RESOLUTION NO. 2688-10

A RESOLUTION OF THE TOWN OF WINDSOR TOWN COUNCIL APPROVING THE RELOCATION PLAN FOR THE MANZANITA SELF-HELP PROJECT

WHEREAS, on May 6, 2009 the Windsor Redevelopment Agency ("Agency") approved a $950,000 Redevelopment Low/Mod Housing Fund bridge loan to Burbank Housing Development Corporation ("BHDC") to assist in the construction of the self-help project known as Manzanita (the "Project"); and

WHEREAS, on April 21, 2010 the Agency approved a $750, 000 Redevelopment Low/Mod Housing Fund recoverable grant to BHDC to assist buyers to purchase homes in the Project; and

WHEREAS, on July 22, 2008 the Windsor Planning Commission approved a Design Review and Subdivision Map for the Project; and

WHEREAS, on July 22, 2008, the Windsor Planning Commission adopted and certified the Mitigated Negative Declaration per the requirements of the California Environmental Quality Act (CEQA); and

WHEREAS, development of the Project will require the demolition of four rental structures and the permanent displacement of three households; and

WHEREAS, BHDC, through its consultant Overland, Pacific & Cutler, Inc., has prepared a relocation plan ("Plan") in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 19570, as amended, its implementing regulations, the State of California Relocation and Real Property Acquisition Guidelines, and local policies and procedures; and

WHEREAS, the Agency has submitted the Plan to the Town Council; and

WHEREAS, pursuant to the California Relocation Assistance and Real Property Acquisition Guidelines, the Town Council must approve the Plan prior to the Agency undertaking or participating in any activity that will result in the displacement of persons; and

WHEREAS, BHDC will be responsible for providing all relocation assistance and benefits required by federal and/or state relocation law; and

WHEREAS, notice and a copy of the Plan were provided to occupants of the Project site at least 30 days prior to submission of the Plan to the Town Council for approval; and

WHEREAS, the Plan must be consistent with the Town's housing element.

NOW, THEREFORE, BE IT RESOLVED that the Town Council of the Town of Windsor hereby:

1. Finds, based on the foregoing Recitals, that the Relocation Plan for the Manzanita Self-Help Project is consistent with the Town's housing element.
2. Approves the Relocation Plan substantially in the form attached hereto as Exhibit A, with the addition 0f the following language at the bottom of page 15 of the Plan: "R. Compliance with State Law. Pursuant to 25 Code of California Regulations 6018 and *United Auto Workers, Local 887 v. Department of Transportation*, 20 Cal.App.4th 1462 (1993), in the event that displaced occupants are entitled to the benefits of the Uniform Act, but the Uniform Act does not provide benefits that are provided under state law, then the proposed displacees shall be entitled to such state law benefits."

PASSED, APPROVED AND ADOPTED this 19th day of May 2010, by the following vote:

AYES: **COUNCILMEMBERS ALLEN, FUDGE, GOBLE AND MAYOR SALMON**
NOES: **NONE**
ABSTAIN: **NONE**
ABSENT: **COUNCILMEMBER SCHOLAR**

SAM SALMON, MAYOR

ATTEST:

MARIA DE LA O, TOWN CLERK

Attachment:
Exhibit A



RELOCATION PLAN

for

Manzanita Housing Project
9950-9966 Los Amigos Road
Windsor, CA 95492

of the

Burbank Housing Development Corporation
790 Sonoma Avenue
Santa Rosa, CA 95404

By

OVERLAND, PACIFIC & CUTLER, INC.
7901 OAKPORT STREET, SUITE 4800
OAKLAND, CA 94621
(877)972-8908

February 26, 2010

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INTRODUCTION

'Burbank Housing Development Corporation' (BHDC) of Santa Rosa, California, (hereinafter, 'Burbank' and/or 'Developer'), is proposing to undertake an affordable housing project in Windsor, California known as the Manzanita Housing Project ('Project').

Organized in 1980, Burbank provides qualified, nonprofit housing development, ownership, and management services in Sonoma County and is dedicated to increasing the supply of housing in the County so that low-income people of all ages, backgrounds, and special needs will have a better opportunity to live in decent and affordable housing.

Burbank is one of the largest developers in Sonoma County, with a diverse client base. At any given time there are typically hundreds of homes in various stages of the development process. These homes can be rental properties, first-time ownership opportunities, and often include special projects for a special population.

Project Location – Demographics

The town of Windsor is an incorporated municipality (1992) in Sonoma County, California, with an *estimated* population, as at 2006, of 26,000 people, located approximately 11 miles north of Santa Rosa and six miles south of Healdsburg, on State Route 101.

As at the year 2000 Decennial Census, Windsor's population was 22,744; comprised of 7,589 households and 5,775 families. There were 7,728 residential dwelling units. Average household size was 2.98 persons; and, the average family size was 3.40 persons. Median income for a household was $63,252 and, for a family, $67,992.

Project Location – The Site

The project site which is the subject of this Plan is located at 9950 and 9966 Los Amigos Road, on the east side of the northbound SR-101.

Having acquired the property, Burbank's intention is to raze the four one-story, two-bedroom residential dwelling units on the site and construct, thereupon, a 22-unit, single-family residential development comprised of two two-bedroom units; fifteen

three-bedroom units; and, five four-bedroom units. See **Attachment 1** for the regional and site-specific location and, an aerial view of the site and the Developer's 'Tentative Map' for the 'Manzanita Subdivision'.

'Overland, Pacific & Cutler, Inc.' (OPC), a consulting firm specializing in providing relocation assistance consulting services, has prepared and will administer this Relocation Plan (Plan) on behalf of Burbank.

This Plan provides the results of a needs assessment survey and details of the Developer's proposed relocation program. This Plan sets forth policies and procedures necessary to conform with statutes and regulations established by the Uniform Relocation Act (46 U.S.C. § 4600 et seq.), its implementing regulations (49 C.F.R. Part 24) and other requirements and regulations of the applicable funding sources such as Section 104(d) of the Housing and Community Redevelopment Act of 1974, the State of California Relocation Assistance and Real Property Acquisition Guidelines, California Code of Regulations (CCR's), and the County of Sonoma's policies and procedures.

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

OPC will provide all subsequently required relocation assistance to households which will be permanently displaced. In compliance with statutory requirements, this Plan has been prepared to evaluate the present circumstances and replacement requirements of permanent displacees.

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RELOCATION PLAN

This Relocation Plan has been prepared in accordance with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (Uniform Act).

No displacement activities will take place prior to the required reviews and approval of this Plan. In order to attain its overall development goals for the Project, it is the Developer's intention to provide a fair and equitable relocation program for all eligible Project displacees.

A. METHODOLOGY AND ASSESSMENT OF NEEDS

To obtain information necessary for the preparation of this Plan, personal interviews were conducted with Project occupants March 14, 2008 with a follow up in January 2010. Of the four dwelling units within the Project area, one was vacant during the follow up survey period. A total of three households were identified to be impacted by the Project; of these households all three were willing to provide income and other information pertinent to establishing income categories and need. It must be noted, however, in regard to those households which did provide information, income and other such qualifying information provided is, at this time, considered purely anecdotal in nature and has not been supported by adequate documentation such as will be required at the time of actual displacement.

Inquiries made of the residential occupants included household size and composition, ages of occupants, rental and income information, length and type of occupancy, ethnicity, language first spoken in the home, disabilities/health problems, if any, and preferences related to replacement housing and location.

B. FIELD SURVEY DATA

Of the three displacement dwellings, all are tenant-occupied. The table below shows some of the household characteristics and needs of the households surveyed.

MANZANITA PROJECT – 9950 AND 9966 LOS AMIGOS ROAD, WINDSOR, CALIFORNIA – TENANT PROFILES						
Income Category	Bedroom Count	Current Rent	Adults/ Children	Bedrooms Required	Elderly/ Disabled	Language Spoken
Extremely-Low	2	$800.00	1/0	2	None	English
Very-Low*	2	$800.00	2/3	2	None	Spanish
Above Moderate	2	$700.00	3/0	2	None	English

* Post-acquisition tenants

C. DEMOGRAPHICS AND HOUSING CHARACTERISTICS

A total of nine persons were known to be in residence during the survey period, including two school-age children; one infant; and two college students. Two households categorized themselves as 'White' and one household characterized itself as 'Hispanic'. English is the primary language in two of the interviewed households and Spanish in one.

The households in the Project site have an average occupancy of three persons per unit.

None of the households reported receiving Housing subsidies via a Section 8 Voucher, or otherwise; none of the surveyed households are considered elderly (62 years or older); and no households report physical infirmities such that an ADA-accessible replacement unit will be required.

Two of the interviewed households are at, or below HUD's Very-Low Income Category.

D. PROJECT OCCUPANCY/OVERCROWDING

For purposes of determining whether overcrowding conditions exist, an occupancy standard of two persons per sleeping-room plus one person in a room otherwise used for other purposes (e.g., living room) was utilized. Based on that occupancy standard, no overcrowding was reported.

E. REPLACEMENT HOUSING RESOURCES

One of the primary purposes of a Relocation Plan is to demonstrate the availability of comparable, affordable, decent, safe and sanitary housing prior to the displacement of residential occupants. In order to adequately relocate the Project households, the following replacement dwellings for rent will be required: three two-bedroom units.

A housing survey was conducted in January 2010, to identify two-bedroom units for rent in close proximity to the Project site. Three units were identified within Windsor, proper; eight in Healdsburg; one in Geyserville; and six in Cloverdale. The 18 two-bedroom units were available with monthly rents ranging from $920 to $1,450, with a median monthly rent of $1,100. Based on the results of that survey, it appears that comparable replacement dwelling units will, in all likelihood, be available during the relocation period to meet the potential needs of the households which will be permanently displaced.

Included as **Attachment 3** is a Table, based upon the resource study, showing the number of units required vis-à-vis those found; the rental cost ranges; and, the median rent in each category.

F. CONCURRENT RESIDENTIAL DISPLACEMENT

Based on the needs and characteristics of the Project population, there are no concurrent displacement activities underway or anticipated in the near future which would impact negatively upon the ability to relocate the displaced households.

G. TEMPORARY HOUSING

There is no anticipated need for temporary housing. Should such a need arise, the Developer will respond appropriately and in conformance with all applicable laws and requirements.

H. PROGRAM ASSURANCES AND STANDARDS

Adequate funds will be made available to relocate the prospective households. Relocation assistance services will be provided to ensure that displacement does not result in different, or separate treatment of households based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and the Unruh Act, as well as any otherwise arbitrary or unlawful discrimination.

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

The relocation program to be implemented by the Developer conforms with the standards and provisions set forth under the Uniform Act and implementing regulations at 49 CFR Part 24.

I. RELOCATION ASSISTANCE PROGRAM

OPC staff is available to assist any displaced household with questions about relocation and/or assistance in relocating. Relocation staff can be contacted at **7901 Oakport Street, Suite 4800, Oakland, California 94621** or by calling **Toll-Free** at **(877) 972-8908**, from 9:00 AM to 5:00 PM, Monday through Friday. A comprehensive relocation assistance program, with technical and advisory assistance, will be provided to the households being permanently displaced. Close personal contact will be maintained with each household. Specific activities will include:

1. Distribution of informational notices. **Attachment 4** contains a sample of the informational notices that will be provided to displaced households.

2. Timely referrals to at least three comparable replacement units as defined above. Transportation to inspect potential replacement units will be offered to each household, as necessary.

3. Assistance with completion and filing of relocation claims, rental applications, and appeals forms, if necessary.

J. CITIZEN PARTICIPATION/PLAN REVIEW

This Plan will be made available to each prospective displacee household and to the general public for a 30-day period of review. Comments respecting the Plan, if any, will be included as a Plan addendum prior to submission to the Developer for final approval.

K. RELOCATION BENEFIT CATEGORIES

Permanent relocation benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. Last resort housing payments will be made in installments unless the household chooses to purchase a home. The Developer will provide appropriate benefits for each displaced household as required by the above laws and requirements.

Residential Moving Expense Payments

All residential occupants to be permanently relocated will be eligible to receive a payment for moving expenses. Moving expense payments will be made based upon the actual cost of a professional move or a fixed payment based on a room-count schedule.

a. Actual Cost (Professional Move)

Displacees may elect to have a licensed professional mover perform the move. The actual cost of the moving services, based on at least two acceptable bids, will be compensated by the Developer in the form of a direct payment to the moving company upon presentation of an invoice. Transportation costs are limited to a distance of 50 miles in either case. In addition to the actual move, costs associated with utility re-connections (i.e., gas, water, electricity, telephone, and cable, if any), are eligible for reimbursement.

b. Fixed Payment (based on Room Count Schedule)

An occupant may elect to receive a fixed payment for moving expenses which is based on the number of rooms occupied in the displacement dwelling. In this case, the person to be relocated takes full responsibility for the move. The fixed payment includes all utility connections as described in (a), above.

Rental Assistance For Tenant Occupants

It is anticipated that three residential tenant households will be displaced by the Project. Eligible tenant occupants, who established residency within the Project site for a minimum of 90 days *prior to* the date of the first written offer to the previous owner to purchase the property, will be eligible for Rental Assistance and Moving Expense Payments.

To be eligible to receive the rental assistance benefits, the displaced tenant household has to rent or purchase and occupy a decent, safe, and sanitary replacement dwelling within one year from the date they move from the displacement dwelling.

Based upon the available data regarding Project displacees, the displaced household may qualify for, and may be eligible to apply for, relocation benefits under URA provisions. Except in the case of Last Resort Housing situations, the potential payment to the household will be payable over a 42-month period and limited to a maximum of $5,250 as stated under URA guidelines. The relocation program is explained in detail in the informational brochure to be provided to each permanently displaced household (see **Attachment 4**).

Rental Assistance payment amounts are equal to 42 times the difference between the base monthly rent and the lesser of:

(i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or

(ii) The monthly rent and estimated average monthly cost of utilities for the decent, safe, and sanitary replacement dwelling actually occupied by the displaced person.

The base monthly rent for the displacement dwelling is the lesser of:

(i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the Developer. For households, which paid little or no rent, fair market rent will be used as a substitute for actual rent; or

(ii) Thirty percent (30%) of the displaced person's average, monthly gross household income, if the amount is classified as "low income" by the U. S. Department of Housing and Urban Development's (HUD) Annual Survey of Income Limits for the Public Housing and Section 8 Programs. (HUD's Survey is shown as **Attachment 2**). If a displacee refuses to provide appropriate evidence of income or is a dependent, the base monthly rent shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling; or

(iii) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities.

Down Payment Assistance Payment to Tenants who Purchase

The displaced household may opt to apply the entire benefit amount for which they are eligible toward the purchase of a replacement unit (Guidelines 49 CFR 24.402(b)).

A displaced household which chooses to utilize up to the full amount of their rental assistance eligibility (including any Last Resort benefits) to purchase a home, will have the funds deposited in an open escrow account, provided that the entire amount is used for the downpayment and eligible, incidental costs associated with

the purchase of a decent, safe, and sanitary replacement home. A provision shall be made in the escrow arrangements for the prompt return of the Developer funds, in the event escrow should fail to close within a reasonable period of time.

Final determination about the type of relocation benefits and assistance for which the household is eligible will be determined upon verification of the household's occupants and income.

Last Resort Housing Payments

There is adequate "comparable replacement housing" available to meet the needs of Project occupants, according to the attached housing survey (**Attachment 4**). However, a combination of factors, including the income levels of the tenants, current Project rents, and the cost of replacement dwellings, may create the need for last resort housing.

A displaced person is entitled to Last Resort Housing assistance when, in a single residential case, the computed total of rental assistance eligibility exceeds $5,250. This type of situation is likely to develop among low-income and/or large families, or in environments where project area rents are particularly low vis-à-vis those in the comparable, replacement housing market.

L. PAYMENT OF RELOCATION BENEFITS

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits for tenants must be filed with the Developer no later than 18 months after the date of displacement.

The procedure for the preparation and filing of claims and the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance;

2. Developer staff will review all necessary documentation including, but not limited to, scopes-of-service, contractor bids, invoices, lease documents and escrow material before reaching a determination as to which expenses are eligible for compensation;

3. Required claim forms will be prepared by OPC staff and presented to the claimant for review. Signed claims and supporting documentation will be returned to relocation staff and submitted to the Developer;

4. The Developer will review and approve claims for payment, or request additional information;

5. The Developer will issue benefit checks to claimants in the most secure, expeditious manner possible;

6. Final payments to residential displacee will be issued after confirmation that the Project premises have been completely vacated, and actual residency at the replacement unit is verified;

7. Receipts of payment and all claim material will be maintained in the relocation case file.

M. IMMIGRATION STATUS

Federal legislation (PL105-117) prohibits the payment of relocation assistance benefits under the Uniform Act to any alien not lawfully present in the United States unless such ineligibility would result in an exceptional and extremely unusual hardship to the alien's spouse, parent, or child any of whom is a citizen or an alien admitted for permanent residence. Exceptional and extremely unusual hardship is defined as significant and demonstrable adverse impact on the health or safety, continued existence of the family unit, and any other impact determined by the Developer to negatively affect the alien's spouse, parent or child.

In order to track and account for relocation assistance and benefit payments, the Developer will be required to seek immigration status information from each displacee 18 years of age or older by having them self-certify as to their legal status.

N. EVICTION POLICY

The Developer recognizes that eviction is permissible only as a last resort and that relocation records must be documented to reflect the specific circumstances surrounding any eviction. Eviction will only take place in cases of nonpayment of rent; a serious violation of the rental agreement; a dangerous or illegal act in the unit; or, if the household refuses all reasonable offers to move.

O. APPEALS POLICY

The appeals policy and grievance procedures will follow the standards described in section 24.10 of the Uniform Act. Briefly stated, a displaced household will have the right to ask for review when there is a perceived grievance regarding any of its (the household's) rights to relocation and relocation assistance; including the determination as to eligibility, the amount of payment, or the failure to provide a comparable replacement housing referral. **Attachment 5** contains the details of the Appeals Policy and Grievance Procedures.

P. PROJECTED DATES OF DISPLACEMENT

All displaced occupants will receive a 90-day Notice to Vacate before they are required to move. These notices are expected to be issued on, or about April of 2010. All relocation is expected to be completed for all households by December of 2010.

Q. ESTIMATED RELOCATION COSTS

The estimate of relocation-related payments is as follows:

Relocation Costs (RAP and Moving Costs)	**$ 66,900.**
Contingency @ 10%	**6,690.**
TOTAL	**$ 73,590.**

The estimated relocation budget does not include any payments related to property acquisition or rehabilitation. In addition, the budget does not consider the cost of any services necessary to implement the Plan and complete the relocation element of the Project.

If the Project is implemented, and circumstances arise that should change either the number of residential occupants, or the nature of their activity, the Developer will authorize any additional funds that may need to be appropriated. The Developer pledges to appropriate, on a timely basis, the funds necessary to ensure the successful completion of the Project, including funds necessary for LRH as indicated in this Plan to meet its obligation under the relocation regulations.

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TABLE OF ATTACHMENTS

Attachment 1: Project Site Maps

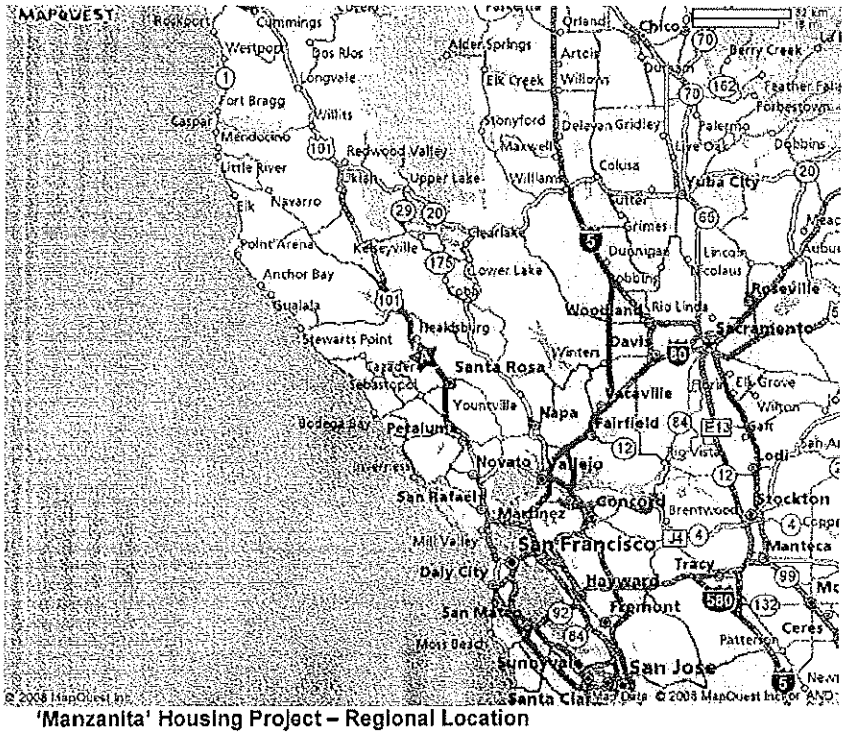
Attachment 2: HUD Annual Income Category Limits – Sonoma County

Attachment 3: Housing Resource Survey

Attachment 4: Residential Informational Brochure - Uniform Act

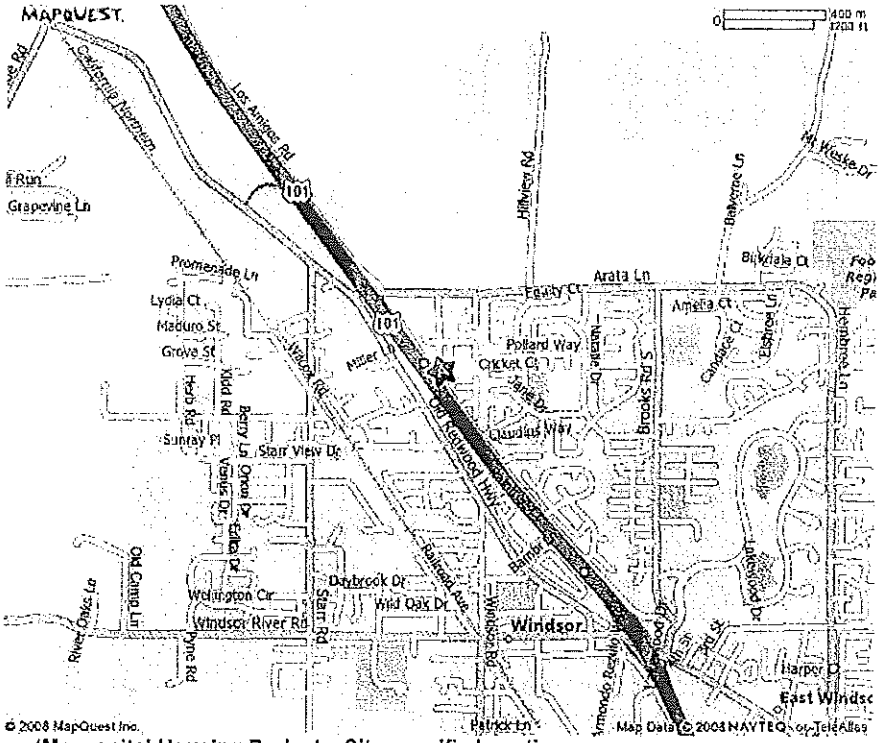
Attachment 5: Appeals/Grievance Procedures

ATTACHMENT 1:
PROJECT SITE MAPS



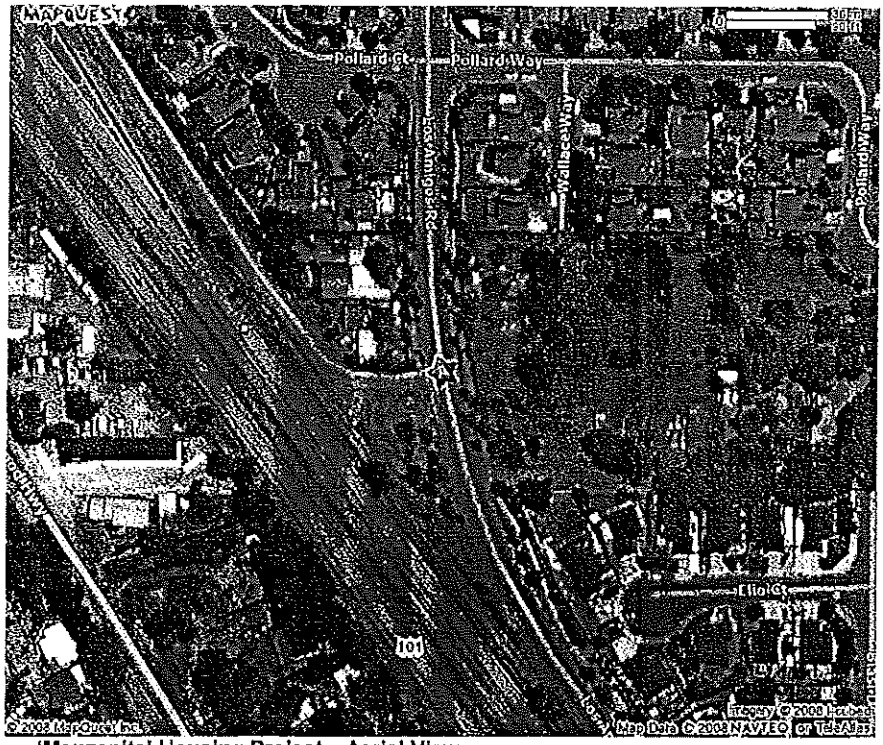
'Manzanita' Housing Project – Regional Location

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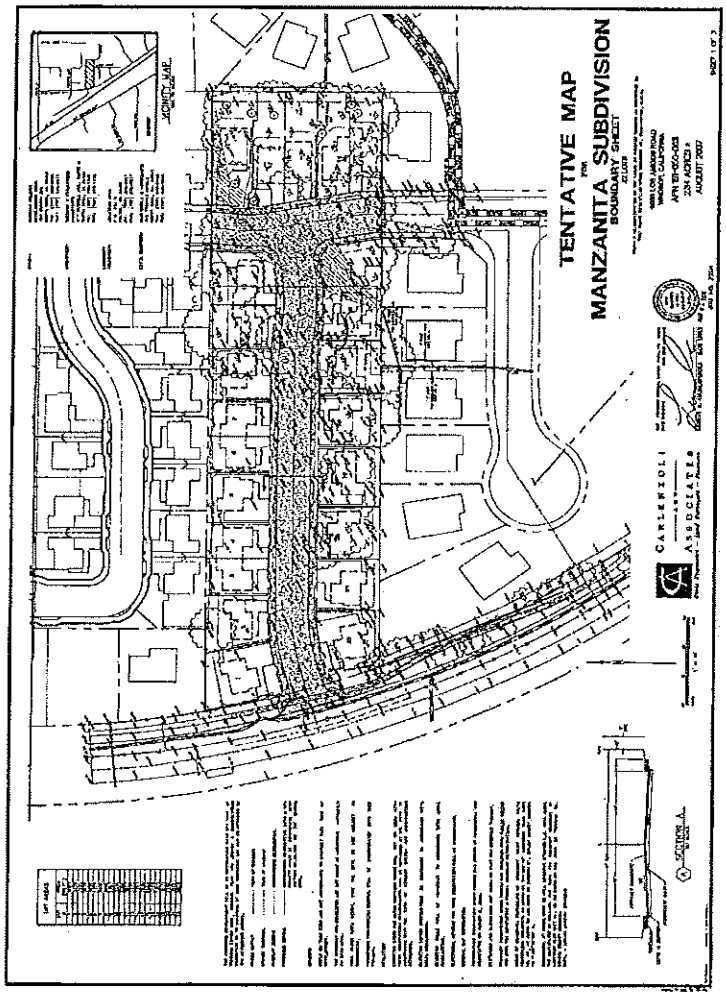
'Manzanita' Housing Project – Site-specific Location

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'Manzanita' Housing Project – Aerial View

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'Manzanita' Housing Project – Tentative Map for Manzanita Subdivision

ATTACHMENT 2:
H.U.D. ANNUAL INCOME CATEGORY LIMITS
SONOMA COUNTY

The following figures are approved by the United States Department of Housing and Urban Development (H.U.D.) and the State of California, Department of Housing & Community Development (H&CD) for use in the County of Sonoma, California, to define and determine housing eligibility by income level.

SONOMA COUNTY, CALIFORNIA – MEDIAN FOUR-PERSON HOUSEHOLD INCOME: $80,200					
Household Size	**Extremely Low Income**	**Very Low Income**	**Lower Income**	**Median Income**	**Moderate Income**
1 Person	$16,850	$28,050	$44,800	$56,150	$67,400
2 Person	$19,250	$32,100	$51,200	$64,150	$77,000
3 Person	$21,650	$36,100	$57,600	$72,200	$86,650
4 Person	**$24,050**	**$40,100**	**$64,000**	**$80,200**	**$96,250**
5 Person	$25,950	$43,300	$69,100	$86,600	$103,950
6 Person	$27,900	$46,500	$74,250	$93,500	$111,650
7 Person	$29,800	$49,700	$79,350	$99,450	$119,350
8 Person	$31,750	$52,950	$84,500	$105,850	$127,050

Effective April 2, 2009

ATTACHMENT 3:
HOUSING RESOURCE SURVEY

Bedroom Size	Two Bedroom
# Needed (# Found)	3 (18)
Rent Range	$920 - $1,450
Median Rent	$1,100

OP&C, Inc.
1-29-2010

ATTACHMENT 4:

RESIDENTIAL INFORMATIONAL BROCHURE
– (THE) UNIFORM ACT –

I. GENERAL INFORMATION
II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING
III. MOVING BENEFITS
IV. REPLACEMENT HOUSING PAYMENT - TENANTS AND CERTAIN OTHERS
V. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS
VI. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS
VII. LAST RESORT HOUSING ASSISTANCE
VIII. RENTAL AGREEMENT
IX. APPEAL PROCEDURES - GRIEVANCE
X. TAX STATUS OF RELOCATION BENEFITS
XI. LEGAL PRESENCE REQUIREMENT
XII. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

I. GENERAL INFORMATION

The building in which you now live is in an area to be improved by the 'Burbank Housing Development Corporation' of Santa Rosa (the 'Developer'). As the project schedule proceeds, it may be necessary for you to move from your dwelling. If you are required to relocate, you will be notified in a timely manner as to the date by which you must move.

Please read this information as it will be helpful to you in determining your eligibility and the amount of your relocation benefits under the federal and/or state law. We suggest you save this informational statement for reference.

The Developer has retained the services of Overland, Pacific & Cutler, Inc., a qualified professional relocation firm, to assist you. The firm is available to explain the program and benefits. Their address and telephone number is:

OVERLAND PACIFIC & CUTLER, INC

7901 Oakport Street, Suite 4800
Long Beach, CA 94621-2089
Phone Toll-free: 877.972.8908

Spanish speaking representatives are available. **Si necesita esta información en Español, por favor llame a su representante.**

PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING. However, if you desire to move sooner than required, you must contact your representative with Overland, Pacific & Cutler, Inc., so you will not jeopardize any benefits.

This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the Developer's relocation assistance program.

II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Developer, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate, and available housing units. You are encouraged to actively seek such housing yourself.

When a suitable replacement dwelling unit has been found, your relocation consultant will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

III. MOVING BENEFITS

If you must move as a result of displacement by the Developer you will receive a payment to assist in moving your personal property. There are two types of moving payments. You have the option of selecting either one of the following types of moving payments:

A. Fixed Moving Payment

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule established for the purpose by the Federal Highway Administration, and adopted by the Developer, and ranges, for example, from $400.00 for one furnished room to $2,150.00 for eight rooms in an unfurnished dwelling. (For details see the Table below). Your relocation representative will inform you of the amount you are eligible to receive if you choose this type of payment.

FIXED MOVING SCHEDULE – California			
Occupant Owns Furniture		Occupant Does *NOT* Own Furniture	
1 room	$ 625.00	1 furnished room	$400.00
2 rooms	$ 800.00	each additional room	$ 65.00
3 rooms	$1,000.00		
4 rooms	$1,175.00		
5 rooms	$1,425.00		
6 rooms	$1,650.00		
7 rooms	$1,900.00		
8 rooms	$2,150.00		
each additional room	$ 225.00		

If you select a fixed payment, you will be responsible for arranging for your own move and the Developer will assume no liability for any loss or damage of your personal property.

B. Actual Moving Expense (Professional Move)

If you wish to engage the services of a licensed commercial mover and have the Developer pay the invoice, you may claim the ACTUAL cost of moving your personal property up to fifty (50) miles. Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a scope of services for the Developer's approval.

IV. REPLACEMENT HOUSING PAYMENT - TENANTS AND CERTAIN OTHERS

You may be eligible for a payment of up to $5,250.00 to assist you in renting or purchasing a comparable replacement dwelling. In order to qualify, you must either be a tenant who has occupied your present dwelling for a least ninety (90) days *prior to* the Developer's first offer to purchase the property; *or*, an owner who has occupied your dwelling for *between* ninety (90) and one hundred seventy-nine (179) days *prior to* the Developer's first offer to purchase the property.

A. **Rental Assistance.** If you qualify and are considered a low income household, and **wish to *rent*** your replacement dwelling, your rental assistance benefits will be based upon the difference, over a forty-two (42) month period, between the rent you must pay for a comparable replacement dwelling and the *lesser* of: **1.** Your current rent; *or*, **2.** Thirty percent (30%) of your gross monthly household income. You will be required to provide your relocation representative with monthly rent and household income verification prior to the determination of your eligibility for this payment.

- Or -

B. **Down-payment Assistance.** If you qualify, and **wish to *purchase*** a home as a replacement dwelling, you can apply up to the total amount of your rental assistance payment towards the down-payment and non-recurring incidental expenses. Your relocation representative will clarify procedures necessary to apply for this payment.

V. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

A. If you owned and occupied a dwelling purchased by the Developer for **at least 180 days** prior to the first offer to purchase, you may be eligible to receive a payment of up to $22,500.00 to assist you in purchasing a comparable replacement unit. If you owned, and occupied the displacement dwelling for **at least 90 days, but not more than 180 days** immediately prior to the date of the Developer's offer to purchase, you may be eligible for a payment of up to $5,250.00. This payment is intended to cover the following items:

1. **Purchase Price Differential** - An amount which, when added to the amount for which the Developer purchased your property, equals the lesser of the actual cost of your replacement dwelling; *or*, the amount determined by the Developer as necessary to purchase a comparable replacement dwelling. Your relocation representative will explain both methods to you.

2. **Mortgage Interest Differential** - The amount which covers the increased interest costs, if any, required to finance a replacement dwelling. Your relocation representative will explain limiting conditions.

3. **Incidental Expenses** - Those one-time costs incidental to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.

B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment in an amount not to exceed the calculated price differential payment. The payment will be based on the difference between the fair market rent (FMR) of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

If you receive a rental assistance payment, as described above, and later decide to purchase a replacement dwelling, you may apply for a payment equal to the amount you would have received if you had initially purchased a comparable replacement dwelling, *less* the amount you have already received as a rental assistance payment.

VI. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the *later* of** the following:

1. For a tenant, the date you move from the displacement dwelling

2. For an owner-occupant, the date you receive 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, or

3. The date the Developer fulfills its obligation to make available comparable replacement dwellings.

All claims for relocation benefits must be filed with the Developer **within eighteen (18) months** from the date on which you receive final payment for your property, *or* the date on which you move, whichever is *later*.

VII. LAST RESORT HOUSING ASSISTANCE

If comparable replacement dwellings are not available when you are required to move, or if replacement housing is not available within the monetary limits described above, the Developer will provide Last Resort housing assistance to enable you to rent or purchase a replacement dwelling on a timely basis. Last Resort housing assistance is based on the individual circumstances of the displaced person. Your relocation representative will explain the process for determining whether or not you qualify for Last Resort assistance.

If you are a tenant, and you choose to purchase rather than rent a comparable replacement dwelling, the entire amount of your rental assistance and last resort eligibility must be applied toward the down-payment of the home you intend to purchase.

VIII. RENTAL AGREEMENT

As a result of the Developer's action to purchase the property where you live, you may become a tenant of the Developer. If this occurs, you may be asked to sign a rental agreement which will specify the monthly rent to be paid, when rent payments are due, where they are to be paid and other pertinent information.

Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Developer will be required to move without having been provided with at least ninety (90) days written notice from the Developer. Eviction will be undertaken only in the event of one or more of the following infractions:

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 a discontinuation or substantial interruption of services;

B. Performance of dangerous and/or illegal act(s) in the unit by lessee and/or any of its guests or invitees or a combination thereof;

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

D. Maintenance of a nuisance and failure to abate within a reasonable time following notice;

E. Refusal to accept one of a reasonable number of offers of replacement dwellings; or,

F. The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the Developer.

IX. APPEAL PROCEDURES - GRIEVANCE

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have his/her claim reviewed or reconsidered in accordance with the Developer's appeals procedure. Complete details on appeal procedures are available upon request from the Developer.

X. TAX STATUS OF RELOCATION BENEFITS

Relocation benefit payments are *not* considered as income for the purpose of the Internal Revenue Code of 1986 or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11(commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. The preceding is not considered legal advice by the Developer, its employees, consultants or, assigns, and displacees may wish to consultant with their own tax advisors or legal counsel.

XI. LAWFUL PRESENCE REQUIREMENT

Pursuant to the Public Law 105-117 of 11-21-97, in order to be eligible to receive relocation benefits in federally-funded relocation projects, all members of the household to be displaced must provide information regarding their lawful presence in the United States. In federally-assisted projects, any member of the household who is not lawfully present in the United States or declines to provide this information may be denied relocation benefits. Relocation benefits will be prorated to reflect the number of household members with certified lawful presence in the US.

XII. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative.

OP&C, Inc.
March, 2008

ATTACHMENT 5:

APPEALS / GRIEVANCE PROCEDURES

Purpose.

The purpose of this article is to set forth the Developer's guidelines for processing appeals from determinations as to relocation eligibility or the amount of a relocation payment.

Right of Review.

(a) Any appellant; that is any person who believes her/himself aggrieved by a determination as to her/his eligibility for relocation benefits, or the amount of a relocation payment may have her/his claim reviewed and reconsidered by the Developer or an authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in this Attachment

(b) A person or organization directly affected by the relocation project may petition the US Department of Housing and Urban Development (HUD) to review the final Relocation Plan to determine if the Plan is in compliance with state and/or federal laws and guidelines, or review the implementation of a Relocation Plan to determine if the Developer is acting in compliance with its Relocation Plan.

Notification to Complainant.

If the Developer denies, or refuses to consider a claim, the Developer's notification to the appellant of its determination shall inform the appellant 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.

Stages of Review by Developer.

(a) Request for Further Written Information. An appellant may request the Developer to provide her/him with a full written explanation of its determination and the basis therefore, if (s)he feels that the explanation accompanying the payment of the claim or notice of the Developer's determination was incorrect or inadequate. The Developer shall provide such an explanation to the appellant within three weeks of its receipt of his request.

(b) Informal Oral Presentation. An appellant may request to provide an informal, oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed with the Developer within the period described in subsection **(d)** of this section and within 15 days of the request. The Developer shall afford the appellant the opportunity to make such presentation.

The appellant may be represented by an attorney or other person of her/his choosing at her/his expense. This oral presentation shall enable the appellant to discuss the claim with the Developer or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The Developer 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 sub-Section **(d)**, an appellant may file a written request for formal review and reconsideration. The appellant may include in the request for review any statement of fact within the appellant's knowledge or belief or other material that may have a bearing on the appeal. If the appellant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefore, appellant's request may be granted.

(d) Time Limit for Requesting Review. An appellant desiring either an informal oral presentation or seeking a formal review and reconsideration, shall make a request to the Developer within eighteen (18) months following the date (s)he moves from the property, or the date (s)he receives final compensation for the property, whichever is *later.*

Formal Review and Reconsideration by the Developers.

(a) General. The Developer 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 Developer or an authorized, impartial designee (the designee may be a committee composed of knowledgeable persons in the field of relocation, established for the purpose).

A designee shall have the authority to revise the initial determination or the determination of a previous oral presentation. The Developers shall consider the appeal regardless of form, and shall, if necessary, provide assistance to the appellant in preparing the written claim. When an appellant seeks review, the Developers shall inform her/him that (s)he has the right to be represented by an attorney; to present his/her 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 (s)he has exhausted the administrative appeal.

(b) Scope of Review. The Developers shall review and reconsider its initial determination of the appellant's case in light of: **(1)** all material upon which the displacing entity based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where an appellant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness; **(2)** the reasons given by the appellant for requesting review and reconsideration of the claim; **(3)** any additional written, or relevant documentary material submitted by the appellant; and, **(4)** any further information which the Developer, in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

(c) Determination on Review by Developers. **(1)** The determination on review by the Developer shall include, but is not limited to: **(i)** the Developer's decision on reconsideration of the claim; **(ii)** the factual and legal basis upon which the decision rests, including any pertinent explanation or rationale; and, **(iii)** a statement to the appellant of the right to further administrative appeal, if the Developer has such an appeal structure, or if not, a statement to the appellant 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 appellant.

(d) Time Limits. **(1)** The Developer shall issue their determination of review as soon as possible but no later than six (6) weeks from receipt of the last material submitted for consideration by the appellant, or the date of the hearing, whichever is later. **(2)** In the case of appeals dismissed for un-timeliness or for any other reason not based on the merits of the claim, the Developer shall furnish a written statement to the appellant stating the reason for the dismissal of the claim as soon as possible but not later than two (2) weeks from receipt of the last material submitted by the appellant, or the date of the hearing, whichever is *later.*

Refusals to Waive Time Limitation.

Whenever a Developer rejects a request by an appellant for a waiver of the time limits, an appellant may file a written request for review of this decision, except that such written request for review shall be filed within ninety (90) days of the appellant's receipt of the Developer's determination.

Extension of Time Limits.

The time limits specified may be extended for good cause by the Developers.

Recommendations by Third Party.

Upon agreement between the appellant and the Developer, a mutually acceptable third party, or parties may review the claim and make advisory recommendations thereon to the Developer for its final determination. In reviewing the claim and making recommendations to the Developer, the third party, or parties shall be guided by the provisions of this Appeals/Grievance Procedure.

Review of Files by Claimant.

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

Effect of Determination on Other Persons.

The principles established in all determinations by the Developer 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 displacing review.

Right to Counsel.

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

Stay of Displacement Pending Review.

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

Joint Appellants.

When more than one person is aggrieved by the failure of the Developers to refer them to comparable permanent, or adequate temporary replacement housing, the appellants may join in filing a single written request for review. A determination shall be made by the Developers for *each* of the complainants.

Judicial Review.

Nothing in this Appeals/Grievance Procedure shall in any way preclude, or limit an appellant from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available herein.