within East Palo Alto and nearby communities, it has been determined that adequate numbers of housing units will be available concurrently with each phase of the Gateway 101 Project to successfully relocate all homeowners living within the project area utilizing the basic replacement housing payments. All purchase differential payments, if any, are expected to fall within the \$22,500 limit. For many tenants who will require studios, one, two, and three bedroom units, there is an adequate supply of units it is likely a significant percentage will

require payments exceeding the basic limit of \$5,250.00. Many tenant families are expected to be paying rent which exceeds 25% of their monthly income. There are also inadequate resources to successfully relocate tenants requiring four and five bedroom units and, thus, without alternate housing or other mitigating measures being invoked, Last Resort Housing will be required.

Non Residential

Relocation of businesses will be accomplished in a planned and orderly manner. During the relocation period, the affected businesses may be able to continue to operate temporarily at their present location after acquisition, under a short term rental lease agreement with the Agency, as time permits. This allows for continued operation until such time as a replacement site is located or until the property is actually required for construction of the project.

In addition, the Agency will pay eligible businesses, whether owner or tenant, the actual moving cost of moving the business to a new location as an alternative payment. For certain eligible businesses, which are not part of a commercial enterprise having more than one (1) other establishment which is not being acquired, and which cannot be relocated without a substantial loss of existing patronage (customers or net earnings), the Agency is authorized to pay an "in lieu" payment. This payment would be in an amount equal to the average annual net income of the business, usually, over the two years period immediately preceding the year of the relocation. A minimum of \$1,000.00 and a maximum of \$20,000.00 is set by law. The business must contribute materially to the income of the displaced owner. The "in lieu" payment would not apply to businesses operating solely for the purpose of renting the site or dwelling(s) to others.

Demographic, economic, and other data used in this Plan are based, generally, on information provided to the Consultant by project site displacees. Changes may occur prior to the implementation of the Plan. Once offers to purchase are made to property owners in the project, residential and commercial tenants in the project area will be given further detailed interviews and have their corresponding case files updated to reflect any new or updated information. All field collected data from initial and follow-up interviews is considered confidential and not available to the public. Only statistical data will be used.

While commercial spaces are more limited than residential spaces, adequate spaces are available to absorb the commercial establishments presently located within the project area. In addition, commercial displacees with types of businesses compatible with the new commercial center, will be extended the opportunity to lease spaces within that center.

APPENDIX

- A. RELOCATION ASSISTANCE PROGRAM OF RESIDENTIAL BENEFITS**
- B. RECEIPT FOR RELOCATION ASSISTANCE PROGRAM OF RESIDENTIAL BENEFITS BOOK**
- C. BUSINESS RELOCATION ASSISTANCE BOOK**
- D. RECEIPT FOR RELOCATION ASSISTANCE HANDBOOK**
- E. RESIDENTIAL QUESTIONNAIRE**
- F. BUSINESS SURVEY**
- G. GATEWAY 101 PROJECT AREA PRESENT AND PROPOSED MAP**
- H. STATE OF CALIFORNIA RELOCATION REGULATIONS**
- I. APPLICATION FOR SPECIAL ASSESSMENT**
- J. NOTICE OF INTENT TO CONDUCT SURVEYS**

EXHIBIT A
RELOCATION ASSISTANCE PROGRAM
OF
RESIDENTIAL BENEFITS

**RELOCATION ASSISTANCE PROGRAM
OF
RESIDENTIAL BENEFITS**

**REDEVELOPMENT AGENCY
OF THE
CITY OF EAST PALO ALTO**

AUGUST 1993

WHAT ARE RELOCATION PAYMENTS

Relocation payments are monies paid to a residential occupant for moving costs and as "Supplemental Housing Benefits." The type and amount of payment depends upon whether you are an owner or a tenant as well as many additional factors. These benefit payments are described in more detail later in this brochure.

Please do not make any assumptions as to the amount of any benefit you may be eligible for based upon this brochure. Your Relocation Advisor will meet with you and calculate your actual benefit payments after identifying all relevant factors as to your specific situation.

I. ELIGIBILITY FOR BENEFITS.

Every owner occupant or tenant who is displaced from their dwelling unit as a result of an Agency sponsored public project is protected under either the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) or corresponding State legislation. The law requires, in part, that "No lawful occupant shall be required to move unless he or she has received at least 90 days advance written notice of the earliest date by which he or she may be required to move."

CAUTION

Relocation legislation establishes strict eligibility requirements for owners and tenants. To receive payment for a particular benefit as either an owner or tenant you must satisfy ALL requirements for that particular benefit payment.

II. RELOCATION BENEFITS FOR HOMEOWNERS.

Benefits available for homeowners are divided into three (3) categories. Which category you are in is dependent on a time requirement:

- A. Benefits available for homeowners in occupancy for 180 days or more prior to the first written offer to purchase their home.
 - 1. Relocation Advisory Assistance
 - 2. Moving Costs Payments
 - 3. Purchase Differential Payment
 - 4. Incidental Costs of Purchase Payment
 - 5. Interest Differential Payment.

- B. Benefits available for homeowners in occupancy for 90 days or more but less than 180 days prior to the first written offer to purchase their home.
 - 1. Relocation Advisory Assistance
 - 2. Moving Costs Payments
 - 6. A Down Payment Benefit (See Tenant Section)
(includes incidental costs of purchase)
 - or
 - 7. A rental supplemental payment. (See Tenant Section)

- C. Benefits available for homeowners in occupancy for less than 90 days prior to the first written offer to purchase their home.

1. Relocation Advisory Assistance
2. Moving Costs Payments.

NOTE: Benefit payments as stated in "B" may be available to owners in this category under provisions of "Last Resort Housing." Your Relocation Advisor will assist you in determining your eligibility, if any, under "Last Resort Housing" procedures.

A. RELOCATION ADVISORY ASSISTANCE.

Relocation Advisory Assistance is a service provided to all owner or tenant occupants of the project area by the Agency's Relocation staff. It is designed to help you find a replacement dwelling unit. No money payments are made under this program.

A Relocation Advisor is assigned to each displacee for this purpose. The Advisor will assist you in finding properties being offered for sale or rent that are suitable in condition, price or rental range. Also available is information concerning the services and benefits offered by other agencies. The Advisor is your principal contact in all matters concerning the Agency's Relocation Programs and procedures.

ELIGIBILITY REQUIREMENT.

Occupy a dwelling unit acquired by the Agency for a public purpose.

B. MOVING COST PAYMENTS.

Moving payments are designed to help pay the expenses encountered when you move from your home. In general, moving expenses include all the regular and normal costs of the following services:

- Dismantling
- Crating, uncrating
- Loading, unloading
- Disconnecting and reconnecting appliances
- Packing, unpacking
- Insurance
- Transportation for 50 miles.

Moving expenses do not include any additions, improvements, alterations or other structural changes in connection with moving personal property, except where required by law.

Because a claim must be filed before any moving payment can be made, be certain that the move will be proper and eligible for payment by contacting

your Relocation Advisor BEFORE any action is taken to move or hire a mover.

ELIGIBILITY REQUIREMENTS.

An occupant of a dwelling unit may claim moving expenses by either of the following methods:

- a. A fixed payment amount based on a room count of the Agency's acquired dwelling you move from.
- b. Actual cost of moving by a qualified commercial moving company.

Your Relocation Advisor will be glad to advise and help you select the method most advantageous to you.

LIMITATIONS.

Moving payments are limited to a distance of 50 miles. Charges for additional mileage are the responsibility of the person(s) being moved.

FIXED PAYMENT

In this method, payment is based on the number of rooms in the dwelling moved from, exclusive of bathrooms. Eligible rooms are those normally used by the occupant(s) for the accommodation of personal property and are generally limited to the living room, dining room, kitchen, family room and bedroom(s).

This benefit has nothing to do with actual costs of moving and requires no proof of expenses. It is particularly suitable for occupants who wish to move themselves.

If the Fixed Payment method is chosen the following schedule applies if the household furniture or equipment is owned by the displaced person or family:

1 Room	\$450	6 Rooms.....	\$1,250
2 Rooms	\$600	7 Rooms.....	\$1,450
3 Rooms	\$750	8 Rooms.....	\$1,600
4 Rooms	\$850	Each additional room.....	\$150
5 Rooms	\$1,050		

If the landlord owns the household furniture or equipment and the displaced person or family provides none or only a few furnishings of the household, payment will be as follows:

First Room.....	\$300
Each Additional Room.....	\$50

ACTUAL MOVING COST METHOD USING A COMMERCIAL MOVER.

This option provides for payment of actual reasonable expenses of moving up to a distance of 50 miles. It assumes the use of a qualified commercial mover who may be paid either directly by the Agency or the displacee.

The mover to be used is selected by a bid process accomplished by the Agency. Please NOTE, you do not have to use the low bidder selected by the Agency; however, payment to reimburse you or payment directly to any other mover you select will be limited to the amount of the lowest acceptable bid obtained by the Agency.

Moving expenses in this option may also include reimbursement to the displacee for reasonable reconnection of items such as appliances, telephones and cable television. Please consult with your Relocation Advisor about eligible costs.

Before any moving payments can be made or authorized, the relocatee must have filed the proper claim with the Agency. Therefore, you should contact your Relocation Advisor three to four weeks in advance of your moving date. Payments takes about four weeks to process after the claim is filed and cannot be made until after the move has been completed. If this procedure should create a hardship for you, please explain the situation to your Relocation Advisor to see if a special payment can be arranged.

ELIGIBILITY REQUIREMENTS.

- a. Occupy a dwelling unit acquired by the Agency for a public purpose prior to and at the date of possession of the dwelling unit by the Agency.
- b. Vacate the dwelling unit as a result of the Agency acquisition.
- c. File a claim.

C. PURCHASE DIFFERENTIAL PAYMENT.

An eligible owner-occupant of a dwelling unit who meets all requirements is entitled to receive a payment representing the difference, if any, between the price the Agency paid for their home and the price required to purchase a functionally comparable decent, safe and sanitary dwelling. This is not extra compensation for the improvement acquired by the Agency, but a housing supplement to assist in purchasing an available, comparable replacement home.

A decent, safe and sanitary dwelling is one which meets local building, housing and occupancy codes and meets minimal State and Federal requirements. The Agency will arrange for the home you are considering purchasing to be inspected for conformance to these standards. REMEMBER, your replacement home must be inspected for and comply

with decent, safe and sanitary standards before relocation payments can be applied toward its purchase.

A study will be made to find the market selling price of a decent, safe and sanitary dwelling which is functionally comparable to the dwelling unit acquired by the Agency. If the price the Agency pays you for your home is lower than the price found by the study, the difference will be the maximum housing supplement available to you. The final amount of the supplement will be computed based on the amount you actually pay for the replacement home, but will not be more than the maximum determined by the Agency study.

ELIGIBILITY REQUIREMENTS.

- a. Own and occupy a dwelling unit acquired by the Agency for a public purpose for 180 days or more prior to and at the time of the Agency's first written offer to purchase your home.
- b. Vacate the dwelling unit as a result of the Agency acquisition.
- c. The Agency has obtained legal possession of your property or escrow has closed on the purchase of your property.
- d. Purchase a decent, safe and sanitary replacement dwelling within one year of vacating.
- e. File a claim.

D. INCIDENTAL COSTS OF PURCHASE PAYMENT.

An eligible owner-occupant of a dwelling unit who meets all requirements is entitled to payment of their non-reoccurring closing costs incurred in the purchase of a decent, safe, and sanitary replacement dwelling. These costs include items such as title insurance, points, recording fees, escrow fees, and notary fees. These costs are further defined as "one-time charges" and **DO NOT** include property taxes, dwelling insurance, interest charges, and other similar types of costs.

ELIGIBILITY REQUIREMENTS.

- a. Own and occupy a dwelling unit acquired by the Agency for a public purpose for 90 days or more prior to and at the time of the Agency's first written offer to purchase your home.
- b. Vacate the dwelling unit as a result of the Agency acquisition.
- c. The Agency has obtained legal possession of your property or escrow has closed on the purchase of your property.

- d. Purchase a decent, safe and sanitary replacement dwelling within one year of vacating. (Benefit limited to non-reoccurring closing costs as defined by law.)
- e. File a claim.

E. INTEREST DIFFERENTIAL PAYMENT.

An eligible owner-occupant of a dwelling unit who meets all requirements is entitled to payment of the "additional interest costs" incurred in the purchase of a comparable decent, safe, and sanitary dwelling. The amount of this benefit is derived by means of a mathematical formula. The intent is to relieve the burden of a higher interest rate. Essentially it is that amount of money necessary to reduce your new loan to a point where the monthly payment you have to make (principal and interest) is the same as that which you were paying on the loan on the property acquired by the Agency for the remaining term of your old loan. The aggregate cost of the purchase differential, incidental costs, and interest differential payments **MAY NOT EXCEED \$22,500.**

ELIGIBILITY REQUIREMENTS.

- a. Own and occupy a dwelling unit acquired by the Agency for a public purpose for 180 days or more prior to and at the time of the Agency's first written offer to purchase your home.
- b. Vacate the dwelling unit as a result of the Agency acquisition.
- c. The Agency has obtained legal possession of your property or escrow has closed on the purchase of your property.
- d. There is an outstanding loan balance on your dwelling when acquired by the Agency.
- e. Purchase a decent, safe and sanitary replacement dwelling within one year of vacating.
- f. There is a loan balance on your replacement dwelling carrying higher interest rate than the loan on your home acquired by the Agency.
- g. File a claim.

III. RELOCATION BENEFITS FOR TENANTS.

Benefits for tenant occupants of a dwelling unit are divided into two (2) categories. Which category you are in is dependent on an occupancy time requirement.

Benefits for tenant occupants of a dwelling unit are divided into two (2) categories. Which category you are in is dependent on an occupancy time requirement.

A. Benefits available for tenants in occupancy for 90 days or more prior to the first written offer to purchase the property.

1. Relocation Advisory Assistance
2. Moving Cost Payment
3. A Rental Supplement Payment
or
4. A Down Payment Benefit Payment.

B. Benefits available for tenants in occupancy for less than 90 days prior to the first written offer to purchase the property.

1. Relocation Advisory Assistance
2. Moving Cost Payments.

NOTE: Benefits payments as stated in "A" may be available to tenants in this category under provisions of "Last Resort Housing." Your Relocation Advisor will assist you in determining your eligibility, if any, under Last Resort Housing procedures.

A. RELOCATION ADVISORY ASSISTANCE.

Relocation Advisory Assistance is a service provided to all owner or tenant occupants of the project area by the Agency's Relocation Staff. It is designed to help you find a replacement dwelling unit. No money payments are made under this program.

ELIGIBILITY REQUIREMENT.

Occupy a dwelling unit acquired by the Agency for a public purpose.

B. MOVING COST PAYMENTS.

Moving payments are designed to help pay the expenses encountered when you move from your home. In general, moving expenses included all the regular and normal costs of the following services:

- Dismantling
- Crating, uncrating
- Loading, unloading
- Disconnecting and reconnecting appliances
- Packing, unpacking
- Insurance
- Transportation for 50 miles.

An occupant of a dwelling unit may claim moving expenses by either of the following methods:

- a. A fixed payment amount based on a room count of the Agency's acquired dwelling unit you move from.

b. Actual cost of moving by a qualified commercial moving company.

FIXED PAYMENT

In this method, payment is based on the number of rooms in the dwelling moved from, exclusive of bathrooms. This benefit has nothing to do with actual costs of moving and requires no proof expenses. The following schedule applies if the household furniture or equipment is owned by the displaced person or family:

1 Room	\$450	6 Rooms.....	\$1,250
2 Rooms	\$600	7 Rooms.....	\$1,450
3 Rooms	\$750	8 Rooms.....	\$1,600
4 Rooms	\$850	Each additional room.....	\$150
5 Rooms	\$1,050		

If the landlord owns the household furniture or equipment and the displaced person or family provides none or only a few furnishings of the household, payment will be as follows:

First Room.....	\$300
Each Additional Room.....	\$50

ACTUAL MOVING COST METHOD USING A COMMERCIAL MOVER.

This option provides for payment of actual reasonable expenses of moving up to a distance of 50 miles. It assumes the use of a qualified commercial mover who may be paid either directly by the Agency or the displacee.

The mover to be used is selected by a bid process accomplished by the Agency. Please NOTE, you do not have to use the low bidder selected by the Agency; however, payment to reimburse you or payment directly to any other mover you select will be limited to the amount of the lowest acceptable bid obtained by the Agency.

Moving expenses in this option may also include reimbursement to the displacee for reasonable reconnection of items such as appliances, telephones and cable television. Please consult with your Relocation Advisor about eligible costs.

Before any moving payments can be made or authorized, the relocatee must have filed the proper claim with the Agency. Therefore, you should contact your Relocation Advisor three to four weeks in advance of your moving date. Payments takes about four weeks to process after the claim is filed and cannot be made until after the move has been completed. If this procedure should create a hardship for you, please explain the situation to your Relocation Advisor to see if a special payment can be arranged.

ELIGIBILITY REQUIREMENTS.

- a. Occupy a dwelling unit acquired by the Agency for a public purpose prior to and at the date of possession of the dwelling unit by the Agency.
- b. Vacate the dwelling unit as a result of the Agency acquisition.
- c. File a claim.

C. RENTAL SUPPLEMENTAL PAYMENT.

A Rental Supplemental Payment is the amount, if any, determined by your Relocation Advisor which equals up to 48 times the difference between:

- a. The monthly amount necessary to rent a decent, safe, and sanitary replacement dwelling functionally comparable to your former living unit;
- and
- b. The monthly rent of your former living unit at the time it was purchased by the Agency.

The calculated utility-adjusted rental supplement, when added to the amount of your present monthly utility-adjusted rent, will enable you to rent decent, safe and sanitary housing for up to 48 months. Your Relocation Advisor will calculate and inform you in writing of the amount of payment for which you are eligible.

You are not required to rent accommodations comparable to your former home to qualify for this supplement. Comparability is simply the standard used to determine the maximum amount you may be entitled to claim. However, your replacement accommodations must pass the decent, safe and sanitary test. The Agency will arrange for an inspection of any applicable decent, safe and sanitary standards in order for you to be eligible for rental supplemental payments.

You may file a claim for a rental supplemental payment any time after you have rented a decent, safe and sanitary dwelling unit. However, you must file your claim not later than 18 months after the date on which you vacated your former dwelling. **THIS PAYMENT MAY NOT EXCEED \$5250.**

A decent, safe and sanitary dwelling is one which meets local building, housing and occupancy codes, and meets minimal State and Federal requirements. The City will arrange for the home you are considering purchasing or renting to be inspected for conformance with decent, safe and sanitary standards. **REMEMBER**, a replacement home must be inspected before relocation payments can be applied toward its purchase or rental.

D. DOWN PAYMENT BENEFIT.

This payment is designed to help you make a down payment on the purchase of a replacement dwelling. The amount of the payment is determined by the Agency and is limited by the law. There are two groups of people who are eligible for this payment:

- a. Renters who have lived in a residence purchased by the Agency for 90 consecutive days or more immediately preceding the first date the written offer to purchase was made to the owner;
- or
- b. Owners who have lived in the residence purchased by the Agency at least 90 days, but less than 180 consecutive days immediately preceding the first written offer.

Tenants or owners who choose to purchase a decent, safe, and sanitary home, may receive the amount necessary to make the down payment on a decent, safe, and sanitary home, but not more than \$5250 from the Agency.

The amount of the down payment replacement housing payment is the same as your rental supplemental payment. Included as part of your down payment benefit are amounts required to be paid by the purchaser as points, loan origination, loan service recording fees, etc., if such fees are normal to real estate transactions. The Agency will pay most non-reoccurring closing costs. Fire insurance, property taxes and other expenses determined to be reoccurring will not be participated in. Your Relocation Advisor can provide you with the particulars. **THIS OVERALL PAYMENT, INCLUDING DOWN PAYMENT AND INCIDENTAL COSTS, MAY NOT EXCEED \$5,250.**

IV. MOBILE HOMES.

Mobile homes present a unique situation. In many instances the mobile home is actually owned by the occupant but rents the pad or lot on which it is located. As a result the calculation of benefits is more complex. If the mobile home is owned by the occupant, similar purchase differential benefits to the homeowner would accrue. If the pad or lot is rented a supplemental pad rent entitlement could be available. Moving of personal property will be dependent upon if the mobile home is physically moved or purchased by the Agency and a replacement unit is purchased.

If you are the owner or tenant of a mobile home unit your Relocation Advisor will discuss specifically how the Relocation Assistance Program benefits apply to your situation.

A. MOVING EXPENSES.

Where the displaced person is the tenant-occupant of a mobile home who moves their personal property, payments is based on either the room count schedule method or actual moving cost method described previously.

This moving procedure discussed above is used for the move of a mobile home and its contents and may be used for a move of its contents only. A mobile home move also includes the move and reinstallation of any attached appurtenances, such as porches, siding, decks and awnings not acquired. It may also include park entrance fees.

B. REPLACEMENT HOUSING PAYMENTS.

PURCHASE DIFFERENTIAL

Purchase differential, incidental costs and interest differential benefits are available to owners of mobile homes. Because of the nature of typical mobile home ownership, the benefit calculations become extremely complicated. Your Relocation Advisor will need as much time as possible and your cooperation to ensure timely calculation, coordination and payment.

RENTAL SUPPLEMENT

The rental supplement payment and/or the down payment benefit are available to tenants in mobile homes.

Owner occupants of mobile homes would be entitled to supplemental rental payments if the costs of a replacement rental lot/pad is greater than the rate of the lot/pad at the displacement location.

ELIGIBILITY REQUIREMENTS.

RELOCATION ADVISOR ASSISTANCE.

Occupy a dwelling unit acquired by the Agency for a public purpose.

MOVING COSTS.

- a. Occupy a dwelling unit acquired by the Agency for a public purpose prior to and at the date of possession of the dwelling unit by the Agency.
- b. Vacate the dwelling unit as a result of the Agency acquisition.
- c. File a claim.

RENTAL SUPPLEMENT.

- a. Occupy a dwelling unit for 90 days or more prior to and at the time of the Agency's first written offer to purchase the property.
- b. Vacate the dwelling unit as a result of the Agency acquisition.
- c. The Agency has legal possession of the property.

- d. Rent a decent, safe and sanitary replacement dwelling within one year of vacating for more than the average rent you were paying for the three month period prior to vacating. This benefit is limited to the maximum amount established by the rental housing valuation study prepared by the Agency on your behalf.
- e. File a claim.

DOWN PAYMENT.

- a. Occupy a dwelling unit acquired by the Agency for a public purpose for 90 days or more prior to and at the time of the Agency's first written offer to purchase.
- b. Vacate the dwelling unit as a result of the Agency acquisition.
- c. The Agency has legal possession of the property.
- d. Purchase decent, safe and sanitary replacement dwelling within one year of vacating. This benefit is limited to the amount as computed by formula and based upon a down payment valuation study prepared by the Agency on your behalf.
- e. File a claim.

V. LAST RESORT HOUSING.

Last Resort housing is a procedure wherein the Agency, based on rigorous additional documentation, may exceed the \$5,250 and \$22,500 monetary limits stated previously. This procedure also provides other replacement options such as direct purchase or construction of replacement property; but, only upon certification of special needs and/or circumstances. The procedure also contains additional requirements you, the owner or tenant, must comply with. Your Relocation Advisor will inform you if your situation falls within Last Resort Housing and will describe the requirements at that time.

VI. APPEALS.

If you have been denied a payment which you think you should receive, or if you believe the amount was not correctly computed, or feel replacement housing inadequate, you should contact your Relocation Advisor. Your Relocation Advisor will provide you with information regarding the appeal procedure.

Your appeal is an administrative process. It will be heard first by the Redevelopment Agency Administrator, who will issue a written decision. If you are dissatisfied after review of your case by the Agency, you may appeal the decision to the Relocation Appeals Board. You and/or your attorney may present your case at any level of appeal. You also have the right to judicial review of the final administrative appeal.

You may receive payment for the Agency calculated amount with no effect on your right to appeal for any additional amount. Your necessary and reasonable expenses will be paid if you must travel over 25 miles to an appeal hearing. However, **NO** attorney's fees or expenses will be paid by the Agency.

VII. ADDITIONAL INFORMATION.

No person eligible for relocation payments and who lawfully occupies real property required for a project will be asked to move without first being given at least 90 days advance notice in writing. No occupant of any type of dwelling eligible for relocation payments will be required to move unless appropriate decent, safe and sanitary replacement housing, which is open to all persons regardless of race, color, religion, sex or national origin, has been made available to them by the Agency or they have secured housing for themselves. Notwithstanding the above, if you elect to remain in your home as a tenant of the Agency subsequent to the Agency's purchase, you may be evicted for the following reasons **WITHOUT** 90 days advance notice:

- a. Failure to pay rent, except for just cause.
- b. Performance of a dangerous or illegal act in the unit.
- c. Material breach of the rental agreement and failure to correct same within 30 days notice.
- d. Maintenance of a nuisance and failure to abate same within a reasonable time following notice.
- e. The eviction is required by State Law, County Ordinance or City Code, and cannot be prevented by reasonable efforts on the part of the public entity.

Additional information regarding the Relocation Assistance Program can be obtained from your Relocation Advisor.

IMPORTANT NOTICE

By law, relocation payments are not considered as income for the purpose of personal income tax laws. Furthermore, these payments are not considered income or resources to persons who receive welfare or public assistance payments. Relocation benefit payments are also generally not subject to attachment for payment of debt or liens. If any problem arises regarding this, please notify your Relocation Advisor who will assist you in determining your liability.

A. DECENT, SAFE AND SANITARY INSPECTION.

The decent, safe and sanitary inspection of the replacement residence that will be conducted by Agency personnel is for the sole purpose of

determining your eligibility for a relocation payment. You must not interpret the Agency's approval of a residence as providing guarantee that there are no deficiencies in the residence or in its fixtures and equipment which may be discovered at a later date. It is your responsibility to protect your best interest and investment in the purchase or rental of your replacement residence. You must clearly understand that the Agency assumes no responsibility or liability for structural, mechanical, legal or other unforeseen problems which may be discovered after the inspection has been conducted.

B. COMPARABILITY.

A comparable replacement dwelling is defined as one that is: 1) decent, safe and sanitary; 2) adequate in size to accommodate the occupants; 3) in the case of a renter occupant within their financial means (the rent in the replacement unit does not exceed 25% of the person's average monthly income); 4) comparable with respect to the number of rooms, habitable space and type and quality of construction; 5) in an area not subject to unreasonable adverse environmental conditions; and 6) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.

Your Relocation Advisor is:

EXHIBIT B

**RECEIPT FOR RELOCATION ASSISTANCE PROGRAM
OF RESIDENTIAL BENEFITS BOOK**

**Acknowledgement
Acuso**

I certify that I have been given a copy of the City of East Palo Alto's Residential Relocation Benefits Book.

Yo certifico que se me ha dado una copia de la libro de los beneficios de Reubicación Residencial de la Ciudad de East Palo Alto.

**Name
(Nombre)**

**Address
(Dirección)**

**Date
(Fecha)**

EXHIBIT C

BUSINESS RELOCATION ASSISTANCE HANDBOOK

BUSINESS RELOCATION ASSISTANCE HANDBOOK

**REDEVELOPMENT AGENCY
OF THE
CITY OF EAST PALO ALTO**

AUGUST 1993

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INTRODUCTION

What right does any Public Agency have to acquire private property?

The Redevelopment Agency of the City of East Palo Alto ("Agency") has certain powers which are necessary for it to operate effectively. For example, state and local governments have the power to acquire and/or assemble private property for public purposes. This is known as the power of eminent domain. The power of eminent domain is exercised through the process known as condemnation.

The rights of each U.S. citizen are protected, however, by the Fifth and Fourteenth Amendments of the U.S. Constitution, by the State Constitution and by California Government Code. Eminent Domain laws provide that if a public agency purchases private property it must pay "just compensation" to the owner. In addition, affected property owners, residential tenants, business operators and non-profit organizations may be eligible for relocation benefits as specified in Federal and State legislation.

The Agency complies with State of California Real Property Acquisition and Relocation Assistance Laws which provide property occupants displaced by Agency projects certain benefits and protection -- much of which is outlined in this brochure.

It is the policy of the Agency to acquire property for projects without the use of condemnation unless that alternative is in the best interests of the Agency.

This brochure is a general description of the Relocation Assistance Program and benefits that are available to business entities displaced as a result of Agency redevelopment projects. It is not intended as a complete statement of all the State and Federal laws and regulations which, if not complied with, could cause loss of or reduction in the amount of relocation benefits a person might otherwise receive. Loss of eligibility could occur if you sell or move from your property without first contacting your Relocation Advisor.

I. RELOCATION SERVICES.

The Redevelopment Agency of the City of East Palo Alto ("Agency") has two programs to aid businesses, farms and non-profit organizations which must relocate. These are:

1. The Relocation Advisory Assistance Program. This program will aid you in locating a suitable replacement property and provide support and administrative services.
2. The Relocation Payments Program. This program will reimburse you for certain costs involved in relocating.

Both of these programs are briefly described in this brochure so that you may know the benefits which you may be entitled to receive and how they are obtained. The Relocation Advisor assigned to the project is available to explain the programs and to assist you. You may obtain this assistance by writing, phoning or visiting her at the address on the last page of this brochure.

II. ELIGIBILITY FOR BENEFITS.

Every business owner operator or tenant who is in "lawful occupancy" AND who occupied the premises at the time of the first written offer to acquire the property AND whose business, farm or non-profit organization will be displaced from the Agency acquired property as a result of an Agency project is protected under the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act) or corresponding State Legislation or both.

The law requires in part that no lawful occupant shall be required to move unless he/she has received at least a 90 day advanced written notice of the date on which he or she may be required to move.

CAUTION

Relocation legislation establishes strict eligibility requirements for owners and tenants. To receive payment for a particular benefit as either an owner or tenant, you must satisfy ALL the requirements for that particular benefit payment.

III. RELOCATION ADVISORY ASSISTANCE.

Relocation Assistance means the Agency Relocation Advisor will assist you in finding a replacement business location. The Relocation Advisor will work with each displacee for this purpose. The Advisor will assist you in finding properties being offered for sale or rent that are suitable in condition, price or rental range. Also available is information concerning the services offered by other agencies. The Relocation Advisor is your principal contact in all matters concerning the Agency relocation programs and procedures.

Following are some examples of the areas in which your Relocation Advisor can help you:

1. Assist in filing claims forms for the various types of relocation payments.
2. Provide information on the availability, size, prices, and locations of comparable commercial, industrial, or farm property including referrals to real estate brokers who may be able to assist in obtaining suitable property.
3. Serve as a source of advice during the relocation process; refer you to outside sources as necessary.
4. Provide information relative to zoning ordinances, public transportation and other economic and general information which may assist the business owner or tenant.
5. Provide information concerning federal, state and conventional business loan programs. Assist and/or refer you to the Small Business Administration or other organization(s) designed to assist businesses.

IV. WHAT RELOCATION BENEFITS ARE AVAILABLE.

A. To a Business:

1. Relocation Assistance
2. Moving Cost Payments
3. Small Business Reestablishment Payment
4. Alternative Moving Cost Payment
 - a. Low value-high bulk personal property
 - b. Loss of tangible personal property
5. Search Cost Payments
or
6. "In Lieu" Payment.

B. To a Farm:

Same as for a business.

C. To a Non-Profit Organization:

Same as for a business.

V. REQUIREMENTS TO OBTAIN BENEFITS.

The major requirements for each benefit are included in Section VI below. However, they are not all inclusive. Please consult your Relocation Advisor about additional requirements, if any, to insure that you have fully complied before you vacate.

VI. THE RELOCATION PAYMENTS PROGRAM.

Relocation payments to businesses, farms and non-profit organizations consist entirely of moving costs and moving related expenses. These various types of payments are described in more detail in the following pages. Relocation payments DO NOT cover costs such as downtime, goodwill or higher rents or purchase prices and similar items.

A. PAYMENT FOR ACTUAL REASONABLE MOVING AND ASSOCIATED MOVING COSTS.

In general, moving expenses include all the regular and normal costs of services such as the following:

- Dismantling
- Crating, uncrating
- Loading, unloading
- Disconnecting and reconnecting appliances
- Packing, unpacking
- Insurance
- Transportation for 50 miles.

Also included is payment for such items as stationary reprinting, telephone reinstallation, burglar and fire alarm system reinstallation if not purchased by the Agency and moving and reconnection costs of other specialty equipment or systems not purchased by the Agency.

Moving payments are generally made after the move is completed and the premises are left clean and orderly. Payment typically takes four weeks to process from receipt of a signed claim form.

LIMITATION.

Moving transportation payments are limited to a distance of 50 miles. Charges for additional mileage are the responsibility of the business being moved.

MOVING OPTIONS.

For payment of moving expenses, the business, farm or non-profit organization may claim payment under the following options:

Option 1. ACTUAL COST OF A COMMERCIAL MOVER

The business operator may elect to have the moving job done by a qualified commercial mover. In this event, the Agency will work with you in obtaining moving bids and arranging the move. The Agency can arrange to pay the mover directly.

Option 2. SELF-MOVE BASED ON BIDS

Instead of using a commercial mover, the business operator may wish to do the moving. In this event, the Agency will negotiate with the business operator on a moving payment not to exceed the lower of at least two (2) moving bids. No further documentation is required. No additional costs can be added to the self-move payment to cover the operator's time, downtime to the business or overtime costs.

Option 3. SELF-MOVE BASED ON RECEIPTS

If the operator and/or the Agency cannot obtain bids, the business operator may instead choose to do all the moving, disconnecting, reconnecting, etc., by him/herself or contract out privately to have others do all or some of the work. The business operator may then present the Agency with receipts and claim reimbursement on eligible items. No additional costs can be added for downtime to the business or for overtime costs.

ELIGIBILITY REQUIREMENTS.

In order to be eligible for the payments described above, the following conditions and process must be adhered to:

1. Be in lawful occupancy of a business property to be acquired by the Agency at the time the Agency makes the first written offer to acquire the property.
2. Prepare a certified inventory of the items to be moved.
3. Cooperate with the Agency in obtaining at least two (2) written moving bids.
4. a. Accept a move by the low bidder.
or
b. Coordinate a self-move on the basis of the low bid.
5. Give the Agency reasonable notice of your move date.
6. Vacate the property.
7. File a claim.

B. SMALL BUSINESS REESTABLISHMENT EXPENSES.

A small business, farm or non-profit organization may receive a payment, not to exceed a total of \$10,000, for expenses incurred in reestablishing such small

business, farm or non-profit organization. Such expenses must be reasonable and necessary and may include the following:

1. Repairs or improvements to the replacement property required by law, code or ordinance.
2. Exterior sign costs.
3. Bringing in utilities from the right of way to the replacement site improvements.
4. Redecoration or replacement of soiled or worn surfaces of the replacement location.
5. Feasibility surveys, soil testing and marketing studies.
6. Advertisement of the replacement location.
7. Increased costs of operation at the replacement site.

ELIGIBILITY REQUIREMENTS.

1. Be in lawful occupancy of a business property to be acquired by the Agency at the time the Agency makes the first written offer to acquire the property.
2. Keep accurate records of costs, expenses, fees, etc., incurred in reestablishing your business at the replacement location.
3. Vacate the premises acquired by the Agency.
4. File a claim.

C. PAYMENT FOR LOW VALUE-HIGH BULK PERSONAL PROPERTY.

When a business operator elects to retain and move personal property which has low value and high bulk such as stockpiled sand, gravel, minerals, metals or similar items, payment for actual reasonable moving expenses may not exceed the cost of replacing that property at the relocation site minus the amount which it could be sold at the displacement site.

ELIGIBILITY REQUIREMENTS.

1. Be in lawful occupancy of a business property to be acquired by the Agency at the time the Agency makes the first written offer to acquire the property.
2. Prepare a certified inventory of the low value-high bulk items/materials.

3. Cooperate with the Agency in obtaining at least two (2) written moving bids.
4. Cooperate with the Agency in obtaining replacement and sales value of the low value-high bulk items/materials.
5. Vacate the property.
6. File a claim.

D. PAYMENT FOR LOSS OF TANGIBLE PERSONAL PROPERTY.

A business may claim payment for actual direct loss of tangible personal property as a result of moving or discontinuing a business operation, but not in an amount to exceed the cost of moving the same.

Actual direct losses of tangible personal property are allowed when a person who is displaced from a place of business is entitled to relocate such property in whole or in part, but elects not to do so.

Payment is computed on the basis of the lesser of:

1. The replacement cost of the item not moved minus the net proceeds of the sale.
or
2. The difference between the depreciated value in place of the item and net proceeds of the sale.
or
3. The estimated cost of moving the item.

The sales prices, if any, and the actual, reasonable costs of advertising and conducting the sale shall be supported by a copy of the bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records or other data supporting the bona fide nature of the sale.

When personal property is abandoned with no effort being made by the owner to dispose of such property, the owner will not be entitled to claim moving expenses or losses for the items involved.

ELIGIBILITY REQUIREMENTS.

1. Be in lawful occupancy of a business property to be acquired by the Agency at the time the Agency makes the first written offer to acquire the property.
2. Be eligible to receive payment for actual and reasonable moving expenses.
3. Enter into a written agreement with the Agency electing this method of payment, and agreeing that the personal property specifically described is not to be moved.

4. Make a reasonable effort to sell the described personal property.
5. Vacate the property.
6. File a claim.

E. PAYMENT FOR SEARCH COSTS.

A business may claim actual reasonable expenses in looking for a replacement business site. Payment for searching expenses may not exceed \$1,000.

Search expenses may include transportation expense, meals, lodging away from home, fees paid to a real estate agent or broker to locate a property and the reasonable value of time actually spent in searching.

All expenses claimed must be supported by receipts or other applicable documentation. Payment for time shall be based on the average hourly wage for the person(s) conducting the search.

ELIGIBILITY REQUIREMENTS.

1. Be in lawful occupancy of a business property to be acquired by the Agency at the time the Agency makes the first written offer to acquire the property.
2. Keep accurate records of time, dates, expenses, locations, individuals contacted, etc., involved in the search.
3. Vacate the property.
4. File a claim.

F. IN LIEU PAYMENT.

Instead of actual moving expense payments as described above, a business may claim an amount equal to the average annual net earnings of the business, except that such payment shall not be less than \$1,000 nor more than \$20,000.

For a business to be eligible for this payment, the Agency must determine that:

1. The business cannot be relocated without a substantial loss of existing patronage (customers or net earnings); and
2. The business is not part of a commercial enterprise having more than one (1) other establishment which is not being acquired, is under the same ownership and which is engaged in the same or similar business; and
3. The business is not operated solely for the purpose of renting the site or dwelling(s) to others; and

4. The business contributes materially to the income of the displaced owner in the following manner:
 - a. Had average annual gross receipts of at least \$5,000 in value; or
 - b. Had average annual net earnings of at least \$1,000 in value; or
 - c. Contributed at least 33 1/3% of the average gross annual income of the owner(s) including income from all sources.

Average annual net earnings are those earnings before federal, state or local income taxes, generally during the two taxable years immediately preceding the taxable year in which the business is displaced.

Certified copies of income tax returns will be used as a means of establishing net earnings.

Any amount the business receives as a goodwill payment must be deducted from any In Lieu payment to be received or vice-versa.

ELIGIBILITY REQUIREMENTS.

1. Be in lawful occupancy of a business property to be acquired by the Agency at the time the Agency makes the first written offer to acquire the property.
2. Request an In Lieu payment.
3. Provide the Agency with two (2) years appropriate income data.
4. Vacate the property.
5. File a claim.

G. UTILITY FACILITY RELOCATION PAYMENT.

Should an Agency project require the relocation of a utility facility (power, gas, water or telephone lines; power, water, sewage plants, etc.) payment of "extraordinary expenses" may be paid to the owner. "Extraordinary expenses" are defined as those expenses which are not routine or predictable and which are not ordinarily budgeted as operating expenses. Any such payment shall not exceed the cost to functionally restore the service disrupted and shall be pursuant to PRIOR written agreement between the Agency and the utility facility owner. Any such payment shall be only if there is no other Federal law, other than the Uniform Act, or State or local law which clearly establishes a policy for the payment of utility moving costs.

ELIGIBILITY REQUIREMENTS.

1. Be in lawful occupancy of a Utility Facility to be acquired by the Agency at the time the Agency makes the first written offer to acquire the property.
2. Encounter "extraordinary expenses" in relocating the facility.
3. Relocation of the utility facility is required for the primary purpose of the project.
4. There is no other Federal, State or local law, other than the Uniform Act, which clearly establishes payment of utility moving costs required by the project.
5. Keep accurate records costs, expenses, materials, salvage values, etc., as a result of the utility facility relocation.
6. Vacate the premises acquired by the Agency.
7. File a claim.

VII. INELIGIBLE MOVING AND RELATED COSTS.

The following moving and related cost items are specifically excepted from payment under Relocation Law:

1. The move of any structure or other real property in which you have reserved ownership.
2. Interest on a loan to cover moving expenses.
3. Loss of goodwill.
4. Loss of profits.
5. Loss of trained employees.
6. Additional operating expenses, except as otherwise provided.
7. Personal injury.
8. Any legal fee or cost incurred for preparing a relocation claim or for representing you before the Agency.
9. Physical changes to real property at the replacement location, except as otherwise provided.
10. Costs for storage of personal property on real property already owned or leased by you.

VIII. APPEALS.

If you have been denied a payment which you think you should receive, or if you believe the amount of a payment was insufficient or not correctly computed, you should contact your Relocation Advisor. Your Relocation Advisor will provide you with information regarding the appeal procedure.

Your appeal is an administrative process. It will be heard first by the Redevelopment Agency Executive Director, who will issue a written decision. If you are dissatisfied after review of your case by the Agency, you may appeal the decision to the Relocation Appeals Board. You and/or your attorney may present your case at any level of appeal. You also have the right to judicial review of the final administrative appeal.

If you are a tenant, appeals must be filed no later than 18 months after you vacate the acquired premises. If you are an owner, an appeal must be filed within 18 months of the later of:

1. The date on which the Agency has made its final payment of all costs for the acquired property, or in the case of condemnation, the date the required amount is deposited in court; or
2. The date you vacate the acquired property.

You may accept the amount of your claim the Agency agreed to pay with no effect on your right to appeal for any additional amount.

Your necessary and reasonable expenses will be paid if you must travel over 25 miles to an appeal hearing. However, **NO** attorney's fees or expenses will be paid by the Agency.

IX. ADDITIONAL INFORMATION.

No person eligible for relocation payments and who lawfully occupies real property required for a project will be asked to move without first being given at least 90 days advance notice in writing.

In the event you rent from the Agency after the Agency's purchase, you may be evicted for the following reasons without 90 days advance notice:

- a. Failure to pay rent, except for just cause.
- b. Performance of a dangerous or illegal act on the premises.
- c. Material breach of the rental agreement and failure to correct same within 30 days notice.
- d. Maintenance of a nuisance and failure to abate same within a reasonable time following notice.

- e. The eviction is required by State Law, County Ordinance or City Code, and cannot be prevented by reasonable efforts on the part of the public entity.

Additional information regarding the Relocation Assistance Program can be obtained from your Relocation Advisor.

This brochure is a general description of the relocation assistance program and is not intended as a complete statement of all the State and Federal laws and regulations which, if not complied with, could cause loss of or reduction in the amount of relocation benefits a person might otherwise receive. Loss of eligibility may occur if you sell or move from your property without first contacting your Relocation Advisor.

IMPORTANT NOTICE

By law, relocation payments are not considered as income for the purpose of personal income tax laws. Furthermore, these payments are not considered income or resources to persons who receive welfare or public assistance payments. Relocation benefit payments are also generally not subject to attachment for payment of debt or liens. If any problem arises regarding this, please notify your Relocation Advisor who will assist you in determining your liability.

X. LEASE AND LEASEHOLD IMPROVEMENTS.

In some instances there may be a bonus value to a lease because of its lease rate and remaining term(s). This will be investigated and valued as part of the real property appraisal process.

The terms of the lease will determine who will receive the value of the tenant improvements. Typically fixed improvements such as floor coverings are judged a permanent part of the real estate and are part of the value offered to the property owner, not the tenant, unless otherwise stated in the lease.

Equipment and movable items, such as portable shelving and machinery are generally considered personal items belonging to the tenant. However, this depends on the provisions of the lease. The Agency is responsible for relocation of all remaining tenant owned items not considered part of the real property or belonging to the owner of the real property.

XI. GOODWILL.

Loss of goodwill is a compensable item as part of the Eminent Domain process. However, it is not a component of the Relocation Assistance payment program. Business owners must be able to show that they have suffered a loss of gross income as a result of the move, based on the volume of dollars of gross sales. If a business is not able to relocate at all, there is also a provision for potential payment of goodwill.

Your Relocation Advisor is:

**Linda Norwood
Relocation Consultant
3315 San Felipe Road, Suite 60
San Jose, CA 95135
(408) 270 - 3616**

EXHIBIT D

RECEIPT FOR BUSINESS RELOCATION ASSISTANCE HANDBOOK

**Acknowledgement
Acuso**

I certify that I have been given a copy of the City of East Palo Alto's Business Relocation Benefits Book.

Yo certifico que se me ha dado una copia de la libro de los beneficios de Reubicación de Negocios de la Ciudad de East Palo Alto.

**Name
(Nombre)**

**Address
(Dirección)**

**Date
(Fecha)**

EXHIBIT E

RESIDENTIAL QUESTIONNAIRE

RESIDENTIAL QUESTIONNAIRE

Project _____

Address: _____ Apt./Rm. Number _____

City: _____ Zip Code _____

Name-Respondent _____ Relationship to HOH _____

Phone: Home _____ Work () _____ Head of Household
() _____ Other _____

1. Occupant is: a renter _____ an owner _____?
 Unit is primary residence of occupant Yes _____ No _____
 Occupant is part time resident Yes _____ No _____

2. Residence is a:

Single Family Detached Home _____ Cottage _____ Single-Family Attached Home _____ Duplex _____
 Apartment: 3-4 units _____ 5+ Units _____ Condominium _____ SRO _____
 Sleeping room/share rental _____ Hotel-Motel _____

Mobil Home _____ Own Pad _____ Rent Pad _____ Mo. PAD Rent \$ _____
 Travel Trailer _____ Own Unit - Yes _____ No _____

Size of Lot: 0-3,500 [] _____ 3,501-5,000 [] _____ 5,001-20,000 [] _____ 20,001-43,560 [] _____
 1-5 AC _____ 5+ AC _____

3. Dwelling unit rooms/facilities:

Living Room _____ Bedroom _____ Den _____ Outside Storage _____
 Dining Room _____ Bathrooms _____ Laundry _____ Kitchen _____ Family _____
 Basement FU _____ Other _____ Other _____

How many total rooms? _____ D.S.& S.BR _____ Furnished Yes _____ No ~~XXXXXX Refrigerator XXXX~~ *

Other Buildings _____

Garage: 1 2 3 4 Carport: 1 2 3 4 Parking Space: 1 2 3 4

*Is your stove furnished? Yes _____ No _____

Is your refrigerator furnished? Yes _____ No _____

4. Household Occupants.

	Relation ship	Age	W	F	Work/School Location	Distance	Handicap/Disabl.
1.	M F		W S	F P			
2.	M F		W S	F P			
3.	M F		W S	F P			
4.	M F		W S	F P			
5.	M F		W S	F P			
6.	M F		W S	F P			
7.	M F		W S	F P			
8.	M F		W S	F P			
9.	M F		W S	F P			
10.	M F		W S	F P			

How many persons regularly live at this location? _____

5. Ethnic Group:

Caucasian _____ Hispanic _____ Black American _____ Asian _____
 American Indian _____ Asian Indian _____ Middle Eastern _____ Other _____

Female Head of Household Yes ___ No ___ Single Head of Household Yes ___ No ___

6. Household Language if other than English _____

7. How long have they lived: at address? _____ In this City? _____

8. If Renter:

Monthly rent? \$ _____ Is this market rent? Yes ___ No ___ Amount of Deposit \$ _____

Utilities included: All Water Garbage Cable TV Gas Electric None

9. Is rent subsidized? Yes No By whom? _____ Amount \$ _____

10. If Owner:

(Circle)
 What portion of 1st Mortgage is paid? 1/4 1/2 3/4 All

Interest Rate of 1st loan _____ Interest rate of 2nd loan _____ Home owner fees \$ _____

11. Utilities: Propane ___ Natural Gas ___ Electric ___ All Electric ___ Septic Tank ___ City Sewer ___ *

Well Water ___ Public Water ___

Average Monthly utility cost: Summer \$ _____ Winter \$ _____

12. Mode of transportation.

Bicycle ___ Bus ___ Car ___ Car pool ___ Motorcycle ___ Mass Transit ___
Ride with others ___ Walk ___ Other _____

13. How many vehicles owned by family? _____ Travel trailers _____ Boats _____

14. How many drivers in family? _____

15. Reason(s) for living at this location or moving here originally? (Rank)

High cost of housing elsewhere ___ Convenient to work ___ School District Schools ___
Convenient to shopping ___ Friends/Relatives in area ___ Like the house ___ Only place available ___
Church in area ___ Public transportation ___ Close to Medical ___ Close to Restaurants ___
Convenient for all Needs ___ Association with people in project area ___ Retirement Income ___

16. Source(s) of household income. (Rank)

Employment ___ Pensions ___ Sel Employment ___ Welfare ___ Family Subsidy ___
Social Security ___ AFDC ___ Unemployment ___ SSI ___
Other _____

17. Total household income.

\$ 0 to 250 per mo. _____ 251 to 500 per mo. _____ 501 to 750 per mo. _____ 751 to 1000 per mo. _____
1001 to 1250 per mo. _____ 1251 to 1500 per mo. _____ 1501 to 1750 per mo. _____ 1751 to 2000 per mo. _____
2001 to 2250 per mo. _____ 2251 to 2500 per mo. _____ 2501 to 2750 per mo. _____ 2751 to 3000 per mo. _____
3001 to 3500 per mo. _____ 3501 to 4000 per mo. _____ 4001 to 5000 per mo. _____ 5001 or more per mo. _____

_____/Month _____/Year

18. Will the entire household move as a unit? Yes (circle) No Who will not move with family? _____

19. Relocation location preference. Undecided _____

1 _____ 2 _____ 3 _____ 4 _____

20. Do they prefer to own or rent their replacement unit? Own (Circle) Rent

* Is your stove gas ___ or electric ___?

Is your heat gas ___ or electric ___?

21. What type of replacement unit do they prefer?

	<u>Own</u>	<u>Rent</u>
Single Family Dwelling	_____	_____
Duplex	_____	_____
Apartment	_____	_____
Condo/Townhouse	_____	_____
Share Rental-Rooming House	_____	_____
Mobile Home	_____	_____
Travel Trailer/RV	_____	_____
Hotel/Motel	_____	_____
SRO	_____	_____
Retirement Home	_____	_____
Other _____		

22. Need to remain in same school district

Which one(s)? _____

Need to be close to market? _____

Need to be close to public transportation? _____

Need to be close to your employment? _____

Need to be close to medical facilities? _____

Which one? _____

Need Affordable Housing _____

Place that Accepts Pets _____

Other _____

Yes No

23. How many pets in the Household? (Number of each)

Cats ____ Dogs ____ Birds ____ Horses ____ Other ____

24. Is there a business located in home? Yes (circle) No Contributes Materially Yes (circle) No

25. Special Problems.

Call Record

<u>Call</u>	<u>Date</u>	<u>Time</u>	<u>Outcome</u>
-------------	-------------	-------------	----------------

- 1.
- 2.
- 3.
- 4.

Interviewer _____ Interpreter _____

EXHIBIT F
BUSINESS SURVEY

BUSINESS SURVEY

Agency.....

Project.....

Parcel No.....

Date.....

Name of business _____

Address _____

Contact person _____ Phone () _____

Title/Position _____

Owner occupied _____

Tenant occupied _____

Minority ownership Yes No

Ethnic group _____

Company's principle type of business:

Manufacturing _____ Wholesale _____ Service _____ Retail _____ Non-profit _____ Farm _____

Company's product, service or process _____

Is this operation part of a chain? _____

Franchise? _____

Business Operation:

A. Number of persons employed at site: _____

B. Does firm employ any handicapped persons? Yes _____ No _____

How Many? _____

C. Ethnic composition of firm:

Hispanic _____ Black _____ Asian _____ Caucasian _____ Other _____

D. Lease _____ Month to Month _____ Renewal option _____

Monthly rate _____ Per square foot _____ Agreement terminates _____

Triple net/terms _____

E. How long has business been in existence? _____

Under present ownership? _____ At present location _____

Marketing:

A. Direct to public only? _____

B. Local _____ County _____ Regional _____ State _____ National _____ International _____

Physical features:

A. Facilities:

Square footage

Office

Retail

Warehouse

Manufacturing

Open storage/area

Other

TOTAL

B. Business improvements (owned by occupant):

Machinery

Yes _____ No _____

Walls, Partitions

Yes _____ No _____

Other

Yes _____ No _____

C. Special features or improvements (R&R, Dock, Alley, HD Electrical, Underground tanks, etc.):

D. Inventory/type of stock:

Relocation information:

A. Will business continue in operation and relocate? Yes _____ No _____

B. Will displacee lease _____ Purchase _____ a replacement site?

C. Relocation will be:

Within immediate area _____ Within City _____ Other _____

Location/City _____

D. New site requirements:

Similar to present site _____

Smaller than current _____ Sq. Ft.

Larger than current _____ Sq. Ft.

Office Yes No _____ Sq. Ft.

Retail Yes No _____ Sq. Ft.

Warehouse Yes No _____ Sq. Ft.

Manufacturing Yes No _____ Sq. Ft.

Open Storage Yes No _____ Sq. Ft.

E. Special Features: _____

F. Displacee desires assistance in finding a replacement site?

Yes _____ No _____ (explain)

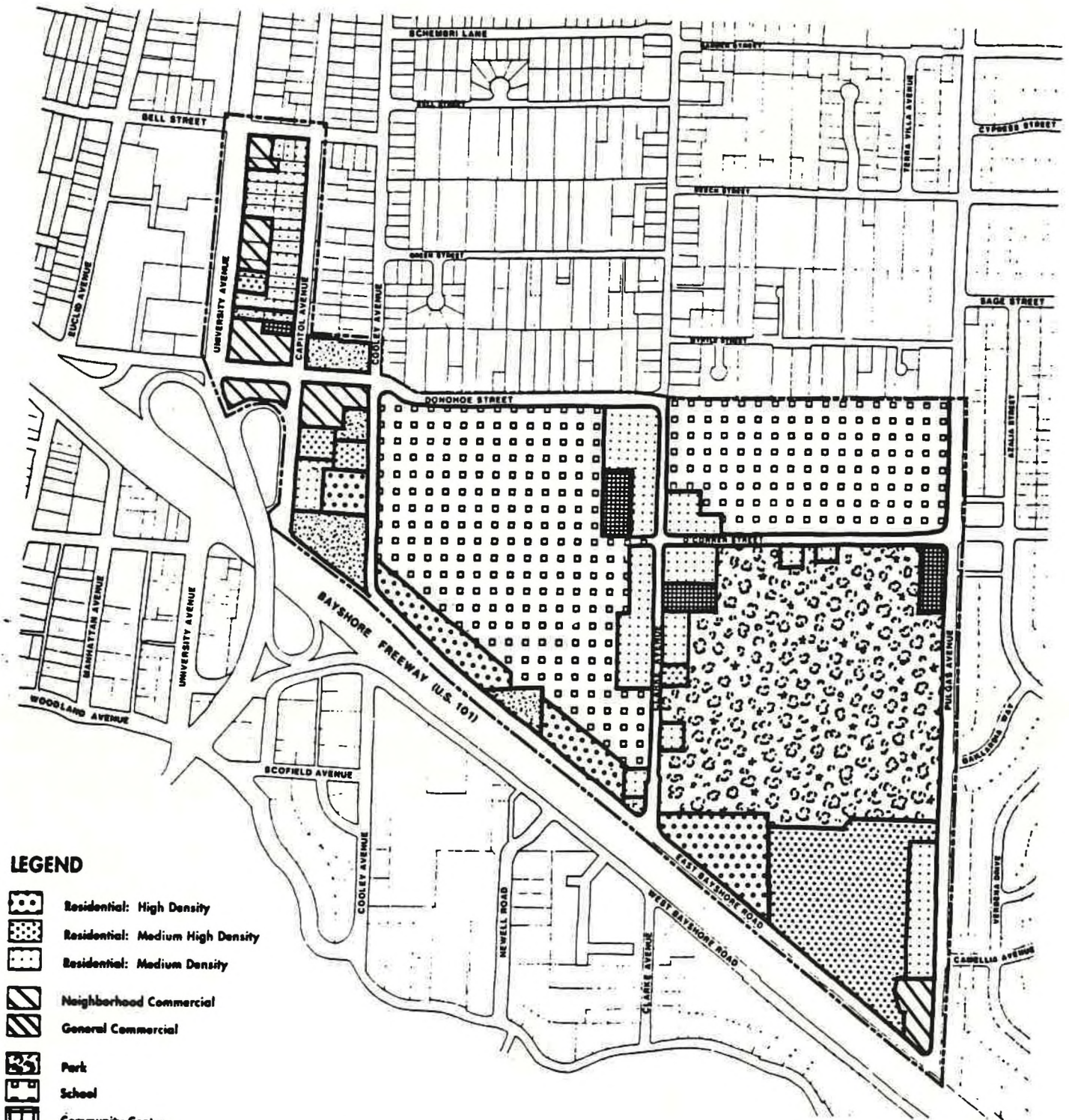
Any indication of toxic waste or underground storage tanks? Yes No

Special Remarks: _____

Interviewer _____

EXHIBIT G

GATEWAY 101 PROJECT AREA PRESENT AND PROPOSED MAP



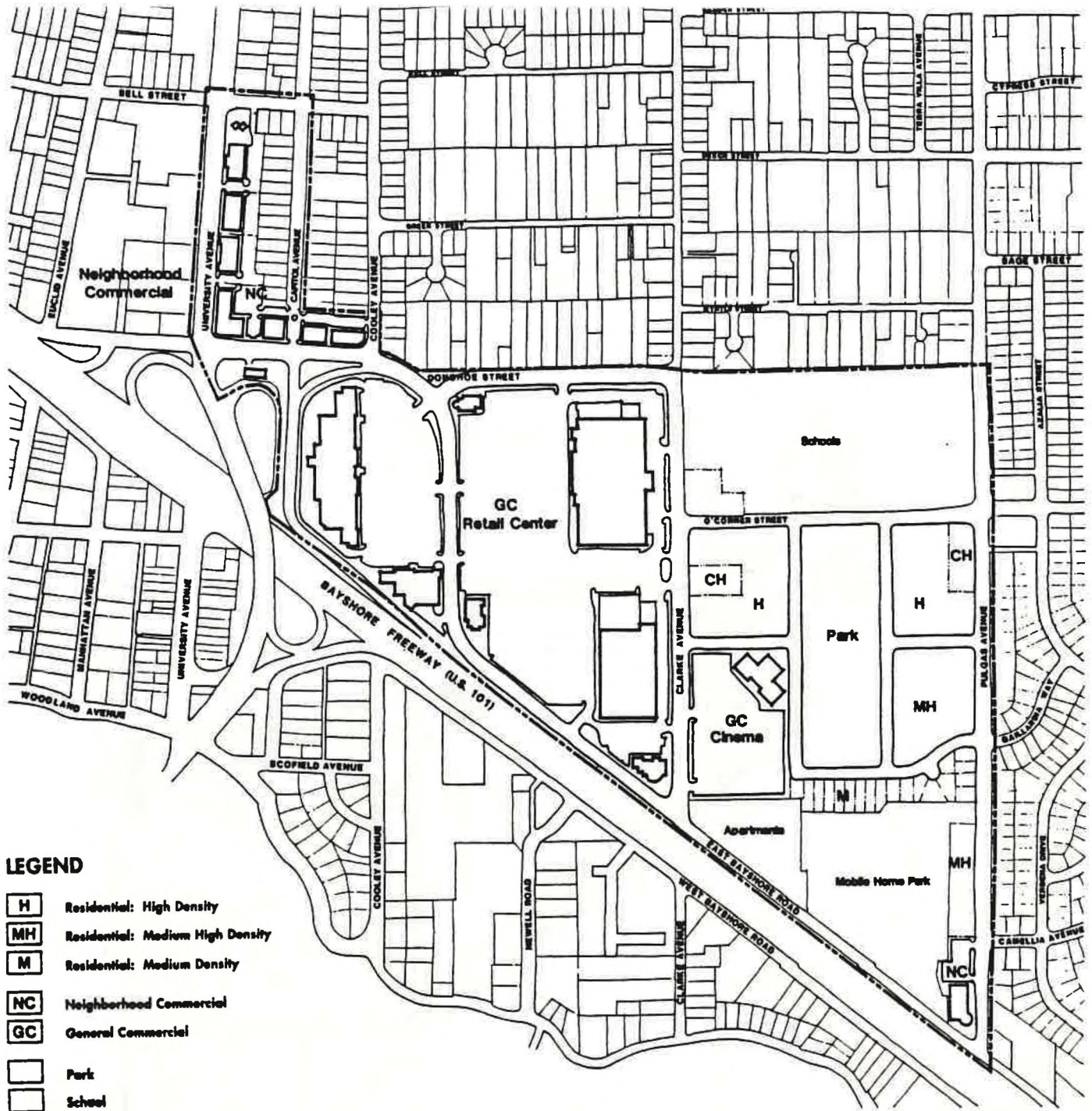
LEGEND

-  Residential: High Density
-  Residential: Medium High Density
-  Residential: Medium Density
-  Neighborhood Commercial
-  General Commercial
-  Park
-  School
-  Community Center
-  Agricultural/Nursery
-  Church
-  Vacant

Exhibit III-2

0 | 200 | 400 FEET

EXISTING LAND USE



LEGEND

- H Residential: High Density
- MH Residential: Medium High Density
- M Residential: Medium Density
- NC Neighborhood Commercial
- GC General Commercial
- Park
- School
- Community Center
- Agricultural/Nursery
- CH Church
- Vacant



GATEWAY 101
 THE REDEVELOPMENT AGENCY
 OF EAST PALO ALTO

WALLACE ROBERTS & TODD
 URBAN AND ENVIRONMENTAL PLANNERS

EXHIBIT H

STATE OF CALIFORNIA RELOCATION REGULATIONS

Assembly Bill No. 324

CHAPTER 828

An act to amend Sections 7260, 7261, 7262, 7263, 7264, 7264.5, 7265, 7267.1, 7267.7, 7267.8, and 7276 of, to add Section 7260.5 to, and to repeal Section 7261.6 of, the Government Code, relating to relocation assistance.

[Approved by Governor September 25, 1989. Filed with Secretary of State September 26, 1989.]

LEGISLATIVE COUNSEL'S DIGEST

AB 324, Hughes. Relocation assistance.

Existing law requires a public entity to provide compensation and advisory services to any person, business, or farm operation which is displaced because of the acquisition of real property for public use. Acquisitions funded by federal funds are required to meet the requirements of federal law governing relocation assistance.

This bill would generally revise the state provisions governing relocation assistance to conform with the federal law by expanding benefits for displaced businesses, changing the benefits for displaced individuals, providing procedural protections for persons required to move from their homes, and making various changes to administrative requirements. By imposing these requirements on local public entities, this bill would constitute a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

The people of the State of California do enact as follows:

SECTION 1. Section 7260 of the Government Code is amended to read:

7260. As used in this chapter:

(a) "Public entity" includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state or any entity acting on behalf of these agencies when acquiring real property, or any interest therein, in any city or county for public use and any person who has the authority to acquire property by eminent domain under state law.

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

(c) "Displaced person" means both of the following:

(1) Any person who moves from real property, or who moves his or her personal property from real property, either:

(A) As a direct result of a written notice of intent to acquire or the acquisition of the real property, in whole or in part, for a program or project undertaken by a public entity or by any person having an agreement with or acting on behalf of a public entity.

(B) As a direct result of the rehabilitation, demolition, or other displacing activity as the public entity may prescribe under a program or project undertaken by a public entity, of real property on which the person is a residential tenant or conducts a business or farm operation, in any case in which the public entity determines that the displacement is permanent.

(2) Solely for the purposes of Sections 7261 and 7262, any person who moves from real property, or moves his or her personal property from real property, either:

(A) 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 a public entity.

(B) As a direct result of the rehabilitation, demolition, or other displacing activity as the public entity may prescribe under a program or project undertaken by a public entity, of other real property on which the person conducts a business or farm operation, in any case in which the public entity determines that the displacement is permanent.

This definition shall be construed so that persons displaced as a result of public action receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for or in connection with a public use where the public entity is otherwise empowered to acquire the property to carry out the public use. Except persons or families of low and moderate income, as defined in Section 50093 of the Health and Safety Code, who are occupants of housing which was made available to them on a permanent basis by a public agency and who are required to move from the housing, a "displaced" person shall not include any of the following:

(1) Any person who has been determined to be in unlawful occupancy of the displacement dwellings.

(2) Any person whose right of possession at the time of moving arose after the date of the public entity's acquisition of the real property.

(3) Any person who has occupied the real property for the purpose of obtaining assistance under this chapter.

(4) In any case in which the public entity 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.

(d) "Business" means any lawful activity, except a farm operation, conducted for any of the following:

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

(2) Primarily for the sale of services to the public.

(3) Primarily by a nonprofit organization.

(4) Solely for the purpose of Section 7262 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 the display is located on the premises on which any of the above activities are conducted.

(e) "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.

(f) "Affected property" means any real property which actually declines in fair market value because of acquisition by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.

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

(h) "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.

(i) "Comparable replacement dwelling" means any dwelling that is all of the following:

(1) Decent, safe, and sanitary.

(2) Adequate in size to accommodate the occupants.

(3) In the case of a displaced person who is a renter, within the financial means of the displaced person. A comparable replacement dwelling is within the financial means of a displaced person if the monthly rental cost of the dwelling minus any replacement housing payment available to the person does not exceed 25 percent of the person's average monthly income.

(4) Comparable with respect to the number of rooms, habitable space, and type and quality of construction. Comparability under this paragraph shall not require strict adherence to a detailed, feature-by-feature comparison. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features shall be present.

(5) In an area not subject to unreasonable adverse environmental conditions.

(6) In a location generally not less desirable than the location of the displaced persons dwelling with respect to public utilities,

facilities, services, and the displaced person's place of employment.

(j) "Displacing agency" means any public entity or person carrying out a program or project which causes a person to be a displaced person for a public project.

(k) "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.

(l) "Small business" means a business as defined in Part 24 of Title 49 of the Code of Federal Regulations.

(m) "Lead agency" means the Department of Housing and Community Development.

SEC. 2. Section 7260.5 is added to the Government Code, to read: 7260.5. (a) The Legislature finds and declares the following:

(1) Displacement as a direct result of programs or projects undertaken by a public entity is caused by a number of activities, including rehabilitation, demolition, code enforcement, and acquisition.

(2) Relocation assistance policies must provide for fair, uniform, and equitable treatment of all affected persons.

(3) The displacement of businesses often results in their closure.

(4) Minimizing the adverse impact of displacement is essential to maintaining the economic and social well-being of communities.

(5) Implementation of this chapter has resulted in burdensome, inefficient, and inconsistent compliance requirements and procedures which may be improved by establishing a lead agency.

(b) This chapter establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a public entity. The primary purpose of this chapter is to ensure that these persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on these persons.

(c) The Legislature intends all of the following:

(1) Public entities shall carry out this chapter in a manner which minimizes waste, fraud, and mismanagement and reduces unnecessary administrative costs.

(2) Uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure that the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this chapter.

(3) The improvement of housing conditions of economically disadvantaged persons under this chapter shall be undertaken, to the maximum extent feasible, in coordination with existing federal, state, and local government programs for accomplishing these goals.

(4) The policies and procedures of this chapter shall be

administered in a manner which is consistent with fair housing requirements and which assures all persons their rights under Title VIII of that act of April 11, 1968 (Public Law 90-284), commonly known as the Civil Rights Act of 1968 and Title VI of the Civil Rights Act of 1964.

SEC. 3. Section 7261 of the Government Code is amended to read:

7261. (a) Programs or projects undertaken by a public entity shall be planned in a manner that (1) 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 (2) 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 head of the displacing agency shall ensure the relocation assistance advisory services described in subdivision (c) are made available to all persons displaced by the public entity. If the agency 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, the agency may make the advisory services available to the person.

(b) In giving this assistance, the public entity may establish local relocation advisory assistance offices to assist in obtaining replacement facilities for persons, businesses, and farm operations which find that it is necessary to relocate because of the acquisition of real property by the public entity.

(c) This advisory assistance shall include those measures, facilities, or services which are necessary or appropriate to do all of the following:

(1) Determine and make timely recommendations on the needs and preferences, if any, of displaced persons for relocation assistance.

(2) Provide current and continuing information on the availability, sales prices, and rentals of comparable replacement dwellings for displaced homeowners and tenants, and suitable locations for businesses and farm operations.

(3) Assure that, within a reasonable time period prior to displacement, to the extent that it can be reasonably accomplished, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of displaced families and individuals, decent, safe, and sanitary dwellings, sufficient in number to meet the needs of, and available to, those displaced persons requiring those dwellings and reasonably accessible to their places of employment, except that, in the case of a federally funded project, a waiver may be obtained from the federal government.

(4) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to

relocate to a comparable replacement dwelling, except in the case of any of the following:

(A) A major disaster as defined in Section 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.

(5) Assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location.

(6) Supply information concerning other federal and state programs which may be of assistance to those persons in applying for assistance under the program.

(7) Provide other advisory services to displaced persons in order to minimize hardships to those persons.

(d) The head of the displacing agency shall coordinate its relocation assistance program with the project work necessitating the displacement and with other planned or proposed activities of other public entities in the community or nearby areas which may affect the implementation of its relocation assistance program.

(e) Notwithstanding subdivision (c) of Section 7260, in any case in which a displacing agency acquires property for a program or project, any person who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project, shall be eligible for advisory services to the extent determined by the displacing agency.

SEC. 4. Section 7261.6 of the Government Code is repealed.

SEC. 5. Section 7262 of the Government Code is amended to read:

7262. (a) Whenever a program or project to be undertaken by a public entity will result in the displacement of any person, the displaced person is entitled to payment for actual moving and related expenses as the public entity determines to be reasonable and necessary, including expenses for all of the following:

(1) Actual and reasonable expenses in moving himself or herself, his or her family, business, or farm operation, or his or her, or his or her family's, personal property.

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

(3) Actual and reasonable expenses in searching for a replacement business or farm, not to exceed one thousand dollars (\$1,000).

(4) Actual and reasonable expenses necessary to reestablish a

displaced farm, nonprofit organization, or small business at its new site, but not to exceed ten thousand dollars (\$10,000).

(b) Any displaced person eligible for payments under subdivision (a) who is displaced from a dwelling and who elects to accept the payments authorized by this subdivision in lieu of the payments authorized by subdivision (a) shall receive a moving expense and dislocation allowance which shall be determined according to a schedule established by the head of the lead agency. The schedule shall be consistent with the Residential Moving Expense and Dislocation Allowance Payment Schedule established by Part 24 of Title 49 of the Code of Federal Regulations.

(c) Any displaced person who moves or discontinues his or her business or farm operation and elects to accept the payment authorized by this subdivision in lieu of the payment authorized by subdivision (a), shall receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, except that the payment shall not be less than one thousand dollars (\$1,000) nor more than twenty thousand dollars (\$20,000). In the case of a business, no payment shall be made under this subdivision, unless the public entity is satisfied that the business cannot be relocated without substantial loss of patronage and is not part of a commercial enterprise having at least one other establishment not being acquired, engaged in the same or similar business. For purposes of this subdivision, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation before federal, state, and local income taxes during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property being acquired, or during any other period as the public entity determines to be more equitable for establishing earnings, and includes any compensation paid by the business or farm operation to the owner, his or her spouse, or his or her dependents during the two-year or other period. To be eligible for the payment authorized by this subdivision, the business or farm operation shall make available its state income tax records, financial statements, and accounting records, for confidential use pursuant to an audit to determine the payment pursuant to this subdivision. In regard to an outdoor advertising display, payment pursuant to this subdivision shall be limited to the amount necessary to physically move, or replace that display. Any displaced person eligible for payments under subdivision (a) who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the public entity, may elect to accept a fixed payment in lieu of the payment authorized by subdivision (a). The fixed payment shall not be less than one thousand dollars (\$1,000) nor more than twenty thousand dollars (\$20,000). A person whose sole business at the displacement dwelling is the rental of the property to others shall not qualify for a payment under this subdivision.

(d) Whenever the acquisition of real property used for a business or farm operation causes the person conducting the business or farm operation to move from other real property, or to move his or her personal property from other real property, the person shall receive payments for moving and related expenses under subdivision (a) or (b) and relocation advisory assistance under Section 7261 for moving from the other property.

(e) Whenever a public entity must pay the cost of moving a displaced person under paragraph (1) of subdivision (a), or subdivision (d):

(1) The costs of the move shall be exempt from regulation by the Public Utilities Commission.

(2) The public entity may solicit competitive bids from qualified bidders for performance of the work. Bids submitted in response to the solicitations shall be exempt from regulation by the Public Utilities Commission.

SEC. 6. Section 7263 of the Government Code is amended to read:

7263. (a) In addition to the payments required by Section 7262, the public entity, as a part of the cost of acquisition, shall make a payment to the owner of real property acquired for public use which is improved with a dwelling actually owned and occupied by the owner as a permanent or customary and usual place of abode for not less than 180 days prior to the initiation of negotiation for the acquisition of that property.

(b) The payment, not to exceed twenty-two thousand five hundred dollars (\$22,500), shall be based on the following factors:

(1) The amount, if any, which, when added to the acquisition cost of the dwelling acquired by the public entity equals the reasonable cost of a comparable replacement dwelling.

(2) The amount, if any, which will compensate the displaced owner for any increased interest costs which the owner is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days immediately prior to the initiation of negotiations for the acquisition of the dwelling. All of the mortgages on the acquired dwelling shall be used to compute the payment. The amount shall be computed using the lesser of the principal balance of the mortgage on the replacement dwelling or the outstanding principal balance of the mortgage on the acquired dwelling and the lesser of the remaining term on the acquired dwelling or the actual term of the new mortgage. The present value of the increased interest costs shall be computed based on the lesser of the prevailing interest rate or the actual interest rate on the replacement property. The amount shall also include other reasonable debt service costs incurred by the displaced owner.

For the purposes of this subdivision, if the replacement dwelling is a mobilehome, the term "mortgage," as defined in subdivision (h) of Section 7260, shall include those liens as are commonly given to secure advances on, or the unpaid purchase price of, mobilehomes, together with the credit instruments, if any, secured thereby.

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

(c) The additional payment authorized by this section shall be made only to a displaced owner who purchases and occupies a decent, safe, and sanitary replacement dwelling within one year from the later of the following:

(1) The date the displaced person receives final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of estimated just compensation is deposited in court.

(2) The date the displacing agency fulfills its obligation to make available at least one comparable replacement dwelling to the displaced person.

However, the displacing agency may extend the period for good cause. Also, the displaced owner and the public entity may agree in writing that the displaced owner may remain in occupancy of the acquired dwelling as a tenant of the public entity on the conditions that the displaced owner shall only be entitled to the payment authorized by this section on the date on which the owner moves from the acquired dwelling and that the payment shall be in an amount equal to that to which the owner would have been entitled if the owner had purchased and occupied a replacement dwelling one year subsequent to the date on which final payment was received for the acquired dwelling from the public entity.

(d) In implementing this chapter, it is the intent of the Legislature that special consideration be given to the financing and location of a comparable replacement dwelling for displaced persons 62 years of age or older.

SEC. 7. Section 7264 of the Government Code is amended to read:

7264. (a) In addition to the payments required by Section 7262, as a part of the cost of acquisition, the public entity shall make a payment to any displaced person displaced from any dwelling not eligible to receive a payment under Section 7263 which was actually and lawfully occupied by the person as a permanent or customary and usual place of abode for not less than 90 days prior to the initiation of negotiation by the public entity for the acquisition of the dwelling, or in any case in which displacement is not a direct result of acquisition, or any other event which the public entity shall prescribe.

(b) The payment, not to exceed five thousand two hundred fifty dollars (\$5,250), shall be the additional amount which is necessary to

enable the person to lease or rent a comparable replacement dwelling for a period not to exceed 48 months. However, publicly funded transportation projects shall make payments enabling the person to lease or rent a comparable replacement dwelling for a period not to exceed 42 months, including compensation for utilities, as provided in subdivision (b) of Section 24.402 of Part 24 of Title 49 of the Code of Federal Regulations. Payments up to the maximum of five thousand two hundred fifty dollars (\$5,250) shall be made in a lump sum. Should an agency pay pursuant to Section 7264.5 an amount exceeding the maximum amount, payment may be made periodically. Computation of a payment under this subdivision to a low-income displaced person for a comparable replacement dwelling shall take into account the person's income.

(c) Any person eligible for a payment under subdivision (a) may elect to apply the payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe, and sanitary replacement dwelling. The person may, at the discretion of the public entity, be eligible under this subdivision for the maximum payment allowed under subdivision (b), except that, in the case of a displaced homeowner who has owned and occupied the displacement 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 shall not exceed the payment which the person would otherwise have received under subdivision (b) of Section 7263 had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of the negotiations.

(d) In implementing this chapter, it is the intent of the Legislature that special consideration shall be given to assisting any displaced person 62 years of age or older to locate or lease or rent a comparable replacement dwelling.

SEC. 8. Section 7264.5 of the Government Code is amended to read:

7264.5. (a) If a program or project undertaken by the public entity cannot proceed on a timely basis because comparable replacement housing is not available and the public entity determines that comparable replacement housing cannot otherwise be made available, the public entity shall take any action necessary or appropriate to provide the dwellings by use of funds authorized for the project. This section shall be construed to authorize the public entity to exceed the maximum amounts which may be paid under Sections 7263 and 7264 on a case-by-case basis for good cause as determined in accordance with rules and regulations adopted by the public entity. Where a displacing agency is undertaking a project with funds administered by a state agency or board, and where the displacing agency has adopted rules and regulations in accordance with Section 7267.8 for the implementation of this chapter, the determination of payments to be made pursuant to this subdivision

shall be pursuant to those rules and regulations.

(b) No person shall be required to move from his or her dwelling because of its acquisition by a public entity, unless comparable replacement housing is available to the person.

(c) For purposes of determining the applicability of subdivision (a), the public entity is hereby designated as a duly authorized administrative body of the state for the purposes of subdivision (c) of Section 408 of the Revenue and Taxation Code.

(d) Subdivision (b) shall not apply to a displaced owner who agrees in writing with the public entity to remain in occupancy of the acquired dwelling as provided in subdivision (c) of Section 7263.

SEC. 9. Section 7265 of the Government Code is amended to read:

7265. (a) In addition to the payments required by Section 7262, as a cost of acquisition, the public entity shall make a payment to any affected property owner meeting the requirements of this section.

(b) The affected property shall be immediately contiguous to property acquired for airport purposes and the owner shall have owned the property affected by acquisition by the public entity not less than 180 days prior to the initiation of negotiation for acquisition of the acquired property.

(c) The payment, not to exceed twenty-two thousand five hundred dollars (\$22,500), shall be the amount, if any, which equals the actual decline in the fair market value of the property of the affected property owner caused by the acquisition by the public entity for airport purposes of other real property and a change in the use of the property.

(d) The amount, if any, of actual decline in fair market value of affected property shall be determined according to rules and regulations adopted by the public entity pursuant to this chapter. The rules and regulations shall limit payment under this section only to those circumstances in which the decline in fair market value of affected property is reasonably related to objective physical change in the use of acquired property.

SEC. 10. Section 7267.1 of the Government Code is amended to read:

7267.1. (a) The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation.

(b) Real property shall be appraised before the initiation of negotiations, and the owner, or the owner's designated representative, shall be given an opportunity to accompany the appraiser during his or her inspection of the property. However, the public entity may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value.

SEC. 11. Section 7267.7 of the Government Code is amended to read:

7267.7. (a) If the acquisition of only a portion of a property

would leave the remaining portion in such a shape or condition as to constitute an uneconomic remnant, the public entity shall offer to acquire the entire property if the owner so desires.

(b) A person whose real property is being acquired in accordance with this chapter may, after the person has been fully informed of his or her right to receive just compensation for the property, donate the property, any part thereof, any interest therein, or any compensation paid therefor to a public entity determined by the person.

SEC. 12. Section 7267.8 of the Government Code is amended to read:

7267.8. (a) All public entities shall adopt rules and regulations to implement payments and to administer relocation assistance under this chapter. These rules and regulations shall be in accordance with the rules and regulations adopted by the Department of Housing and Community Development.

(b) Notwithstanding subdivision (a), with respect to a federally funded project, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

SEC. 13. Section 7276 of the Government Code is amended to read:

7276. (a) If a resolution is adopted under Section 1245.330 of the Code of Civil Procedure consenting to the acquisition of property by eminent domain and the person authorized by the resolution to acquire the property by eminent domain acquires the property by purchase, eminent domain, or otherwise, that person shall provide relocation advisory assistance and shall make any of the payments required to be made by public entities pursuant to the provisions of this chapter in conformity with this chapter and the guidelines adopted by the Commission of Housing and Community Development pursuant to Section 7268.

(b) This section does not apply to public utilities which are subject to the provisions of Article 6 (commencing with Section 600) of Chapter 3 of Part 1 of Division 1 of the Public Utilities Code or to public entities which are subject to this chapter.

SEC. 14. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because any costs incurred by a local government pursuant to this act will result only as a consequence of its discretionary decision to acquire property. In addition, whenever any property acquisition involves federal funds, those costs would be costs mandated by a federal law or regulation. Notwithstanding Section 17580 of the Government Code, unless otherwise specified in this act, the provisions of this act shall become operative on the same date that the act takes effect pursuant to the California Constitution.

CALIFORNIA RELOCATION ASSISTANCE AND
REAL PROPERTY ACQUISITION GUIDELINES

CALIFORNIA ADMINISTRATIVE CODE, TITLE 25, CHAPTER 6

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Chapter 6. Relocation Assistance and Real Property Acquisition Guidelines

Article 1. General.

Order of Adoption

6000. This subchapter is adopted pursuant to the provisions of Section 41135, Health and Safety Code, in order to implement, interpret and to make specific provisions of Division 7, commencing with Section 7260 of the Government Code (hereinafter referred to as the "Act"), relating to relocation assistance, last resort housing and real property acquisition.

6002. Statement of Purpose and Policy. (a) The purpose of the Guidelines is to assist public entities in the development of regulations and procedures implementing the Act.

(b) The Guidelines are designed to carry out the following policies of the Act:

(1) To ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes, businesses or farms as a result of the actions of a public entity 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 a public entity, to ensure consistent and fair treatment for owners of 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.

(c) A public entity shall not participate in or undertake a project that will displace individuals from their homes unless comparable replacement dwellings (see subsection 6008(c)) will be available within a reasonable period of time prior to displacement.

(d) The Guidelines are intended to establish only minimum requirements for relocation assistance and payments. They shall not be construed to limit any other authority or obligation which a public entity may have to provide additional assistance and payments.

(e) The Act and the Guidelines are intended for the benefit of displaced persons, to ensure that such persons receive fair and equitable treatment and do not suffer disproportionate injuries as the result of programs designed for the benefit of the public as a whole. The Act, Guidelines and all applicable regulations on which determinations are based shall be construed to effect this intent.

6004. Applicability and Supersedure.

(a) (1) Except as otherwise noted in this section, the Guidelines are applicable to all displacement and acquisition occurring on or after their effective date, January 1, 1977. A public entity may determine that the Guidelines shall at an earlier date be applicable to its displacement and acquisition.

(2) With respect both to redevelopment activities undertaken pursuant to a plan or amendment adopted prior to January 1, 1976 and to the acquisition of real property located within the California coastal zone (as defined in Public Resources Code, Section 30103, Stats. 1976, c. 1330) for use as park lands or open space, the provisions of the Guidelines specifically relating to last resort housing shall not be effective until January 1, 1978.

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(b) These Guidelines supersede those adopted by the Commission of Housing and Community Development on October 17, 1973. The guidelines so superseded shall not apply to any displacement or acquisition occurring on or after the effective date of these Guidelines. Any such displacement or acquisition shall be governed solely by these Guidelines.

The provisions of these Guidelines, however, shall not be construed retroactively to apply to action(s) undertaken by a public entity prior to their effective date where the purpose of the action was to fulfill obligations imposed by the Act and the action is in compliance with the requirements of the Act and the existing Guidelines. For the purpose of this section the term "action" shall include but is not limited to: the provision of information, notice, other assistance, comparable replacement housing, payments and other benefits; the preparation of relocation and last resort housing plans, including the survey and analysis of needs and resources; the processing of grievances; and the various steps taken in connection with the acquisition of property for public use.

6006. Regulations. (a) Each public entity before undertaking or participating in activity which will result in the displacement of persons shall adopt rules and regulations that implement the requirements of the Act, are in accordance with the provisions of the Guidelines, and prescribe additional procedures and requirements that are appropriate to the particular activities of the public entity and not inconsistent with the Act or Guidelines.

(b) Rules and regulations issued under this section shall be promptly revised as necessary, to conform to any amendment of the Act or Guidelines.

6008. Definitions. The following terms shall mean:

(a) **Acquisition.** Obtaining ownership or possession of property by lawful means.

(b) **Business.** Any lawful activity, except a farm operation, 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 section 6090), 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.

(c) **Comparable Replacement Dwelling.** A dwelling which satisfies each of the following standards:

(1) Decent, safe and sanitary (as defined in subsection 6008(d)), 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 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

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person's present or potential place of employment; provided that a potential place of employment may not be used to satisfy the accessibility requirement if the displaced person objects.

The Act and Guidelines 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 a public entity required to duplicate environmental characteristics, such as scenic vistas or proximity to the ocean, lakes, rivers, forests or other natural phenomena.

If the displaced person so wishes, every reasonable effort shall be made to relocate such person within or near to his existing neighborhood. Whenever practicable the replacement dwelling shall be reasonably close to relative, 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.

(4) To the extent practicable and where consistent with paragraph (c)(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 housing cost (including payments for mortgage, insurance and property taxes) or rental cost (including utilities and other reasonable recurring expenses) minus any replacement housing payment available to the person (as provided in sections 6102 and 6104) does not exceed twenty-five percent (25%) of the person's average monthly income (as defined in subsection 6008(1)). A replacement dwelling is within the financial means of a displaced person also if the purchase price of the dwelling including related increased interest costs and other reasonable expenses (as described in section 6102) 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 section 6102).

If a dwelling which satisfies these standards is not available the public entity may consider a dwelling which exceeds them.

(d) Decent, Safe and Sanitary.

(1) Housing in sound, clean and weather tight condition, in good repair and adequately maintained, in conformance with the applicable state and local building, plumbing, electrical, housing and occupancy codes or similar ordinances or regulations and which meets the following minimum standards:

(A) Each housekeeping unit shall include a kitchen with a fully usable sink, a stove or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, an adequate and safe wiring system for lighting and other electrical services and heating as required by climatic conditions and local codes.

(B) Each nonhousekeeping unit shall be in conformance with state and local code standards for boarding houses, hotels and other dwellings for congregate living.

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(2) 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 provision of paragraph (1) of this subsection, are incorporated herein.

(e) Department. Department of Housing and Community Development.

(f) Displaced Person. Any person who moves from real property, or who moves his personal property from real property, either as a result of the acquisition of such real property, in whole or in part, by a public entity or by any person having an agreement with or acting on behalf of a public entity, or as the result of a written order from a public entity to vacate the real property, for public use.

This definition shall be construed so that persons displaced as a result of public action receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for or in connection with a public use where the public entity is otherwise empowered to acquire the property to carry out the public use.

(g) Dwelling. 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 multipurpose dwelling, a unit of a condominium or cooperative housing project, a nonhousekeeping unit, a mobilehome, 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 to be a dwelling only for the purpose of establishing eligibility for payment for moving and related expenses (as provided in section 6090).

(h) Economic Rent. The amount of rent a tenant or homeowner would have to pay for a dwelling similar to the acquired dwelling in a comparable area.

(i) Elderly Household. A household in which the head of household or spouse is 62 years or older.

(j) Family. Two or more individuals who by blood, marriage, adoption, or mutual consent live together as a family unit.

(k) Farm Operation. 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 such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(l) 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 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 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.

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

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(m) Handicapped Household. A household in which any member is handicapped or disabled.

(n) Initiation of Negotiations. The initial written offer made by the acquiring entity to the owner of real property to be purchased, or the owner's representative.

(o) Mobile Home. A structure, 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.

(p) Mortgage. Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

(q) Ownership. Holding any of the following interests in a dwelling, or a contract to purchase one of the first six interests:

- (1) A fee title.
- (2) A life estate.
- (3) A 50-year lease.
- (4) A lease with at least 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 mobilehome.
- (7) A leasehold interest with an option to purchase.

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

(r) Person. Any individual, family, partnership, corporation, or association.

(s) Public Entity. Includes the state, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state when acquiring real property, or any interest therein, or ordering that acquired property be vacated, in any city or county for public use.

(t) Public Use. A use for which property may be acquired by eminent domain.

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

6010. Prior Determinations. (a) Displacement. No public entity may proceed with any phase of a project or other activity which will result in the displacement of any person, business or farm until it makes the following determinations:

- (1) Fair and reasonable relocation payments will be provided to eligible persons as required by Article 3 of the Guidelines.
- (2) A relocation assistance program offering the services described in Article 2 of the Guidelines will be established.
- (3) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in these Guidelines.

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(4) 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.

(5) Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.

(6) A relocation plan meeting the requirements of section 6038 has been prepared.

(b) Acquisition. No public entity may proceed with any phase of a project or any other activity which will result in the acquisition of real property until it determines that with respect to such acquisition and to the greatest extent practicable,

(1) Adequate provisions have been made to be guided by the provisions of Article 6 of the Guidelines, and

(2) Eligible persons will be informed of the pertinent benefits, policies and requirements of the Guidelines.

6012. Citizen Participation. (a) All persons who will be displaced, neighborhood groups and any relocation committee shall be given an opportunity and should be encouraged fully and meaningfully to participate in reviewing the relocation plan and monitoring the relocation assistance program.

(b) When a substantial number of persons will be displaced from their dwellings the public entity 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 satisfies the requirements of this section.

If a substantial number of persons will not be displaced from their dwellings, the public entity 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. (See section 6038.)

(c) At a minimum the displacing entity shall guarantee the following:

(1) Timely and full access to all documents relevant to the relocation program. A public entity may reasonably restrict access to material where its confidentiality is protected by law or its disclosure is prohibited by law.

The displacing entity 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 effect 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.

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(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 local legislative body or the head of the state agency for approval.

(4) Prompt, written response to any written objections or criticisms.

6014. Prerequisite to Displacement. No person shall be displaced until the public entity has fulfilled the obligations imposed by the Act and Guidelines.

6016. Remedies. (a) If the public entity has not fulfilled or is not substantially fulfilling its relocation responsibilities, it shall cease displacement until such time as its responsibilities are fulfilled. When appropriate project implementation shall be suspended or terminated.

(b) Eligible persons who move without offers of assistance and benefits, after the public entity was required to offer assistance or benefits, shall be provided such assistance and payments and, when appropriate, compensation for additional costs incurred. The displacing entity shall make every effort to identify and locate such persons.

(c) A public entity may pay a complainant's attorney's fees and costs and is encouraged to consider doing so when a complainant institutes a successful administrative appeal or judicial action.

(d) The enumeration of remedies in this section is not intended to discourage or preclude the use of other remedies consistent with the intent of the Act and Guidelines. Rather a public entity is encouraged to consider and adopt other remedies.

6018. Priority of Federal Law. If a public entity undertakes a project with federal financial assistance and consequently must provide relocation assistance and benefits as required by federal law, the provisions of the Act and Guidelines shall not apply; but if an obligation to provide relocation assistance and benefits is not imposed by federal law the provisions of the Act and Guidelines shall apply.

6020. Severability. If any provision of the Guidelines or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the Guidelines which can be given effect without the invalid provision or application, and to this end the provisions of the Guidelines are severable.

Article 2. Relocation Assistance Advisory Program and Assurance of Comparable Replacement Housing

6030. Purpose. The purpose of this part is to set forth requirements with respect to the development and implementation of a relocation assistance advisory program for the provision of specified services and to prescribe the obligation of a public entity not to displace or cause the displacement of any person from his dwelling without adequate notice and unless comparable replacement housing is available.

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6032. Relocation Assistance Advisory Program. Public entities shall develop and implement a relocation assistance advisory program which satisfies the requirements of this article and of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Unruh Civil Rights Act and the Rumford Act. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to ensure that (a) all persons displaced from their dwellings are relocated into housing meeting the criteria for comparable replacement housing, and (b) all persons displaced from their places of business or farm operations are assisted in reestablishing with a minimum of delay and loss of earnings.

6034. Eligibility. (a) Relocation assistance and benefits shall be available to:

- (1) Any person who occupies property from which he will be displaced.
- (2) Any person who will move from real property or will move his personal property from real property, because he will be displaced from other real property on which he conducts a business or farm operation.
- (3) Any person who moves from real property as a result of its acquisition by a public entity whether the move is voluntary or involuntary.
- (4) Any person who, following the initiation of negotiations, moves as the result of the pending acquisition. Such a person is eligible if the property is subsequently acquired by the public entity; if it is not acquired, such a person, at the discretion of the public entity, may be declared eligible.

(5) Any person who moves as the result of pending acquisition by a public entity either following receipt of a Notice of Intent to Displace (see section 6086) or as a result of inducement or encouragement by the public entity.

(b) (1) Post-acquisition tenants, those who lawfully occupy property only after a public entity acquires it, are not eligible for assistance and benefits if, before occupying the property, they are informed by the public entity that the property has been acquired for a public use and will be available as housing only in the interim between acquisition and development and that development for such use may result in termination of the tenancy sooner than would otherwise be expected. When post-acquisition tenants are so informed they are not eligible even though they move as the result of a written order from the public entity to vacate the real property.

A public entity shall inform prospective tenants regarding the projected date of displacement and, periodically, should inform post-acquisition tenants of any changes in this projection.

Persons who become post-acquisition tenants after the effective date of the Guidelines, who are not so informed and who move as the result of a written order from the public entity to vacate are eligible for assistance and benefits, except where they are evicted in accordance with the provisions of section 6058.

(2) When the displacement of a post-acquisition tenant causes a hardship for that person because of a critical housing shortage, age, handicap, infirmity, lack of financial means or other circumstance, the displacing entity may provide relocation assistance and benefits. In such hardship situations a public entity is encouraged to provide assistance and payment for moving expenses.

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(3) Where a public entity, on property it owns, is making housing available on a permanent basis (i.e., not pending development), a post-acquisition tenant who moves as the result of a written order from the public entity to vacate is eligible for relocation assistance and benefits if the order to vacate is related to a plan to demolish or rehabilitate such units. Sale of such units to a private person establishes eligibility without need for a written order to vacate.

6036. Rehabilitation, Demolition, Code Enforcement. If a public entity undertakes a rehabilitation or demolition program or enforcement of building codes and as a result a person or business is displaced from privately owned property, the public entity may provide assistance and benefits, but it is not required to do so. If a person or business is displaced by such an undertaking from property acquired by a public entity, the public entity shall provide assistance and benefits.

6038. Relocation Plan. (a) 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 a public entity shall prepare a Relocation Plan and submit it for approval to the local legislative body, or in the case of a state agency, the head of the agency. When the public entity's action will only result in an insignificant amount of non-residential displacement, the requirements of this section need not be satisfied.

(b) A Relocation Plan shall include the following:

- (1) A diagrammatic sketch of the project area.
- (2) Projected dates of displacement.
- (3) A written analysis of the aggregate relocation needs of all persons to be displaced (as required by section 6048) and a detailed explanation as to how these needs are to be met.
- (4) A written analysis of relocation housing resources (as required by section 6052).
- (5) A detailed description of the relocation advisory services program, including specific procedures for locating and referring eligible persons to comparable replacement housing.
- (6) A description of the relocation payments to be made (pursuant to Article 3) and a plan for disbursement.
- (7) A cost estimate for carrying out the plan and identification of the source of the necessary funds.
- (8) A detailed plan by which any last resort housing (as described in section 6054 and Article 4) is to be built and financed.
- (9) A standard information statement to be sent to all persons to be displaced (as required by section 6046).
- (10) Temporary relocation plans, if any.
- (11) A description of relocation office operation procedures.
- (12) Plans for citizen participation.
- (13) An enumeration of the coordination activities undertaken (pursuant to section 6052).
- (14) The comments of the relocation committee, if any (pursuant to section 6012).
- (15) A written determination by the public entity that the necessary resources will be available as required.

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(c) A Plan prepared by a local public entity shall be consistent with the local housing element (prepared pursuant to California Administrative Code, Title 25, Chapter 1, Subchapter 5.)

(d) In the event of delay of implementation of the relocation program, the plan shall be updated annually.

(e) (1) Copies of the plan shall be submitted for review to the relocation committee and the department 30 days prior to submission to the local legislative body or head of state agency for approval. Copies shall be available to the public upon request.

(2) General notice of the plan shall be provided. Notice shall be designed to reach the occupants of the property; it shall be in accordance with the provisions of paragraph 6046(a)(3) and subsection 6046(b); and it shall be provided 30 days prior to submission to the local legislative body or head of state agency for approval.

6040. Minimum Requirements of Relocation Assistance Advisory Program. (a) Each relocation assistance advisory program undertaken pursuant to this Article shall include, at a minimum, such measures, facilities or services as may be necessary or appropriate in order to:

(1) Fully inform eligible persons under this Article within 15 days following the initiation of negotiations for a parcel as to the availability of relocation benefits and assistance and the eligibility requirements therefor, as well as the procedures for obtaining such benefits and assistance, in accordance with the requirements of section 6046.

(2) Determine the extent of the need of each such eligible person for relocation assistance in accordance with the requirements of section 6048.

(3) Assure eligible persons that within a reasonable period of time prior to displacement there will be available comparable replacement housing, meeting the criteria described in section 6008(c), sufficient in number and kind for and available to such eligible persons.

(4) Provide current and continuing information on the availability, prices, and rentals of comparable sales and rental housing, and of 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 person to complete applications for payments and benefits.

(6) Assist each eligible, displaced person to obtain and move to a comparable replacement dwelling.

Only adequate inspection will insure that a particular unit meets this standard. If a displaced person occupies a unit to which he is referred by the public entity and the unit does not satisfy the comparable replacement dwelling standard, the public entity has not fulfilled its obligation to assist the displaced person to obtain such a dwelling. Whenever this occurs the public entity shall offer to locate such a dwelling for the displaced person and to pay again all moving and related expenses. If the displaced person chooses not to move from the unit that he occupied following referral, the public entity shall not assert that he is ineligible to receive relocation assistance and benefits on the basis of that unit's failure to satisfy the comparable replacement dwelling standard.

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(7) Assist each eligible person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(8) Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status or other arbitrary circumstances.

(9) Supply to such 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 in order to minimize their hardships. It is recommended that, as needed, such assistance include counseling and referrals with regard to housing, financing, employment, training, health and welfare, as well as other assistance.

(11) Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project, which policies shall be in accordance with the provisions of section 5058.

(b) Relocation Office. When a substantial number of persons will be displaced and the relocation staff's office is not easily accessible to those persons, a displacing entity is encouraged to establish at least one appropriately equipped site office which is accessible to all the area residents who may be displaced and is staffed with trained or experienced relocation personnel. Office hours should be scheduled to accommodate persons unable to visit the office during normal business hours.

(c) Each displacing entity shall establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the entity's determinations. The procedure shall be in accordance with the requirements of Article 5.

6042. Replacement Housing Prior To Displacement; Notices To Displaced Persons. (a) No eligible person shall be required to move from his dwelling unless within a reasonable period of time prior to displacement comparable replacement dwellings (as defined in subsection 6008(c)) or, in the case of a temporary move (as defined in section 6044), adequate replacement dwellings (as defined in subsection (b) below) are available to such person.

(b) The criteria for adequate replacement dwellings are in all respects identical to those for comparable replacement dwellings, except that an adequate replacement dwelling, with respect to the number of rooms, habitable living space and type of construction, need be only adequate not comparable.

(c) Reasonable Offer of Replacement Housing. The requirements of this section shall be deemed to have been satisfied if a person is offered and refuses without justification reasonable choices of specifically identified comparable replacement dwellings which fully satisfy the criteria set forth in the Guidelines. The offers shall be in writing, in a language understood by the displaced person. The number of offers determined to be reasonable should be not less than three.

(d) Notice. No eligible person occupying property shall be required to move from a dwelling or to move a business or farm operation, without at least 90 days written notice from the public entity requiring the displacements. Public entities shall notify each individual tenant to be displaced as well as each owner-occupant. (These requirements are in addition to those contained in sections 6040 and 6046.)

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(e) Waiver. The requirement in subsection (a) above may be waived only when immediate possession of real property is of crucial importance and by one of the following circumstances:

(1) When displacement is necessitated by a major disaster as defined in Section 102(2) of the "Disaster Relief Act of 1974" (88 Stat. 143, 42 U.S.C. 5121).

(2) During periods of declared national or state emergency.

6044. Temporary Move. (a) General.

(1) A public entity shall be required to minimize to the greatest extent feasible the use of temporary relocation resources (as defined in section 6042) but, when a project plan anticipates moves back into completed project accommodations, temporary relocation resources may be used, at the displaced person's election for a limited period of time.

(2) Temporary relocation does not diminish the responsibility of the public entity to provide relocation assistance, services and benefits designed to achieve permanent relocation of displaced persons into comparable replacement dwellings.

(b) Requirements.

(1) Temporary replacement housing may not be relied upon if comparable replacement housing will not be available to the displaced person within 12 months of the date of the temporary move.

(2) Prior to the move, the public entity shall have determined and have provided written assurance to each displaced person that:

(A) Comparable replacement housing will be made available at the earliest possible time but in any event no later than 12 months from the date of the move to temporary housing. Temporarily housed persons may agree to extend the 12 month limitation but, if they do not, the public entity shall ensure that comparable replacement dwellings are available within the 12 month period.

(B) Comparable replacement housing will be made available, on a priority basis, to the individual or family who has been temporarily rehoused.

(C) The move to temporary housing will not affect a claimant's eligibility for a replacement housing payment nor deprive him of the same choice of replacement housing 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 the relocation payments to which a displaced person is entitled.

(D) If a project plan anticipates moves back into replacement housing accommodations in the project or program area, the person who has been temporarily displaced will be given priority opportunity to obtain such housing accommodations.

(E) The public entity will pay all costs in connection with the move to temporary housing, including increased housing costs.

6046. Informational Program. (a) Basic Requirements. The displacing entity shall establish and maintain an information program that provides for the following:

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(1) Preparation and distribution of informational material as early as practicable, to each occupant of the property. This material shall be distributed within 15 days following the initiation of negotiations (see paragraph 6040(a)(1)) and not less than 90 days in advance of displacement except for those situations described in subsection 6042(e). Where appropriate, separate informational statements shall be prepared for residential and for non-residential occupants.

(2) Conducting personal interviews and maintaining personal contacts with occupants of the property to the maximum extent practicable.

(3) Utilizing meetings, newsletters, and other mechanisms, including local media available to all persons, for keeping occupants of the property informed on a continuing basis. The criterion for selecting among various alternatives shall be the likelihood of actually communicating information to such persons. Legal publications, legal ads in local newspapers of general circulation and similar means which may go unnoticed are deemed to be inadequate.

(b) Language. Informational material should 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.

(c) Method of Delivery. To assure receipt of the informational material, the local agency should 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.

(d) General and Specific Information. In addition to disseminating general information of the type described in this section, the displacing entity shall also provide each person with individual, written notification as soon as his eligibility status has been established.

(e) Content of Informational Statement. Attachment A identifies the kinds of information required to be included in statements distributed to occupants of the property. The figure lists minimum requirements. The displacing entity should include any additional information that it believes would be helpful. (See Attachment A.)

6048. Survey and Analysis of Relocation Needs.

(a) (1) Requirement. Immediately following the initiation of negotiations interview all eligible persons, business concerns, including nonprofit organizations, and farm operations to obtain information upon which to plan for housing and other accommodations, as well as counseling and assistance needs.

(2) Coordination with Other Agencies. Other agencies may also be conducting surveys in the area at the same time. Coordination will be necessary to avoid duplication and to ensure that necessary information is available at the appropriate time. Surveys utilized to gather data for social service referrals should be planned in cooperation with social service agencies and a referral system should be established.

(3) Information to Persons To Be Displaced. The local agency shall carefully explain and discuss fully with each person interviewed the purpose of the survey and the nature and extent of relocation payments and assistance that will be made available. All persons shall be advised and encouraged to visit the relocation office for information and assistance.

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(4) Relocation Records. Based on information obtained during the survey and other sources as applicable, the local agency shall prepare and maintain an accurate relocation record for each person to be displaced. The record shall contain a description of the pertinent characteristics of the persons to be displaced and the assistance deemed to be necessary.

(b) The survey shall be by direct, personal interview, except where repeated efforts indicate that is not possible. 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. Eligible persons should be encouraged to bring any change in their needs to the attention of relocation officials. The survey shall be updated at least annually.

(c) A public entity shall endeavor to obtain the following information: income; whether a person is elderly or handicapped; size of family; age of children; location of job and factors limiting accessibility; area of preferred relocation; type of unit preferred; ownership or tenant preference; need for social and public services, special schools and other services; eligibility for publicly assisted housing; and with reference to the present dwelling, the rent, the type and quality of construction, the number of rooms and bedrooms, the amount of habitable living space, and locational factors including among others public utilities, public and commercial facilities (including transportation and schools) and neighborhood conditions (including municipal services). Other matters that concern a household as its members contemplate relocation should also be included.

(d) A written analysis of relocation housing needs 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 housing.

The information concerning homeownership and rental units shall be provided separately. The number of units needed shall be identified by cost for each size category. The needs of elderly and handicapped households shall be shown separately and shall include information on the number of such households requiring special facilities and the nature of such facilities.

The statement of relocation housing needs shall include a description of the locational characteristics of the displacement area neighborhoods corresponding to the requirements of comparable replacement housing. Information shall be provided concerning proximity to present employment sources, medical and recreational facilities, parks, community centers, shopping, transportation and schools. Information concerning proximity to other relevant needs and amenities is essential to ensuring that no residents are incapacitated by the relocation and such information also should be provided.

Failure to Conduct Timely and Effective Survey

6050. / When a survey is not conducted in a timely and effective manner, the public entity shall be obligated to make every effort to locate all eligible persons who have moved so that their needs can be included in the survey and the impact on the housing stock in the community can be more accurately determined. The public entity 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.

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6052. Survey and Analysis of Available Relocation Resources.

(a) (1) To enable a public entity reasonably to determine that the requisite comparable replacement dwellings will be available, the public entity, within 15 days following the initiation of negotiations, shall initiate a survey and analysis of available comparable relocation resources.

If a recent survey that provides the information identified in this section is not available, the public entity shall conduct a survey and analysis 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.

(2) When more than 25 households will be displaced, survey results shall be submitted for review to local housing, development and planning agencies and shall be compared to other existing information on housing availability.

(3) The survey shall be updated at least annually.

(b) The survey area shall be reasonably related to the displacement area and to the needs and preferences of the persons to be displaced, as indicated in the written analysis prepared pursuant to section 6048. The survey area shall have relevant characteristics (see subsection 6008(c)) which equal or exceed those of the neighborhood from which persons are to be displaced.

(c) A written analysis of relocation housing resources 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 housing.

The information concerning homeownership and rental units shall be provided separately. The number of units available shall be identified by cost for each size category. Resources available to meet the needs of elderly and handicapped households shall be shown separately and shall include information on the number of units with special facilities and the nature of such facilities.

The analysis of resources shall include a description of the locational characteristics of the survey area neighborhoods corresponding to the requirements of comparable replacement housing. Information shall be provided concerning proximity to present employment sources (with the consent of the displaced person a potential employer may be substituted), medical and recreational facilities, parks, community centers, shopping, transportation and schools. Information concerning proximity to other relevant needs and amenities is essential to ensuring that residents are not incapacitated by the relocation and such information should also be provided.

(d) (1) Units which do not satisfy the standards of comparable replacement housing, including the locational criteria, shall not be counted as a relocation resource.

(2) Uncompleted new construction or rehabilitation shall not be included in the gross figure unless there is a substantial likelihood that the units will be available when needed and at housing or rental costs within the financial means of the prospective occupants.

(3) In addition to the other requirements of this section, the gross figure representing the number of units available shall be discounted to reflect both 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. Turnover is the

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dynamic operation by which occupancy changes occur within a standing inventory over a period of time and theoretically could occur in the complete absence of vacancies on a person to person basis. The use of turnover for relocation is not permissible. The displacing entity shall assume that four percent of the rental and one percent of the ownership units which meet the standards of comparable replacement dwellings (see section 6008(c)) represents turnover. The displacing entity shall use a higher percentage figure if such figure is more accurate. The displacing entity may use a lower figure if it establishes that the lower figure is a more accurate assumption.

(4) Publicly subsidized housing, including public housing, shall not be counted as a resource unless it reasonably can be established that:

(A) The units will be available when needed;

(B) The governmental body providing the subsidy has made, in writing, a reasonably binding commitment of assistance; and

(C) The 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 units available in the community exceeds the number of households in need of the units. This requirement may be waived by the department if the public entity can establish that such units will be replaced by last resort housing within two years. To establish that last resort housing will be developed as required the public entity must have site control with permissive zoning, preliminary plans and conditional commitments for subsidy and financing or the equivalent. The public entity also must identify ownership.

(c) Uncompleted new construction or rehabilitation which is subsidized by public funds shall not be counted as a relocation resource unless the units are being subsidized to provide relocation resources.

6054. Last Resort Housing. (a) No eligible person shall be required to move from his dwelling because of the action of a public entity unless comparable replacement housing is available to him.

(b) If on the basis of its survey and analysis of relocation needs and resources a public entity cannot determine that comparable replacement housing will be available as required, the public entity may not proceed with any phase of a project or other activity which will result in displacement unless it provides such housing. (See Article 4.)

(c) If the action of a public entity has resulted or is resulting in displacement and comparable replacement housing is not available as needed, the public entity shall use its funds, or funds authorized for the project to provide such housing (see Article 4), or shall terminate or suspend further implementation of the project activity in accordance with the provisions of section 6018.

(d) Temporary relocation resources may be relied upon in the interim only if the provisions of section 6004 are satisfied.

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6056. Termination of Relocation Assistance. A public entity's relocation obligations cease under the following circumstances:

(a) A displaced person moves to a comparable replacement dwelling and receives all assistance and payments to which he is entitled.

(b) The displaced person 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 is entitled.

(c) All reasonable efforts to trace a person have failed. To ensure that the action of a public entity does not reduce the housing supply in critical categories or locations, unsuccessful efforts to trace a particular displaced person shall not lessen the obligation to provide last resort housing. (See Article 4.)

(d) 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.

(e) A person displaced from his dwelling, business or farm refuses reasonable offers of assistance, payments and comparable replacement housing.

6058. Eviction. (a) Eviction is permissible only as a last resort. It in no way affects the eligibility of evicted displaced persons for relocation payments. Relocation records must be documented to reflect the specific circumstances surrounding the eviction.

(b) Eviction shall be undertaken only for one or more of the following reasons:

(1) Failure to pay rent, except in those cases where the failure to pay is due to the 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) Performance of a dangerous, illegal act in the unit.

(3) Material breach of the rental agreement and failure to correct breach within 30 days of notice.

(4) Maintenance of a nuisance and failure to abate within a reasonable time following notice.

(5) Refusal to accept one of a reasonable number of offers of replacement dwellings.

(6) The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

6060. Evaluation of Relocation. (a) A public entity is encouraged to evaluate its relocation program, assessing the quality and quantity of services provided as well as displacee satisfaction, to determine the adequacy of program planning and to ascertain whether any persons have been denied the full benefits and services to which they are entitled. The evaluation should be based upon an annual or continual inspection of files and records, case interviews, and inspection of replacement housing and business and farm replacement locations and discussions with local individuals or organizations familiar with relocation issues. A written evaluation should be prepared at least annually.

(b) The files and records of displaced persons and property owners should be selected at random. The review should include any cases that were identified by previous monitoring as requiring corrective action and should assess the public entity's progress in taking corrective action. Both relocation and acquisition activities should be covered by the review.

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(1) The relocation sample should include cases in which all payments have been completed and cases in which the person has been displaced but all payments have not yet been made. The sample should provide a basis for the reviewer to determine not only whether payments were computed properly and made promptly, but also whether displaced persons received proper notice of the full range of relocation assistance and services to which they are entitled. Priority attention should be given to cases in which a grievance has been filed or the agency has determined that a person is ineligible for relocation benefits.

(2) The acquisition sample should be based on cases in which settlement has been completed. However, if necessary to provide a representative sample of acquisition activities, the reviewer should include incomplete transactions in which negotiations have been initiated.

(c) After the records and files have been reviewed, the reviewer should select cases for further evaluation through personal interviews with displaced persons and/or owners and the inspection of housing to which persons have moved. The interviews and housing inspections should serve both to spot check the accuracy of the information obtained in the examination of the records and files and give the reviewer a better perspective on the agency's performance.

The number and type of cases for which interviews and housing inspections are to be carried out should reflect the reviewer's judgment based on the information he has just reviewed. Generally, an interview and inspection should be carried out for at least one of every five cases for which the files and records have been reviewed. Only where the number of persons displaced is less than 25 should the number of interviews and inspections be less than 10. In no case should the number of interviews and inspections be lower than the lesser of five and the number of persons displaced. To the extent possible, the interviews should cover a representative cross section of the types of cases in the agency's workload: e.g., relocation cases involving families of various sizes as well as individuals and business concerns (including both owners and tenants), and acquisition transactions involving residential, commercial and industrial properties.

(d) In addition to the above, the following factors are among those which should be considered:

(1) The effectiveness of efforts to provide relocation services to displaced persons, including timeliness of notice and correctness of eligibility determinations.

(2) The satisfaction of relocated families, individuals and business concerns in their new locations.

(3) The extent to which self-moves to substandard housing have been minimized.

(4) The effectiveness of efforts to provide relocation services to business concerns, including counseling services and SBA loans to aid in their reestablishment.

(5) The promptness of processing claims and the making of payments, including the amounts, delivery, and use of relocation payments.

(6) The number and magnitude of rent increases following acquisition and displacement.

(7) The effectiveness of methods used to resolve difficulties experienced by site occupants.

(8) The effectiveness of the public entity's grievance procedures.

(9) The extent of resident involvement in planning the relocation program.

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(10) The effectiveness in assuring equal opportunity for displaced persons and in reducing patterns of minority-group concentration.

(11) The effectiveness of relocation in upgrading the housing and overall environmental conditions of persons displaced.

(12) The effectiveness of the social service program, including counseling services, in helping residents adjust to relocation and in helping solve individual and family problems.

(13) The impact on those segments of the housing market serving the income groups displaced.

Article 3. Relocation Payments.

6080. Purpose. The purpose of this Article is to set forth the types of, and specific eligibility criteria for, relocation payments to displaced persons. Basic eligibility conditions are set forth in section 6084. Specific conditions relating to particular payments are described in later sections.

6082. Relocation Payments by Public Entity. A public entity shall make relocation payments to or on behalf of eligible displaced persons in accordance with and to the full extent permitted by this Article. The obligations described in this Article are in addition to those in Article 6.

6084. Basic Eligibility Conditions. A person establishes basic eligibility for relocation payments if he satisfies the conditions described in section 6034. A person who moves from real property or who moves his personal property from real property because he will be displaced from other real property on which he conducts a business or farm operation, establishes eligibility on the basis of the move from such other property only for payments made pursuant to section 6090.

6086. Notice of Intent to Displace. A public entity may issue a written Notice of Intent to Displace at any time after forming a reasonable expectation of acquiring real property. Such a notice, by establishing eligibility prior to acquisition, will enable a public entity to respond to hardship and other situations.

6088. Filing of Claims; Submission of Tax Returns. All claims filed with the public entity shall be submitted within eighteen months of the date on which the claimant receives final payment for the property or the date on which he moves, whichever is later. The displacing entity may extend this period upon a proper showing of good cause.

Except where specifically provided otherwise a claimant shall not be required to submit a copy of his tax returns in support of a claim for relocation payments.

6090. Actual Reasonable Moving Expenses. (a) General. A public entity shall make a payment to a displaced person who satisfies the pertinent eligibility requirements of section 6084 and the requirements of this section, for actual reasonable expenses specified below and subject to the limitations set

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forth in subsection (c) of this section for moving himself, his family, business, farm operation or other 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 moving and related expenses for which claims may be filed shall include:

- (1) Transportation of persons and property not to exceed a distance of 50 miles from the site from which displaced, except where relocation beyond such distance of 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 12 months, as determined by the public entity to be necessary in connection with relocation;
- (4) Insurance of personal property while in storage or transit; and
- (5) The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his agent, or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available.
- (6) The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the public entity, including connection charges imposed by public utilities for starting utility service.

(b) Actual Reasonable Moving Expenses -- Displaced Business Concerns and Farm Operations. In addition to those compensable expenses set forth in subsection (a) of this section, a displaced business concern or farm operation may file a claim for the following moving and related expenses:

(1) The cost, directly related to displacement and subject to the limitation imposed by paragraph (b)(2), of:

(A) Any addition, improvement, alteration or other physical change in or to any structure or its premises in connection with the reassembling, reconnection or reinstallation of machinery, equipment or other personal property. A public entity, at its discretion, may compensate a displaced business or farm for any addition, improvement, alteration or other physical change otherwise required to render such structure, premises, or equipment suitable for the business or farm's use.

(B) Modifying the machinery, equipment, or other personal property to adopt it to the replacement location or to utilities available at the replacement location or modifying the power supply.

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

(A) Reimbursable costs shall be reasonable in amount.

(B) The cost shall be found by the public entity to be required by law or ordinance or to be otherwise necessary to the reestablishment of the displaced business or farm.

(C) The cost could not be avoided or substantially reduced at an alternate available and suitable site to which the business was referred.

(D) The public entity shall deduct, on the basis of a reasonable estimate, the amount, if any, realized by the displaced business concern as compensation for comparable additions, improvements, alterations or other physical changes to the structure and premises acquired, as part of the payment made for the acquisition of such structure and premises.

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(3) 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.

(4) The reasonable cost of any professional services (including but not limited to, architects', attorneys' or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installation of relocated personal property at the replacement site.

(5) Where an item of personal property which is used in connection with any business or farm operation is not moved but is replaced with a comparable item, reimbursement in an amount not to exceed (1) the replacement cost, minus any net proceeds received from its sale, or (2) the estimated cost of moving, whichever is less.

(c) Advance Payments. A displaced person may be paid for his anticipated moving expenses in advance of the actual move. A public entity 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 persons and small farm and business operations.

(d) The specific provisions contained in this section are not intended to preclude a public entity's reliance upon other reasonable means of effecting a move, including contracting moves and arranging for assignment of moving expense payments by displaced persons.

(e) Self-moves. Without documentation of moving expenses actually incurred, a displaced person electing to self-move may submit a claim for his moving expenses to the public entity in an amount not to exceed an acceptable low bid or an amount acceptable to the displacing entity.

(f) Personal Property of Low Value and High Bulk -- Business or Farm Operation. Where, in the judgment of the public entity, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business or farm operation 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 junkyards, stockpiles, sand, gravel, minerals, metals and similar property.

(g) Documentation in Support of a Claim.

(1) General. Except in the case of a displaced person conducting a self-move as provided in subsection (e) above, a claim for a payment under this section shall be supported by a bill or other evidence of expenses incurred. By prearrangement between the public entity, the site occupant, and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the public entity, and the public entity may pay the mover directly.

(2) Business and Farm Operations. Each claim in excess of \$1,000 for the costs incurred by a displaced person for moving his business or farm operation shall be supported by competitive bids in such number as are practical. If the public entity determines that compliance with the bid requirement is impractical or if estimates in an amount of less than \$1,000 are obtained, a claim may be supported by estimates in lieu of bids.

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(h) Whenever a public entity must pay the actual cost of moving a displaced person the costs of such move shall be exempt from regulation by the Public Utilities Commission as provided by section 7262(e) of the Act. The public entity 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.

6092. Actual Direct Losses of Tangible Personal Property. (a) General.

A public entity shall make a payment to a displaced person who satisfies the eligibility requirements of section 6090 and this section, for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, in an amount determined by the public entity to be in accordance with the provisions of this section.

(b) Determining Actual Direct Loss of Property. Actual direct loss of property shall be determined on the basis of the lesser of the following:

(1) The fair market value of the property for continued use at its location prior to displacement.

(2) The estimated reasonable costs of relocating the property.

The public entity may require that the owner first make a bona fide effort to sell the property or it may permit the owner not to do so.

The proceeds realized from any sale of all or part of the property shall be deducted from the determination of loss. In calculating payment under this section the reasonable cost of an effort to sell shall be added to the determination of loss.

(c) Documentation to Support Claim. A claim for payment hereunder shall be supported by written evidence of loss which may include appraisals, certified prices, bills of sale, receipts, cancelled checks, copies of advertisements, offers to sell, auction records, and other records appropriate to support the claim or the public entity may agree as to the value of the property left in place.

6094. Actual Reasonable Expenses in Searching for a Replacement Business or Farm. A displaced person who satisfies the pertinent eligibility requirements of section 6090 with respect to actual reasonable moving expenses, shall be eligible for a payment in an amount not to exceed \$500, in searching for a replacement business or farm, including expenses incurred for:

(a) Transportation;

(b) Meals and lodging away from home;

(c) Time spent in searching, based on the hourly wage rate of the salary or earnings of the displaced person or his representative, but not to exceed \$10 per hour; and

(d) Fees paid to a real estate agent or broker to locate a replacement business or farm.

6096. Moving Expenses -- Outdoor Advertising Businesses. A displaced person who 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.

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6098. Alternate Payments -- Individuals and Families. A person or family, who is displaced from a dwelling and is eligible for a payment for actual reasonable moving expenses under section 6090, may elect to receive and shall be paid, in lieu of such payment:

(a) A moving expense allowance not to exceed \$300, and determined in accordance with established Federal Highway Administration schedules maintained by the California Department of Transportation, and

(b) A dislocation allowance of \$200.

6100. Alternate Payments -- Businesses and Farm Operations. (a) General.

(1) A person who is displaced from his place of business or farm operation and is eligible for payments under sections 6090, 6092, 6094, or 6096, and complies with the requirements of this section, may elect to receive and shall be paid, in lieu of such payments, a payment equal to the average annual net earnings of the business or farm operation (but not including a business as described in section 6096) as determined in accordance with subsection (b) below, except that such payment shall be not less than \$2,500 nor more than \$10,000. For purposes of this section, the dollar limitation specified in the preceding sentence shall apply to a single business, regardless of whether it is carried on under one or more legal entities.

(2) Loss of Goodwill. When payment under this section will precede settlement of a claim for compensation for loss of good will under the Eminent Domain Law, the public entity before tendering payment shall state in writing what portion of the payment, if any, is considered to be compensation for loss of goodwill and shall explain in writing that any payment made pursuant to Code of Civil Procedure, Sections 1265.510 et seq. (the Eminent Domain Law, Chapter 9, Article 6 - "Compensation for Loss of Goodwill") will be reduced in the same amount. The portion considered to be compensation for loss of goodwill shall not exceed the difference between the payment made under this section and an amount which reasonably approximates the payments for which the displaced person otherwise would be eligible under Sections 6090, 6092, 6094, and 6096. Failure to provide such written statement and explanation shall constitute a conclusive indication that no portion of the payment is considered to be compensation for loss of goodwill for the purposes of that portion of the Code of Civil Procedure referenced above.

(b) Requirements -- Businesses. Payment shall not be under this section unless the public entity determines that:

(1) The business 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 another establishment which is not being acquired for a project and which is engaged in the same or similar business. Whenever the sole remaining facility of a business which has been displaced from its principal location:

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(A) Has been in operation for less than two years;
 (B) Has had average annual gross receipts of less than \$2,000 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 during the two taxable years prior to the 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) Had average annual gross receipts of at least \$2,000 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 public entity determines that the two year period prior to displacement is not representative of average receipts, earnings or income, it may make use of a more representative period.

(c) 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 inter-related 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.

(d) Requirements -- Farms. In the case of a farm operation, no payment shall be made under this section unless the public entity determines that the farm met the definition of a farm operation prior to its acquisition. If the displacement is limited to only part of the farm operation, the operator will be considered to have been displaced from a farm operation if: the part taken met the definition of a farm operation prior to the taking and the taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

(e) Requirements -- Nonprofit Organizations. In the case of a nonprofit organization, no payment shall be made under this section unless the public entity determines that:

(1) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage (the term "existing patronage" as used in connection with a nonprofit organization includes the membership, persons, community, or clientele served or affected by the activities of the nonprofit organization); and

(2) The nonprofit organization is not a part of an enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

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(f) Net Earnings. The term "average annual net earnings" as used in this section means one-half of any net earnings of the business or farm operation, before federal and state income taxes, during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for such project, or during such other period as the head of the public entity determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period. The term "owner" as used in this section includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the public entity. For purposes of determining a principal stockholder, stock held by a husband, his wife and their dependent children shall be treated as one unit.

(g) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this section, he shall provide proof of his earnings from the business or farm operation to the agency concerned. Proof of earnings may be established by income tax returns, financial statements and accounting records or similar evidence acceptable to the public entity.

6102. Replacement Housing Payments for Homeowners. (a) General. A public entity shall make to a person who is displaced from a dwelling and who satisfies the pertinent eligibility requirements of section 6084 and the conditions of subsection (b) of this section, a payment not to exceed a combined total of \$15,000 for:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost, as determined in accordance with subsection (c), 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, except where a displaced person, in the circumstance described in paragraph 6108(a)(1), is willing to use the extra money to improve the condition of the dwelling.

(2) The amount, if any, to compensate the displaced person for any increased interest costs, as determined in accordance with subsection (c), he is required to pay for financing the acquisition of a replacement dwelling. The payment shall not be made unless the dwelling acquired by the public entity was encumbered by a bonafide 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 subsection (b) below.)

(3) Reasonable expenses, determined in accordance with subsection (c) of this section, incurred by the displaced person incident to the purchase of the replacement dwelling.

(4) In accordance with section 6106, the cost of rehabilitating a dwelling which does not satisfy the decent, safe and sanitary standard.

(b) Eligibility Conditions.

(1) A displaced person is eligible for payment under this section if such person:

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(A) Is displaced from a dwelling that is acquired;
(B) Has actually owned and occupied such dwelling for not less than 180 days prior to the initiation of negotiations for its acquisition; and

(C) Purchases and occupies a replacement dwelling within one year subsequent to the date on which he received final payment from the public entity of all costs of the acquired dwelling or the date on which he moves from the acquired dwelling, whichever is later.

(2) If an owner satisfies all but the 180 day requirement and can establish to the satisfaction of the public entity that he bought the dwelling with the intention of making it his place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits, and that he neither knew nor should have known that public acquisition was intended the public entity may reduce the requirement as necessary.

(3) Where for reasons beyond the control of the displaced person completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the public entity shall determine the date of occupancy to be the date the displaced person 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 person occupies the replacement dwelling when the construction or rehabilitation is completed.

(4) Where, for reasons of hardship or circumstances beyond the control of the displaced person, such person is unable to occupy the replacement dwelling by the required date, the public entity may extend the deadline as necessary. If by the deadline the displaced person has contracted to purchase a replacement dwelling, the public entity should extend the deadline.

(5) No person otherwise eligible for a payment under this section or under section 6104 shall be denied such eligibility as a result of his being unable, because of a major state or national disaster, to meet the occupancy requirements.

(c) Computation of Replacement Housing Payment.

(1) Cost of Comparable Replacement Dwelling.

(A) In determining the reasonable cost of a comparable replacement dwelling, the public entity concerned 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 public entity and which are most representative of the acquired dwelling unit and meet the definition of comparable replacement dwelling set out in subsection 6008(c). Whenever possible the listing price of at least three dwellings shall be considered.

2. Schedule Method. Where the public entity determines that the comparative method is not feasible, it may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings. If more than one entity is administering a project causing displacement in the area, it shall cooperate with the other entities in establishing a uniform schedule for the area. The schedule shall be based on a current

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analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas this 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 listed in subsection 6008(c). To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of bedrooms, and price ranges.

3. Alternative Method. Where the public entity determines that neither the schedule, nor comparative method is feasible in a given situation, by the use of another reasonable method.

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

(2) Interest Payments. Interest payments 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 purposes of this paragraph 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 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 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.

(3) Expenses Incident to the Purchase of the Replacement Dwelling. Payment under this section shall include the amount necessary to reimburse the displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling, including but not limited to the following: legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid incident to recordation; lender, FHA, VA or similar appraisal cost; FHA, VA or similar application fee; cost for certification of structural soundness; credit report charges; charge for owner's and mortgagee's evidence or assurance of title; escrow agent's fee; and sales or 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 in the community.

Reimbursement shall not be made under the provisions of this paragraph 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 (Pub. L. 90-321), 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 interest payments.

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(d) **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 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 an otherwise comparable single-family structure.

(e) **Owner Retention.**

(1) If a displaced homeowner elects to retain, move, and occupy his dwelling, the amount payable under this section 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. A public entity may limit the payment made under this subsection to the amount of the replacement housing payment for which the homeowner would otherwise be eligible.

(2) The payment shall not exceed \$15,000.

(f) **Provisional Payment Pending Condemnation.** If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the public entity concerned may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the public entity'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 will be refunded by the homeowner to the public entity. 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 will be paid to the homeowner.

(g) **Lease of Condominium.** For the purposes of this section, the leasing of a condominium for a 99-year period, or for a term which exceeds the life expectancy of the displaced person 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, shall be deemed a purchase of the condominium.

6104. Replacement Housing Payments for Tenants and Certain Others. (a) **General.** A public entity shall make to a displaced person who satisfies the eligibility requirements of section 6084 and the conditions of subsection (b) below, a payment not to exceed \$4,000 for either:

(1) An amount, computed in accordance with paragraph (d)(1) of this section, necessary to enable such person to lease or rent a replacement dwelling for a period not to exceed 4 years; or

(2) An amount, computed in accordance with paragraph (d)(2) of this section, necessary to enable such person to make a downpayment on the purchase of a replacement dwelling (including incidental expenses described in section 6102). If such amount exceeds \$2,000, the displaced person shall equally match any such amount in excess of \$2,000 in making the downpayment.

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(b) Eligibility Conditions. A displaced person is eligible for the payments specified in subsection (a) if he satisfies the following conditions:

(1) Has occupied the dwelling from which he is displaced for a period of not less than 90 days prior to the initiation of negotiation for acquisition of such dwelling.

(2) Is not eligible to receive a replacement housing payment for homeowners under section 6102 or elects not to receive such payment. Where the displaced person is the owner-occupant of the dwelling, the payment made under paragraph 6104(a)(2) shall not exceed the amount of payment to which the person would be eligible under section 6102.

(3) Whenever a payment under subsection (a)(2) is sought the displaced person shall within one year from the date of displacement purchase and occupy a replacement dwelling.

(c) The provisions in subsection 6102(b) for modifying the conditions of eligibility also apply to this section.

(d) Computation of Payment.

(1) Rentals. The amount of payment necessary to lease or rent a comparable replacement dwelling, under subsection (a)(1), shall be computed by subtracting 48 times the base monthly rental of the displaced person (as determined in accordance with this subsection), from 48 times the monthly rental for a comparable replacement dwelling (as determined in accordance with this subsection): Provided, that in no case may such amount exceed the difference between 48 times the base monthly rental as determined in accordance with this subsection and 48 times the monthly rental actually required for the replacement dwelling occupied by the displaced person.

(A) Base Monthly Rental. The base monthly rental shall be the lesser of the average monthly rental paid by the displaced person for the 3-month period prior to initiation of negotiations and 25 percent of the displaced person's average monthly income. (See subsection 6008(1).) Where the displaced person was the owner of the dwelling from which he was displaced or was not required to pay rent for that dwelling, the economic rent (see subsection 6008(h)) shall be used in lieu of the average monthly rental to calculate base monthly rental.

(B) Comparable Rental. The monthly rental for a comparable replacement dwelling shall be the amount of rent determined by the public entity by one of the methods described in paragraph 6102(c)(1), considering rental charges instead of listing price or acquisition cost.

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

(2) Downpayment. The downpayment for which a payment specified under paragraph (a)(2) of this section may be made, together with any matching share which may be required, 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 Section 6102. The full amount of a downpayment under this section shall be applied to the purchase of the replacement dwelling and shall be shown on the closing statement or other document acceptable to the public entity.

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(e) Rental Payments for Displaced Owners and Dependents.

(1) Owners. A displaced owner who elects to rent rather than purchase a replacement dwelling and who meets the eligibility conditions specified in subsection (b) is eligible for the payment specified in paragraph (a)(1).

(2) 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 this section, but such payment shall be limited to the period during which the displaced dependent resides in the replacement dwelling. At the time the displaced dependent vacates that dwelling, no further payment under this section shall be made to such person. For the purposes of this paragraph a 'dependent' shall be a person who derives fifty-one percent or more of his 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 or more of their income is derived from sources other than gifts from another private person or academic scholarships 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) Disbursement. Except where specifically provided otherwise, the public entity shall have the authority to disburse payments under this section in a lump sum, monthly or at other intervals acceptable to the displaced person.

6106. Proration of Payments. For the purpose of calculating an alternate payment under section 6098 or a replacement housing payment under section 6102 or 6104, 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 person.

Where a tenant is sharing a single-family dwelling with an owner-occupant and paying the owner-occupant rent for the privilege, the tenant shall not be entitled to more than one-half of the rental supplement otherwise payable. The owner-occupant shall not be required to share the payment to which he is entitled or accept a prorated amount.

6108. Condition of Replacement Dwelling. (a) When a displaced person qualifies for a replacement housing payment (under section 6102 or 6104) by purchasing or renting a replacement dwelling, the unit, as a general rule, must be decent, safe and sanitary. There are three exceptions. One is described in paragraph 6040(a)(6). The others are:

(1) If the purchase of such a dwelling is the result of the public entity's failure to identify a reasonable number of comparable replacement dwellings as required or if the dwelling is one to which the person was referred by the public entity, the condition of the dwelling does not effect eligibility for a replacement housing payment.

(2) If the purchase of such a dwelling is not the result of a public entity's referral or failure to refer, the otherwise eligible person qualifies for a replacement housing payment if the unit is brought into compliance with the decent, safe and sanitary standard. In this situation 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 related expenses) and rehabilitation, whichever is less.

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(b) A public entity shall not induce or encourage a displaced person to acquire a dwelling which does not satisfy the comparable replacement housing standard. (See section 6008(c).)

6110. Certificate of Eligibility. Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a replacement dwelling, but who is otherwise eligible for a replacement housing payment, the public entity concerned 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 purchases and occupies a dwelling within the time limits prescribed.

6112. Mobile Homes. (a) General. A mobile home is a dwelling. (See subsection 6008(g).) A person displaced from a mobile home must satisfy the same eligibility requirements and must be provided the same assistance, assurance and payments as a person displaced from a conventional dwelling.

(b) Moving Expenses. If a mobile home is moved to another site, the displaced person shall be compensated for moving expenses in accordance with sections 6090 and 6092. The provisions of these sections which generally apply only to businesses and farms shall also apply to displaced persons who move a mobile home.

(c) Replacement housing payments.

(1) A person who owns a mobile home and site and as a replacement purchases both a dwelling and site shall be provided a replacement housing payment in accordance with section 6102. A person who owns a mobile home and site, and as a replacement rents both a dwelling and site, shall be provided a payment in accordance with section 6104.

(2) A person who rents a mobile home and site, and as a replacement rents or purchases a dwelling and site, shall be provided a payment in accordance with section 6104.

(3) A person who owns a mobile home and site, and as a replacement purchases a dwelling and rents a site, shall be provided a payment in accordance with sections 6102 and 6104. The payment shall be limited to the lesser of:

(A) The amount necessary to purchase a conventional comparable replacement dwelling; and

(B) The amount necessary to purchase a replacement mobile home (in accordance with section 6102) plus the amount necessary to rent a replacement site (in accordance with section 6104). In calculating this amount, the economic rent for the site shall be used in lieu of average monthly rental to determine the base monthly rental (as provided in paragraph 6104(d)(1)).

(4) A person who owns a site from which he moves a mobile home shall be provided a replacement housing payment under section 6102 if he purchases a replacement site and under section 6104 if he rents a replacement site.

(5) A person who owns a mobile home which is acquired and rents the site shall be provided payment as follows:

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(A) If a mobile home is not available the amount required to purchase a conventional replacement dwelling (in accordance with section 6102);

(B) The amount necessary to purchase a replacement mobile home (in accordance with section 6102) plus the amount necessary to lease, rent or make a downpayment on a replacement site (in accordance with section 6104); or

(C) If he elects to rent a replacement mobile home and site, the amount required to do so in accordance with section 6104. In calculating this payment, the average monthly rental shall equal the economic rent for the mobile home plus the actual rent for the site.

(6) Similar principles shall be applied to other possible combinations of ownership and tenancy upon which a claim for payment might be based.

Affected Property

6114. (a) In addition to the payments required by Section 7262 of the Act (see sections 6090, 6092, 6094, 6096, 6098 and 6100), as a cost of acquisition, the public entity shall make a payment to any affected property owner meeting the requirements of this section.

(b) Such affected property is immediately contiguous to property acquired for airport purposes and the owner shall have owned the property affected by acquisition by the public entity not less than 180 days prior to the initiation of negotiation for acquisition of the acquired property.

(c) Such payment, not to exceed fifteen thousand dollars (\$15,000), shall be the amount, if any, which equals the actual decline in the fair market value of the property of the affected property owner caused by the acquisition by the public entity for airport purposes of other real property and a change in the use of such property.

(d) The amount, if any, of actual decline in fair market value of affected property shall be determined according to rules and regulations adopted by the public entity. Such rules and regulations shall limit payment under this section only to such circumstances in which the decline in fair market value of affected property is reasonably related to objective physical change in the use of acquired property.

(e) "Affected property" means any real property which actually declines in fair market value because of acquisition by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.

Article 4. Last Resort Housing.

6120. Purpose. The purpose of this part is to set forth the criteria and procedures for assuring that if the action of a public entity results, or will result in displacement, and comparable replacement housing will not be available as needed, the public entity shall use its funds or funds authorized for the project to provide such housing.

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6122. Determination of Need for Last Resort Housing. If on the basis of data derived from surveys and analyses which satisfy the requirements of sections 6048 and 6052, the public entity is unable to demonstrate that comparable replacement housing will be available as required, the head of the public entity shall determine whether to use the public entity's funds or the funds authorized for the project to provide such necessary replacement housing or to modify, suspend or terminate the project or undertaking.

6124. Development of Replacement Housing Plan. (a) General.

(1) Following the determination pursuant to section 6122, the head of the displacing public entity shall develop or cause to be developed a replacement housing plan to produce a sufficient number of comparable replacement dwellings. The plan shall specify how, when and where the housing will be provided, how it will be financed and the amount of funds to be diverted to such housing, the prices at which it will be rented or sold to the families and individuals to be displaced, the arrangements for housing management and social services as appropriate, the suitability of the location and environmental impact of the proposed housing, the arrangements for maintaining rent levels appropriate for the persons to be rehoused, and the disposition of proceeds from rental, sale, or resale of such housing. If a referendum requirement or zoning presents an obstacle, the issue shall be addressed.

(2) All contracts and subcontracts for the construction, rehabilitation or management of last resort housing shall be let without discrimination as to race, sex, marital status, color, religion, national origin, ancestry or other arbitrary circumstance and pursuant to an affirmative action program. The public entity shall encourage participation by minority persons in all levels of construction, rehabilitation, planning, financing and management of last resort housing. When the housing will be located in an area of minority concentration, the public entity shall seek to secure significant participation of minorities in these activities. The public entity shall require that, to the greatest extent feasible, opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of last resort housing be given to persons of low income residing in the area of such housing and shall determine and implement means to secure the participation of small businesses in the performance of contracts for such work.

(b) Citizen Participation.

(1) If the need for last resort housing exceeds 25 units, the head of the displacing public entity shall establish a committee which will consult with and provide advice and assistance to the displacing public entity in the development of the plan. The committee should include appointed representatives of the displacing entity and state and local agencies knowledgeable regarding housing in the area, including but not limited to the local housing authority and the central relocation agency, if any. In addition, the committee should include representatives of other appropriate public groups (for example, local and areawide planning agencies) and private groups knowledgeable regarding housing and the problems of housing discrimination.

(2) The committee shall include representatives of the residents to be displaced. These representatives may be appointed by the displacing entity or elected by the residents, as the residents wish. Resident representatives shall, at a minimum, constitute one-third of the committee membership. Votes shall be allocated so that the total votes of resident representatives shall equal one-half of the total votes of the committee membership.

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(3) The plan must be approved by the vote of a simple majority of the committee membership. In the event the committee fails to approve the plan, the local governing body or, where the displacing entity is a state agency, the head of the state agency may substitute its approval.

(c) Consultation with Other Housing Agencies and Organizations. The head of the displacing public entity may consult or contract with the department, a local housing authority, or other agency or organization having experience in the administration or conduct of housing programs to provide technical assistance and advice in the development of the replacement housing plan.

6126. Submission of Plan for Comment. The head of the displacing public entity shall submit the plan and all significant amendments to the department and local housing and planning agencies for comment and to assure that the plan accurately reflects housing conditions and needs in the relocation area. Reviewing agencies shall have 30 calendar days following receipt of the plan to prepare their comments. Copies of all comments received shall be forwarded to the committee and available to all interested persons.

General notice of the plan shall be provided. Notice shall be designed to reach the residents of the relocation area; it shall be in accordance with the provisions of paragraph 6046(a)(3) and subsection 6046(b); and it shall be provided 30 days prior to submission to the committee, or the local governing body or head of state agency for approval.

6128. Determination by Displacing Public Entity of Feasibility and Compliance. Upon receipt and consideration of the comments, the displacing public entity shall determine whether or not:

- (a) The plan is feasible.
- (b) The plan complies with applicable environmental standards and procedures.
- (c) The plan is compatible with the local general plan and housing element and the areawide housing plan or strategy.

If any of the above determinations by the displacing public entity is negative the displacing public entity shall revise the plan as necessary. Substantial modifications in the plan shall be submitted for review and comment as provided in section 6126. If necessary for timely implementation of the plan or execution of the project, the head of the displacing public entity may shorten the time allowed in section 6126 for review of modifications.

6130. Implementation of the Replacement Housing Plan. Upon making the determinations required by section 6128, the head of the displacing entity may expend funds and take such other actions as necessary to provide, rehabilitate, or construct replacement housing pursuant to the approved replacement housing plan through methods including but not limited to the following:

- (a) Transfer of funds to state and local housing agencies.
- (b) Contract with organizations experienced in the development of housing.
- (c) Direct construction by displacing public entity.

Whenever practicable, the head of the displacing public entity should utilize the services of federal, state, or local housing agencies, or other agencies having experience in the administration or conduct of similar housing programs.

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6132. Housing Production. The head of the displacing public entity shall monitor the production of the last resort housing to ensure that it is in accordance with the plan.

6134. Jointly Sponsored Development. Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought for joint development and financing to aggregate resources in order most efficiently to provide replacement housing in sufficient quantity to satisfy the aggregate needs of such programs.

6136. Last Resort Housing In Lieu of Payments. A public entity shall not require a displaced person to accept a dwelling provided pursuant to this Article in lieu of the displaced person's acquisition payment, if any, for the real property from which he is displaced or the relocation payments for which he may be eligible.

6138. Conformity with the Act and Other Statutes, Policies and Procedures. (a) Civil Rights and Other Acts. The administration of this Article shall be in accord with the provisions of the Unruh Civil Rights Act (Civil Code, Sections 51 et seq.), the Rumford Act (Health and Safety Code, Section 35700 et seq.), Section 1 of the Civil Rights Act of 1866 (42 U.S.C. 1982), Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Environmental Quality Act of 1970 (Public Resources Code, Section 21100 et seq.) and regulations issued pursuant thereto.

(b) Dwelling and Relocation Standards. Determinations made pursuant to section 6122 and any plan developed and implemented for providing replacement housing and all such housing provided thereunder shall be in conformity with the standards established in the Act and Guidelines.

Article 5. Grievance Procedures.

6150. Purpose. The purpose of this article is to set forth guidelines for processing appeals from public entity determinations as to eligibility, the amount of payment, and for processing appeals from persons aggrieved by a public entity's failure to refer them to comparable permanent or adequate temporary replacement housing. Public entities shall establish procedures to implement the provisions of this Article.

6152. Right of Review. (a) Any complainant, that is any person who believes himself aggrieved by a determination as to eligibility, the amount of payment, the failure of the public entity to provide comparable permanent or adequate temporary replacement housing or the public entity's property management practices may, at his election, have his claim reviewed and reconsidered by the head of the public entity or an authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in this article, as supplemented by the procedures the public entity shall establish for such review and reconsideration.

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(b) A person or organization directly affected by the relocation plan may petition the department to review the final relocation plan of a public entity to determine if the plan is in compliance with state laws and guidelines or review the implementation of a relocation plan to determine if the public entity is acting in compliance with its relocation plan. Review undertaken by the department under this section may be informal or may follow the procedures outlined in Government Code, Sections 11180 et seq. Before conducting an investigation under the Government Code sections, the department should attempt to constrain disputes between parties.

Failure to petition the department shall not limit a complainant's right to seek judicial review.

(c) If a relocation appeals board has been established pursuant to Section 33417.5 of the Health and Safety Code, a city by ordinance may designate the board to hear appeals from local public entities which do not have an appeal process. In the absence of such an ordinance, public entities shall establish procedures to implement the provisions of this Article.

6154. Notification to Complainant. If the public entity denies or refuses to consider a claim, the public entity'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 in accordance with section 6046.

6156. Stages of Review by a Public Entity. (a) Request for Further Written Information. A complainant may request the public entity to provide him with a full written explanation of its determination and the basis therefore, if he feels that the explanation accompanying the payment of the claim or notice of the entity's determination was incorrect or inadequate. The public entity shall provide such an explanation to the complainant within three weeks of its receipt of his request.

(b) 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 (d) of this section, and within 15 days of the request the public entity 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 head of the public entity or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The public entity 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.

(c) Written Request for Review and Reconsideration. At any time within the period described in subsection (d) 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.

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(d) 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 public entity within eighteen months following the date he moves from the property or the date he receives final compensation for the property, whichever is later.

6158. Formal Review and Reconsideration by the Public Entity. (a) General. The public entity 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 head of the public entity 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 public entity 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 public entity 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.

(b) Scope of Review. The public entity shall review and reconsider its initial determination of the claimant's case in light of:

(1) All material upon which the public agency based its original determination including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness.

(2) The reasons given by the claimant for requesting review and reconsideration of the claim.

(3) Any additional written or relevant documentary material submitted by the claimant.

(4) Any further information which the public entity in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

(c) Determination on Review by Public Entity.

(1) The determination on review by the public entity shall include, but is not limited to:

(A) The public entity's decision on reconsideration of the claim.

(B) The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale.

(C) A statement to the claimant of the right to further administrative appeal, if the public entity has such an appeal structure, or if not, a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought.

(2) The determination shall be in writing with a copy provided to the claimant.

(d) Time Limits.

(1) The public entity 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.

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

6160. Refusals to Waive Time Limitation. Whenever a public entity rejects a request by a claimant for a waiver of the time limits provided in section 6088, a claimant may file a written request for review of this decision in accordance with the procedures set forth in sections 6156 and 6158, except that such written request for review shall be filed within 90 days of the claimant's receipt of the public entity's determination.

6162. Extension of Time Limits. The time limits specified in section 6156 may be extended for good cause by the public entity.

6164. Recommendations by Third Party. Upon agreement between the claimant and the public entity, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the head of the public entity for its final determination. In reviewing the claim and making recommendations to the public entity, the third party or parties shall be guided by the provisions of this Article.

6166. 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 public entity 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.

6168. Effect of Determination on Other Persons. The principles established in all determinations by a public entity 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.

6170. 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.

6172. Stay of Displacement Pending Review. If a complainant seeks to prevent displacement, the public entity 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 public entity shall notify the complainant in writing 20 days prior to the proposed new date of displacement.

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6174. Joint Complainants. Where more than one person is aggrieved by the failure of the public entity 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 by the public entity for each of the complainants.

6176. 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.

Article 6. Acquisition Policies

6180. Purpose. The purpose of this Article is to set forth the practices to be followed with respect to acquisition of real property by a public entity. Public entities shall, to the greatest extent practicable, be guided by these practices.

6182. Acquisition. (a) A public entity shall make every reasonable effort to acquire property by negotiation and to do so expeditiously.

(b) Before negotiations are initiated (see subsection 6008(n)) a public entity shall:

(1) Have the property appraised, giving the owner or his representative designated in writing an opportunity, by reasonable advance written notice, to accompany the appraiser during the inspection of the property;

(2) 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, inform him of his possible right to compensation for loss of goodwill. The public entity should include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure Sections 1230.010 et seq.).

(3) Establish an amount it believes to be just compensation for the property, which amount shall, in no event, be less than the public entity's approved appraisal of the fair market value of the property as improved.

(c) The determination of just compensation shall be based upon consideration of:

(1) The real property being acquired;

(2) Where the real property acquired is part of a larger parcel, the injury, if any, to the remainder; and

(3) Loss of goodwill, where the owner of the real property is also the owner of a business conducted upon the property to be acquired or on the remainder and where the provisions of the Eminent Domain Law pertaining to compensation for loss of goodwill are satisfied. 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.

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(d) As soon as possible after the amount of just compensation is established, the public entity shall offer to acquire the property for the full amount so established and shall provide the owner with a written statement of the basis for determination of just compensation. The statement shall include the following:

- (1) A general statement of the public use for which the property is to be acquired.
- (2) A description of the location and extent of the property to be taken, with sufficient detail for reasonable identification, and the interest to be acquired.
- (3) An inventory identifying the buildings, structures, fixtures, and other improvements.
- (4) A recital of the amount of the offer and a statement that such amount:

(A) Is the full amount believed by the public entity to be just compensation for the property taken;

(B) Is not less than the approved appraisal of the fair market value of the property as improved;

(C) 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 public improvement for which the property is to be acquired for such public improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant; and

(D) 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 public entity, except for an amount to compensate the owner for that portion of loss of goodwill provided in accordance with Section 6100.

(5) If the real property is a portion of a larger parcel, the statement shall include an apportionment of the total estimated just compensation for the partial acquisition between the value of the property being taken and the amount of damage, if any, to the remainder of the larger parcel from which such property is taken.

(6) If the owner of the real property to be acquired is also the owner of a business conducted upon the property or the remainder, the statement shall include an indication of the amount of compensation for loss of goodwill.

(e) At the initiation of negotiations (see subsection 6008(n)) a public entity 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 possible right to compensation for loss of goodwill. The public entity should include a copy of the pertinent provisions of the Eminent Domain Law (Code of Civil Procedure, Section 1230.010 et seq.).

(f) (1) If after receiving the public entity's offer the owner requests additional information regarding the determination of just compensation, the public entity shall provide the following information to the extent that the determination of just compensation is based thereon:

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- (A) The date of valuation used.
- (B) The highest and best use of the property.
- (C) The applicable zoning.
- (D) Identification of some of the sales, contracts to sell and purchase, and leases supporting the determination of value.
- (E) If the property is a portion of a larger parcel, a description of the larger parcel, with sufficient detail for reasonable identification.

(2) With respect to each sale, contract, or lease provided in accordance with (1)(D) above, the following data should be provided:

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- (A) The names and business or residence addresses, if known, of the parties to the transaction.
- (B) The location of the property subject to the transaction.
- (C) The date of transaction.
- (D) The price and other significant terms and circumstances of the transaction, if known. In lieu of stating the other terms and circumstances, the public entity may, if the document is available for inspection, state the place where and the times when it is available for inspection.

(3) The requirements of this subsection do not apply to requests made after an eminent domain proceeding is commenced.

(g) Whenever a part of a parcel of property is to be acquired by a public entity for 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 public entity shall offer to acquire the remnant if the owner so desires. For the purposes of these Guidelines an "uneconomic remnant" shall be a parcel of real property in which the owner retains an interest after partial acquisition of his property and which has little or no utility or value to such owner. (Nothing in this subsection is intended to limit a public entity's authority to acquire real property.)

(h) Nothing in this section shall be construed to deprive a tenant of the right to obtain payment for his property interest as otherwise provided by law.

(i) (1) Prior to commencement of an eminent domain proceeding the public entity shall make reasonable efforts to discuss with the owner its offer to purchase the owner's real property. The owner shall be given a reasonable opportunity to present material which he 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 public entity shall carefully consider the owner's presentation.

(2) Prior to commencement of an eminent domain proceeding, 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 public entity shall have its appraisal updated. If a modification in the public entity'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.

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(Pursuant to Government Code Section 11380.1)

(j) (1) In no event shall the public entity either advance the time of condemnation, or defer negotiations or condemnation on 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.

(2) If any interest in property is to be acquired by exercise of the power of eminent domain, the public entity shall promptly institute formal condemnation proceedings. No public entity shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of this real property.

6184. Notice of Decision to Appraise. The public entity 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 has been determined to be located within the area; and
- (c) The owner's property, which shall be generally described, may be acquired in connection with the public use.

6186. Time of Offer. The public entity shall make its first written offer as soon as practicable following service of the Notice of Decision to Appraise. (See section 6184.)

6188. Notice of Land Acquisition Procedures. (a) At the time the public entity notifies an owner of its decision to appraise real property it shall furnish the owner a written explanation of its land acquisition procedures, describing in non-technical, understandable terms the public entity's acquisition procedures and the principal rights and options available to the owner.

(b) The notice shall include the following:

- (1) A description of the basic objective of the public entity's land acquisition program and a reference to the availability of the public entity's statement covering relocation benefits for which an owner-occupant may be eligible;
- (2) A statement that the owner or his representative designated in writing shall be given the opportunity to accompany each appraiser during his inspection of the property.
- (3) A statement that if the acquisition of any part of real property would leave the owner with an uneconomic remnant as defined in subsection 6182(g) the public entity will offer to acquire the uneconomic remnant; if the owner so desires;
- (4) A statement that if the owner is not satisfied with the public entity's offer of just compensation he will be given a reasonable opportunity to present relevant material, which the public entity will carefully consider, and that if a voluntary agreement cannot be reached the public entity, as soon as possible, will either institute a formal condemnation proceeding against the property or abandon its intention to acquire the property, giving notice of the latter as provided in section 6190.

DO NOT WRITE IN THIS SPACE

CONTINUATION SHEET
**FOR FILING ADMINISTRATIVE REGULATIONS
 WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

(5) A statement that construction or development of a project shall be so scheduled that no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by these Guidelines will be available) or to move his business or farm operation without at least 90 days written notice from the public entity of the date by which the move is required; and

(6) A statement that, if arrangements are made to rent the property to an owner or his tenant for a short term or for a period subject to termination by the public entity on short notice, the rental will not exceed the lesser of the fair rental value of the property to short term occupier or the 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 financial means. (See subsection 6008(c).)

6190. Notice of Public Entity's Decision Not to Acquire. Whenever a public entity which has forwarded a Notice of Decision to Appraise or has made a firm offer subsequently decides not to acquire the property, the public entity shall serve a notice in writing on the owner, all persons occupying the property and all other persons potentially eligible for relocation payments and assistance. This notice shall state that the public entity has decided not to acquire the property. It shall be served not later than 10 days following the date of the public entity decision not to acquire.

6192. Incidental Expenses. If the real property is acquired by purchase, the public entity shall pay all reasonable expenses incident to transfer. Among the expenses requiring payment are: recording fees, transfer fees and similar expenses incident to the conveyance of real property, and the pro rata portion of charges for public service such as water, sewage and trash collection which are allowable to a period subsequent to the date of transfer of title to the public entity, or the effective date of possession of such property by the public entity, whichever is earlier. The public entity shall inform the owner that he may apply for a rebate of the pro rata portion of any real property taxes paid.

6194. Short Term Rental. (a) If the public permits an owner or tenant to occupy the real property acquired on a rental basis for a short-term or for a period subject to termination by the public entity on short notice, the amount of rent required shall not exceed the lesser of the fair rental value to a short-term occupier or the 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 financial means. (See subsection 6008(c).)

(b) A post-acquisition tenant who occupies real property acquired 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 not less than 30 days notice of termination of the tenancy.

6195. Public Information. The purchase price and other consideration paid by the public entity is public information and shall be made available upon request.

6196. Service of Notice. Service of all notices required by this Article shall be made either by first class mail or by personal service upon the person to be notified.

6198. Nonpossessory Interest Exception. The provisions of 6182(b), (c), (d)(4), and (f) and 6188 shall not 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 sub-surface sewers, waterlines or appurtenance, drains, septic tanks, or storm water drains.

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CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE
(Pursuant to Government Code Section 11380.1)

Attachment A

Minimum Contents of Informational Statement(s)

Item To Be Included	For Distribution To	
	Displaced Persons	Business Concerns and Others
1. General description of the nature and types of activities that will be undertaken, including an identification of areas which may involve displacement. A diagrammatic sketch of the project area should be attached.	X	X
2. Statement that public action may result in displacement but that no one lawfully occupying property will be required to surrender possession without at least 90 days' written notice from the public entity and no one will be required to move until 90 days after the provision of information.	X	X
3. Assurance that families and individuals will not be required to move before reasonable offers of decent, safe, sanitary and otherwise comparable housing within their financial means have been made, except for the causes set forth in the local agency's eviction policy (which shall be in accordance with section 6058.)	X	
4. 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.	X	X
5. Identification of the agency's relocation program and a description of the relocation services and aids that will be available.	X	X
6. Encouragement to visit the agency's relocation office and cooperate with the staff. The address, telephone number, and hours of the relocation office should be specified.	X	X

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**CONTINUATION SHEET
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WITH THE SECRETARY OF STATE**
(Pursuant to Government Code Section 11380.1)

Item To Be Included	For Distribution To	
	Displaced Persons	Business Concerns and Others
7. Information on replacement housing, including:	X	
a. Brief description of what constitutes comparable replacement housing, including physical standards.		
b. Laymen's description of Federal fair housing law (Title VIII of Civil Rights Act of 1968), and applicable State and local fair housing laws, as well as rights under Title IV of the Civil Rights Act of 1964.	X	
c. Statement that the public entity (or its agent) will identify comparable replacement dwellings within the financial means of and otherwise available to displaced persons and will provide assistance to persons in obtaining housing of their choice, including assistance in the referral of complaints of discrimination to the appropriate Federal, State or local fair housing enforcement agency.	X	
d. Statement that persons may seek their own housing accommodations and urging them, if they do so, to notify the relocation office prior to making a commitment to purchase or occupy the property.	X	
8. Statement that the public entity will provide maximum assistance in locating relocation accommodations, including consultation with the Small Business Administration and other governmental agencies which might be of assistance.		X
9. Statement describing requirement for prior notification to the agency of the business concern's intention to move.		X

DO NOT WRITE IN THIS SPACE

**CONTINUATION SHEET
FOR FILING ADMINISTRATIVE REGULATIONS
WITH THE SECRETARY OF STATE**

(Pursuant to Government Code Section 11380.1)

Item To Be Included	For Distribution To	
	Displaced Persons	Business Concerns and Others
10. Summary of the local agency's eviction policy, which shall be in accordance with the provisions of section 6058.	X	X
11. Statement describing the agency's grievance procedure, its purpose, and how it may be used, which procedure shall be in accordance with the provisions of Article 5.	X	X

DO NOT WRITE IN THIS SPACE

EXHIBIT I

APPLICATION FOR SPECIAL ASSESSMENT

APPLICATION FOR SPECIAL ASSESSMENT
PROPERTY TAKEN BY GOVERNMENT ACTION

REQUIREMENTS

1. Location: Both the taken and replacement property must be located in California. Application should be made to the Assessor of the County in which the replacement property is located.
2. Comparability: The replacement property must be comparable to the taken property in size, utility and function. (Partial relief may be available if the properties are dissimilar.)
3. Ownership: Eligibility for relief is based upon the extent to which the ownership of the replacement property is the same as was the ownership of the taken property. Relief is available only to the fee owner.
4. Time Limits:
 - a. Replacement property must have been acquired on or after March 1, 1975.
 - b. When the replacement property is acquired between March 1, 1975 and December 31, 1982, application must be made on or before January 1, 1987.
 - c. When the replacement property is acquired on or after January 1, 1983, application must be made within four (4) years of the date the property was taken by governmental action.
5. Documentation: The applicant must provide documented proof of displacement by governmental action, the date of such action, and all other data requested by the Assessor.

THIS ASSESSMENT PROCEDURE IS APPLICABLE ONLY TO THE 1983-84 AND SUBSEQUENT ASSESSMENT ROLLS. NO CORRECTION OR REFUND CAN BE MADE FOR ASSESSMENT ROLLS PRIOR TO 1983-84.

Complete the information requested on reverse and sign. A separate application should be filed for each taken and/or replacement property. Please be sure to include the documentation requested.

I. REPLACEMENT PROPERTY

ASSESSOR'S PARCEL NUMBER _____ DATE OF PURCHASE _____ PURCHASE DATE _____

ADDRESS (STREET NUMBER, STREET NAME, CITY, ZIP) _____

DEED VESTING NAMES OF OWNERS EXACTLY AS THEY APPEAR ON DEED: _____

USE OF PROPERTY (RESIDENCE, APARTMENT BUILDING, STORE, FACTORY, FARM, ETC.) _____

II. TAKEN PROPERTY

ASSESSOR'S PARCEL NUMBER _____ COUNTY IN WHICH IT IS LOCATED _____

ADDRESS (STREET NUMBER, STREET NAME, CITY, ZIP) _____

DEED VESTING AT THE TIME YOU OWNED THE PROPERTY (NAMES AS THEY APPEARED ON DEED) _____

DATE YOU ORIGINALLY ACQUIRED PROPERTY _____ PRICE YOU ORIGINALLY PAID FOR THE PROPERTY _____

USE OF PROPERTY (RESIDENCE, APARTMENT BUILDING, STORE, FACTORY, FARM, ETC.) _____

NAME OF PUBLIC AGENCY ACQUIRING PROPERTY _____

DATE OF DISPLACEMENT _____ SALE PRICE _____

III. DOCUMENTATION - Include the request copies with your application:

1. A copy of the last tax bill you received on the taken property or a copy of the last notice of valuation you received on the taken property if available, and
2. A copy of one of the following:
 - a. Final order of condemnation
 - b. Order for possession
 - c. Declaration of taking
 - d. Judgment of inverse condemnation
 - e. Such other document which clearly indicates the name of the acquiring agency, the date condemnation proceedings began and the date of possession by the acquiring agency.

I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing and all information hereon, is true, correct and complete to the best of my knowledge and belief.

Signature of Owner or Authorized Agent (Agent's authorization must be attached)

Date

EXHIBIT J

NOTICE OF INTENT TO CONDUCT SURVEYS



City of East Palo Alto

July 28, 1993

Attention Gateway/101 Project Area Residential/Business Tenants:

As you may be aware in 1989 the Redevelopment Agency of the City of East Palo Alto (Agency) began preliminary studies in the Gateway/101 area to determine if it was a suitable redevelopment area. In June 1991, the Planning Commission adopted the project area boundaries and approved the Preliminary Plan. Future development within the Gateway/101 area contemplates the creation of an approximately 500,000 square foot retail center with Home Depot as one of the anchor tenants, new mutli-family and single family residential units, a theater, a park and a community center. In September 1992, the Agency entered into an agreement with Home Depot to fund the preparation of a redevelopment plan, an environmental impact report, a specific plan and other related documents. One of these other documents is a relocation plan.

The Agency in July 1993, contracted with Linda Norwood, a private Relocation Consultant, to prepare the Housing Availability and Relocation Plan (Plan) for the Gateway/101 Redevelopment Project. The purpose of the Plan is to analyze the relocation needs of potential displacees and to suggest how these needs might be met by the Agency. In order to accomplish this our consultant must gather information about persons that might be relocated.

THIS LETTER IS NOT A NOTICE TO MOVE!

Please remember that the preparation of this Plan does not automatically mean that you will be displaced. The Agency has not yet approved any specific actions that would immediately result in your being displaced. If you are required to move in the future, *adequate notice will be given* and you will be advised of your eligibility for certain relocation benefits and services, as provided by law. I hope that you will assist Ms. Norwood in her work.

Ms. Norwood, or her representatives, will be contacting you within the next few weeks to gather the needed information for the Plan. Any information collected will be kept confidential. The Plan will not reflect specific information with which you could be identified. Interview appointments take approximately 15 to 30 minutes. If you need to have a specific appointment time, please contact Ms. Norwood directly at (408) 270-3616, or you may leave a message with Mr. Leonard Randolph, the Assistant Project Manager, at (415) 853-3100 ext. 3122.

Appointments can be scheduled in the evenings, during the week or on weekends for your convenience. If you need language translation assistance we have persons to assist with this.

If you have any questions regarding the project please feel free to contact me or my staff at the numbers listed above.

Yours truly,



Robert F. Beyer,
Executive Director

cc David Miller
Linda Norwood



City of East Palo Alto

28 de Julio de 1993

Atención Gateway/Proyecto de Area Residencial del 101/Inquilinas de Negocio

ESTA CARTA NO ES UN AVISO DE MUDANZA

1. Como se han dado cuenta en 1989, La Agencia de desarrollamiento de East Palo Alto (Agencia) empezó estudios preliminares en el Gateway/área del 101 para determinar si era área apropiada para reconstrucción. En junio de 1991, la Comisión de Plancamiento adoptó el Plan Preliminar. Desarrollamiento futuro entre las áreas Gateway/área 101 tiene la intención de crear un centro de comercio de aproximadamente 500,000 pies cuadrados con un Home Depot como uno de sus inquilinos principales, nuevas unidades residenciales multi-familia y para familias individuales, un teatro, un parque y un centro de comunidad.
2. La Agencia a contratado a Linda Norwood, una Consultante privada de re-establecimiento, para preparar el Plan de viviendas y recolocamiento del proyecto de desarrollamiento Gateway/101. El propósito de este Plan es para analizar las necesidades de recolocamiento para los potenciales desplazados y para sugerir como la Agencia puede satisfacer estas necesidades. Para poder cumplir con esto nuestra consultante tendra que conseguir información sobre las personas que prodran ser relocalizadas.
3. Por favor recuerde que la preparación de este Plan no quiere decir que usted va a ser automaticamente desplazado.
4. Linda Norwood o sus asistentes, Ruben Avelar, Ron Michaelis y Autumn Drayton se pondran en contacto con ustedes en las semanas siguientes para conseguir la información necesaria para el Plan. Cualquier información obtenida sera confidencial. El Plan no reflejará información específica con la cual usted sera identificado. Preguntas específicas para relocalizar deben ser dirigidas a Linda Norwood al (408) 270-3616.
5. Abrá citas por las tardes, durante la semana o en fin de semana para su conveniencia.