

**MOORPARK CITY COUNCIL
AGENDA REPORT**

TO: Honorable City Council

FROM: David C. Moe II, Redevelopment Manager *D. Moe*

DATE: October 21, 2011 (City Council Meeting of 11/2/11)

SUBJECT: Consider Relocation Plan for Tenants at 161 Second Street

BACKGROUND

The Redevelopment Agency of the City of Moorpark ("Agency") acquired 161 Second Street ("Property") and subsequently transferred it to the City of Moorpark ("City"). The City is currently drafting plans to construct an approximate one half (.5) acre park ("Project") on the Property.

DISCUSSION

The Property is improved with one, three bedroom single family dwelling, which is occupied by a six person very-low income household. In order to move forward with the Project, the household will need to be permanently relocated. The displacement triggers relocation assistance obligations under State Relocation Law, California Government Code Section 7260 et seq. and the State Relocation Guidelines, California Code of Regulations, Title 25, Chapter 6 et seq.

Among the various obligations of the State Relocation Law is the requirement to prepare a relocation plan addressing the circumstances and needs of those persons potentially displaced by the Project. Attachment I is the Relocation Plan ("Plan") that has been prepared by Overland, Pacific & Cutler (OPC) in accordance with the specific requirements set out in Section 6038 of the State Relocation Guidelines concerning projects that involve the displacement of less than 15 households. This Plan provides the Project description, the results of a needs assessment survey conducted among residents, a housing resource study and details of the Agency's proposed relocation program. No 90-day notices will be issued prior to the required reviews and approval of this Plan. Tenants are allowed to leave voluntarily if they locate a relocation unit prior to the adoption of this plan.

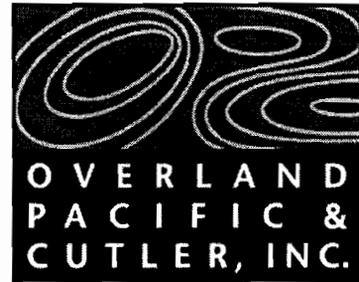
FISCAL IMPACT

The total cost of permanently relocating the tenant at 161 Second Street is \$26,850.00. Sufficient funds are budgeted in the Fiscal Year 2011/12 Operating and Capital Improvement Budget to cover the cost of these relocations.

STAFF RECOMMENDATION

Approve Relocation Plan for 161 Second Street.

Attachment I: Relocation Plan



**RELOCATION PLAN
FOR THE
SECOND STREET PARK
@ 161 SECOND STREET**

PREPARED FOR

**CITY OF MOORPARK
ASSISTANT CITY MANAGER'S OFFICE**

BY

**OVERLAND, PACIFIC & CUTLER, INC.
3750 SCHAUFLE AVE, SUITE 150
LONG BEACH, CA 90808
PHONE (800) 400-7356**

JULY 27, 2011

CONTENTS

INTRODUCTION	1
A. PROJECT LOCATION	1
B. ASSESSMENT OF NEEDS	2
C. REPLACEMENT HOUSING RESOURCES	2
D. CONCURRENT RESIDENTIAL DISPLACEMENT	3
E. TEMPORARY HOUSING	3
F. PROGRAM ASSURANCES AND STANDARDS	3
G. RELOCATION ASSISTANCE PROGRAM	4
H. CITIZEN PARTICIPATION/PLAN REVIEW	5
I. RELOCATION BENEFIT CATEGORIES	5
J. PAYMENT OF RELOCATION BENEFITS	6
K. EVICTION POLICY	7
L. APPEALS POLICY	7
M. PROJECTED DATES OF DISPLACEMENT	7
N. ESTIMATED RELOCATION COSTS	8

INTRODUCTION

The City of Moorpark (the City) has acquired an approximately 15,000 square foot parcel improved with a single family dwelling at 161 Second Street in Moorpark. It is the intent of the City to demolish the current structure and construct a neighborhood park (the Project). To effectuate the development of the Project, the City must permanently relocate one residential household. The six-member household currently occupies a three-bedroom house in poor condition. The proposed displacement triggers relocation assistance obligations under State Relocation Law, California Government Code Section 7260 et seq. (the Law) and the State Relocation Guidelines, California Code of Regulations, Title 25, Chapter 6 et seq. (the Guidelines). Among the various obligations of the Law is the requirement to prepare a relocation plan addressing the circumstances and needs of those persons potentially displaced by the Project.

The following Relocation Plan (the Plan) has been prepared by Overland, Pacific & Cutler (OPC) in accordance with the specific requirements set out in Section 6038 of the Guidelines concerning projects that involve the displacement of fewer than 15 households. This Plan provides a Project description, the results of a needs assessment survey of the residential household, a housing resource study and details of the City's proposed relocation program. No displacement activities will take place prior to the required reviews and approval of this Plan.

A. PROJECT LOCATION

The proposed Project will take place in the City of Moorpark (the City) which is located in the southeastern portion of Ventura County, approximately 40 miles northwest of downtown Los Angeles. Moorpark is easily accessible from State Routes 23 and 118 with neighboring communities of Simi Valley, Thousand Oaks, Camarillo, Somis, Santa Paula, and Fillmore. (See **Attachment 1**, Map 1).

The specific Project site is located just west of the SR-118 Ronald Reagan Freeway, near the northwest corner of Second Street and Bard Street. (See **Attachment 1**, Map 2).

B. ASSESSMENT OF NEEDS

On March 10, 2011, survey information for the Plan was obtained from personal, on-site interview with the affected residential household.

A six-member household is renting a small three-bedroom single-family dwelling on a double lot of approximately 15,000 square feet. The household began occupancy of the house in 2005 and their current monthly rent is \$1,600, with tenants responsible to pay for all utilities. There are three adults and three school-age children in the house. Tenants report their ethnicity as Hispanic, and Spanish as primary language.

According to income standards for the County of Ventura adjusted for family size, as published by the United States Department of Housing and Urban Development (HUD) in May 2010 and by the California Housing Community Development Department in July 2011, the Project household qualifies as very low income (31% to 50% of area median). The household is not considered senior household (head of household or spouse 62 years or older) and have no reported physical disabilities that could affect the relocation process.

The standard for housing occupancy the City allows is two persons per bedroom and one person in a common living area. The Project household requires a three-bedroom replacement unit based on this City standard. Replacement housing referrals to the occupants will reflect the need for appropriately sized accommodations.

Prevailing HUD income standards as well as general demographic information for the City are presented in **Attachments 2 and 3**.

C. REPLACEMENT HOUSING RESOURCES

A housing resource survey was conducted in April 2011 to determine the availability of replacement housing within the cities of Moorpark, Santa Paula, Thousand Oaks and Simi Valley. Three-bedroom single-family, duplex, condominium, and townhouse residences were considered as appropriate replacement dwelling units with single-family dwelling preference.

Housing availability survey results are summarized below in **Table 1**. The data indicate sufficient availability of needed housing units.

Bdrm Size	Found (Needed)	Range	Median
3	9 (1)	\$1,800 - \$2,395	\$1,995

D. CONCURRENT RESIDENTIAL DISPLACEMENT

There are currently no public projects underway in the City of Moorpark that could potentially compete for available replacement housing.

E. TEMPORARY HOUSING

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

F. PROGRAM ASSURANCES AND STANDARDS

There are adequate funds available to relocate the Project household. Services will be provided to ensure that displacement does not result in different or separate treatment 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 VII of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Unruh Act, as well as any other arbitrary or unlawful discrimination.

No one will be displaced without a 90 day notice and unless “comparable” replacement housing can be located. “Comparable” housing includes standards such as: decent, safe, and sanitary (as defined in § 6008(d) of the Guidelines); comparable as to the number of bedrooms, living

space, and type and quality of construction of the acquired unit but not lesser in rooms or living space than necessary to accommodate the displaced household; in an area that does not have unreasonable environmental conditions; not generally less desirable than the acquired unit with respect to location to schools, employment, health and medical facilities, and other public and commercial facilities and services; and within the financial means of the displaced household as defined in section 6008, subdivision (c)(5) of the Guidelines. The relocation program to be implemented by the displacing entity conforms with the standards and provisions set forth in Government Code section 7260 et seq., the Guidelines, California Health and Safety Code section 33410 et seq., if applicable, and all other applicable regulations and requirements.

G. RELOCATION ASSISTANCE PROGRAM

A relocation representative from **Overland, Pacific & Cutler, Inc.** is available to assist the displaced households with questions regarding relocation and/or assistance in relocating. Staff may be contacted by calling **(800) 400-7356** during the hours of 8:00 a.m. to 5:00 p.m., Monday through Friday. The relocation offices are located at:

**3750 Schaufele Ave., Suite 150
Long Beach, CA 90808**

A comprehensive relocation assistance program, with technical and advisory assistance, will be provided to the households being displaced and close contact will be maintained throughout the relocation process. Specific activities will include:

1. Distribution of informational brochure (see **Attachment 4**);
2. Timely referrals to at least three comparable replacement units as defined above and, if necessary, transportation will be provided to inspect potential replacement units;
3. Assistance with completion and filing of relocation claims, rental applications, and appeals forms, if necessary.

H. CITIZEN PARTICIPATION/PLAN REVIEW

This Plan will be provided to the household and will be made available to the public for a mandatory 30 day review period. Comments to this Plan will be included as a Plan addendum (see **Attachment 6**) prior to submission for approval before the City Council. A copy of the approved Plan will be forwarded to the California Department of Housing and Community Development (HCD).

I. RELOCATION BENEFIT CATEGORIES

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

1. Residential Moving Expense Payments

The subject household will be eligible to receive a payment for moving expenses. Payments will be made based upon either a fixed room count schedule or an invoice for actual reasonable moving expenses from a licensed professional mover.

- 1) Fixed Payment - A fixed payment for moving expenses based on the number of rooms containing furniture or other personal property to be moved. The fixed moving payment will be based upon the most recent Federal Highway Administration schedules maintained by the California Department of Transportation (**see Fixed Payment Moving Schedule — Attachment 5**).

- OR -

- 2) Actual Reasonable Moving Expense Payments - The displaced household may elect to have a licensed, professional mover perform the move. If an actual move is selected, the displacing entity will pay for the

actual cost of the move up to 50 miles and all reasonable charges for packing, unpacking, insurance, and utility connection charges. The payment will be made directly to the mover or as reimbursement to the displaced household.

2. Rental Assistance/Downpayment Assistance

Residential tenants who have established residency at the Project site for a minimum of 90 days prior to the initiation of negotiations to purchase the property and who choose to re-rent, may be eligible to receive a Rental Assistance Payment in addition to compensation for moving expenses. "Initiation of Negotiations" is defined as the first written offer by the City to buy the property from which the households will be displaced. In this case, the date of the first written offer to purchase the property is June 15, 2010.

Rental Assistance Payments will be limited to a maximum of \$5,250, based upon the monthly housing need over a 42 month period, prior to consideration of Last Resort Housing needs. Eligible household may opt to apply the full amount of their rental assistance eligibility toward the purchase of a replacement dwelling.

3. Last Resort Housing Payments

The displaced persons will be entitled to consideration for supplementary benefits in the form of Last Resort Housing assistance when the computed total of their rental assistance eligibility exceeds \$5,250.

J. PAYMENT OF RELOCATION BENEFITS

Relocation benefit payments will be made expeditiously. Claims and supporting documentation for relocation benefits must be filed with the displacing entity within 18 months from: (i) the date the claimant moves from the acquired property; - or - (ii) the date on which final payment for the acquisition of real property is made, whichever is later. The City representative will inform and assist the displacees with obtaining the necessary documentation and will assist with the claim preparation.

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

K. EVICTION POLICY

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

L. APPEALS POLICY

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

M. PROJECTED DATES OF DISPLACEMENT

The household will receive a 90 day notice to vacate before they are required to move. These notices are expected to be issued in September 2011.

N. ESTIMATED RELOCATION COSTS

Any and all required financial assistance will be provided. The budget estimate for this Project, based upon one potentially displaced household, is **\$26,850**.

TABLE OF ATTACHMENTS

Attachment 1:	Project Maps
Attachment 2:	HUD Income Category Limits for Ventura County - 2011
Attachment 3:	Demographic Information
Attachment 4:	Informational Brochure to be given to Displaced Household
Attachment 5:	Fixed Payment Moving Schedule
Attachment 6:	Public Comments and Response

ATTACHMENT 2

HUD ANNUAL MEDIAN INCOME LIMITATIONS -
VENTURA COUNTY

The following figures are approved by the U. S. Department of Housing and Urban Development (H.U.D.) for use in the **County of Ventura** to define and determine housing eligibility by income level.

Area Median: \$88,100					
Family Size	Extremely Low Income	Very Low Income	Low Income	Median Income	Moderate Income
1 Person	18,700	31,150	49,850	61,650	74,000
2 Person	21,400	35,600	57,000	70,500	84,550
3 Person	24,050	40,050	64,100	79,300	95,150
4 Person	26,700	44,500	71,200	88,100	105,700
5 Person	28,850	48,100	76,900	95,150	114,150
6 Person	31,000	51,650	82,600	102,200	122,600
7 Person	33,150	55,200	88,300	109,250	131,050
8 Person	35,250	58,750	94,000	116,300	139,500

Figures are per the Department of Housing and Community Development (California), Division of Housing Policy Development, published **July 13, 2011**.

ATTACHMENT 3

DEMOGRAPHIC INFORMATION

2000 Census Population - City of Moorpark & Tract 76.02				
Population	Tract 76.02	%	City	%
Total Population	8,329	100.0%	31,415	100.0%
White	4,659	55.9%	23,378	74.4%
Black or African American	130	1.6%	476	1.5%
American Indian and Alaska Native	53	0.6%	149	0.5%
Asian	337	4.0%	1,770	5.6%
Native Hawaiian and Other Pacific Islander	16	0.2%	46	0.1%
Some Other Race	2,717	32.6%	4,381	13.9%
Two or More Races	417	5.0%	1,215	3.9%
Hispanic or Latino (of Any Race)	4,685	56.2%	8,735	27.8%

Source: U.S. Census Bureau, Race, Hispanic or Latino, and Age: 2000

2000 Census Housing Units - City of Moorpark & Tract 76.02				
Type	Tract 76.02	%	City	%
Total Units	2,081	100.0%	9,094	100.0%
Owner-Occupied	1,160	55.8%	7,385	81.2%
Renter-Occupied	889	42.7%	1,609	17.7%
Vacant Housing Units	32	1.5%	100	1.1%
Available for Sale Only (of Total Vacant Units)	6	18.8%	39	39.0%
Available for Rent - Full Time Occupancy (of Total Vacant Units)	15	46.9%	20	20.0%
Sold or Rented - Not Occupied	0	0.0%	18	18.0%
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	5	15.6%	11	11.0%
Other Vacant	6	18.8%	12	12.0%

Source: U.S. Census Bureau, General Housing Characteristics: 2000

ATTACHMENT 4

INFORMATIONAL BROCHURE TO BE GIVEN TO THE DISPLACED HOUSEHOLDS

Relocation Assistance Informational Statement for Families and Individuals

(CA State)

Displacing Agency:
City of Moorpark

Project Name:
Second Street Park @ 161 Second Street

Displacing Agency Representative:



Overland, Pacific & Cutler, Inc.
3750 Schauffele Ave., Suite 150
Long Beach, CA 90808
Phone: 562.304.2000

Informational Statement Content:

1. General Information
2. Assistance In Locating A Replacement Dwelling
3. Moving Benefits
4. Replacement Housing Payment - Tenants And Certain Others
5. Section 8 Tenants
6. Replacement Housing Payment – Homeowners
7. Qualification For And Filing Of Relocation Claims
8. Last Resort Housing Assistance
9. Rental Agreement
10. Evictions
11. Appeal Procedures – Grievance
12. Tax Status of Relocation Benefits
13. Non-Discrimination and Fair Housing
14. Additional Information And Assistance Available

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

Informational Statement for Families and Individuals

(CA State)

1. GENERAL INFORMATION

The dwelling in which you now live is in a project area to be improved by, or financed through, the Displacing Agency using state and/or local funds. If and when the project proceeds, and it is necessary for you to move from your dwelling, you may be eligible for certain benefits. 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 the relocation benefits you may receive under the state law. You will need to provide adequate and timely information to determine your relocation benefits. The information is voluntary, but if you don't provide it, you may not receive the benefits or it may take longer to pay you. We suggest you save this informational statement for reference.

The Displacing Agency has retained the professional firm of **Overland, Pacific & Cutler, Inc. (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

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 Displacing Agency's relocation assistance program.

Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the relocation benefits to which you may be entitled to receive. Once the Displacing Agency acquires the property, you will also be required to pay rent to the Displacing Agency.

2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Displacing Agency, 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.

3. MOVING BENEFITS

If you must move as a result of displacement by the Displacing Agency, you will receive a payment to assist in moving your personal property. The actual, reasonable and necessary expenses for moving your household belongings may be determined based on the following methods:

- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two written

estimates and receipts; or

- A combination of both (in some cases).

For example, you may choose a Self Move, receiving a payment based on the Fixed Residential Moving Cost Schedule shown below, plus contract with a professional mover to transport your grand piano and/or other items that require special handling. In this case, there may be an adjustment in the number of rooms which qualify under the Fixed Residential Moving Cost Schedule.

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 approved by the Displacing Agency, 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).

Your relocation representative will inform you of the amount you are eligible to receive, if you choose this type of payment.

If you select a fixed payment, you will be responsible for arranging for your own move, and the Displacing Agency will assume no liability for any loss or damage of your personal property. A fixed payment also includes utility hook-up, credit check and other related moving fees.

**Fixed Moving Schedule
CALIFORNIA (Effective 2008)**

Occupant Owns Furniture:

1 room	\$625
2 rooms	\$800
3 rooms	\$1,000
4 rooms	\$1,175
5 rooms	\$1,425
6 rooms	\$1,650
7 rooms	\$1,900
8 rooms	\$2,150
Each additional room	\$225

Occupant does NOT Own Furniture:

1 room	\$400
Each additional room	\$65

B. Actual Moving Expense (Professional Move)

If you wish to engage the services of a licensed commercial mover and have the Displacing Agency pay the bill, you may claim the ACTUAL cost of moving your personal property up to 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 "mover" scope of services for Displacing Agency approval.

4. 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 the present dwelling for at least 90 days prior to the initiation of negotiations or an owner who has occupied the present dwelling between 90 and 180 days prior to the initiation of negotiations.

A. Rental Assistance. If you qualify, and **wish to rent** your replacement dwelling, your maximum 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 your current rent and estimated utilities or 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.

Where a tenant is sharing a 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 assistance otherwise payable.

5. SECTION 8 TENANTS

When you do move, you may be eligible to transfer your Section 8 eligibility to a replacement site. In such cases, a comparable replacement dwelling will be determined based on your family composition at the time of displacement and the current housing program criteria. This may not be the size of the unit you currently occupy. Your relocation representative will provide counseling and other advisory services along with moving benefits.

6. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

- A. If you own and occupy a dwelling to be purchased by the Displacing Agency for **at least 180 days** prior to the initiation of negotiations, you may be eligible to receive a payment of up to \$22,500.00 to assist you in purchasing a comparable replacement unit. This payment is intended to cover the following items:
1. **Purchase Price Differential** - An amount which, when added to the amount for which the Displacing Agency purchased your property, equals the lesser of the actual cost of your replacement dwelling; **or** the amount determined by the Displacing Agency 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 incidental costs related 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 of up to the amount that you could have received under the Purchase Price Differential, explained above. The payment will be based on the difference between an economic rent 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.

7. 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 following:**

- For a tenant, the date you move from the displacement dwelling.
- For an owner-occupant, the latter of:
 - a. 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
 - b. The date you move from the displacement dwelling.

All claims for relocation benefits must be filed with the Displacing Agency **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.

8. 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 Displacing Agency 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 and eligible incidental expenses of the home you intend to purchase.

9. RENTAL AGREEMENT

As a result of the Displacing Agency's action to purchase the property where you live, you may become a tenant of the Displacing Agency. If this occurs, you will 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.

10. EVICTIONS

Any person, who occupies the real property and is not in unlawful occupancy, is presumed to be entitled to relocation benefits. Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Agency will be required to move without having been provided with at least 90 days written notice from the Agency. Eviction will be undertaken only in the event of one or more of the following reasons:

- 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;
- Performance of dangerous illegal act in the unit;
- Material breach of the rental agreement and failure to correct breach within the legally prescribed notice period;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings; or
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

11. APPEAL PROCEDURES - GRIEVANCE

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by the Displacing Agency's Relocation Assistance Program may have the appeal application reviewed by the Displacing Agency in accordance with its appeals procedure. Complete details on appeal procedures are available upon request from the Displacing Agency.

12. TAX STATUS OF RELOCATION BENEFITS

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) 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. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. No federal dollars are anticipated for this project. Therefore, federal regulations may not apply and the IRS may consider relocation payments as income. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein)

13. NON-DISCRIMINATION AND FAIR HOUSING

No person shall on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the Displacing Agency's relocation assistance program pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and other applicable state and federal anti-discrimination and fair housing laws. You may file a complaint if you believe you have been subjected to discrimination. For details contact the Displacing Agency.

14. 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 at Overland, Pacific & Cutler.

ATTACHMENT 5

Fixed Payment Moving Schedule	
Occupant Owns Furniture	
One room	\$625.00
Two rooms	\$800.00
Three rooms	\$1,000.00
Four rooms	\$1,175.00
Five rooms	\$1,425.00
Six rooms	\$1,650.00
Seven rooms	\$1,900.00
Eight rooms	\$2,150.00
each additional room	\$225.00
Occupant Does NOT Own Furniture	
First Room	\$400.00
each additional room	\$65.00

ATTACHMENT 6

PUBLIC COMMENTS AND RESPONSE