

## **RESOLUTION NO. 2013-037**

### **A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ROHNERT PARK, CALIFORNIA, ADOPTING THE RELOCATION PLAN FOR THE WILFRED AVENUE IMPROVEMENT PROJECT**

**WHEREAS**, the City of Rohnert Park (City) has a need to acquire real property as a part of the Wilfred Avenue Improvement Project (Project), which Project is more particularly specified in the Joint Exercise of Powers Agreement for Implementation of Mitigation Measures for Widening Wilfred Avenue dated September 25, 2012 ; and

**WHEREAS**, such real property acquisitions may result in the unavoidable displacement of residents and businesses from the real property to be acquired; and

**WHEREAS**, Government Code section 7267.8 and Title 25 of the California Code of Regulations at section 6006 require that, prior to displacing persons from property, each public entity must adopt rules and regulations that implement the requirements of the Relocation Assistance Act (Govt. Code sec. 7260 et seq.) (“Act”) and that are in compliance with the Department of Housing and Community Development Relocation Assistance regulations set forth in 25 CCR 6000 et seq. (“Relocation Guidelines”); and

**WHEREAS**, Title 25 of the California Code of Regulations at section 6010 requires that, prior to displacing persons from property, each public entity shall make certain prior determinations that it will comply with the provisions of the Relocation Assistance Act (Govt. Code sec. 7260 et seq.) and the Department of Housing and Community Development Relocation Assistance regulations set forth in 25 CCR 6000 et seq.; and

**WHEREAS**, section 6032 of the Relocation Guidelines requires that each public entity must develop a relocation assistance advisory program which will comply with the provisions of the Act (Govt. Code sec. 7260 et seq.) and the Relocation Guidelines; and

**WHEREAS**, the City Council of the City of Rohnert Park has previously adopted the required rules and regulations and has developed the required relocation assistance advisory program; and

**WHEREAS**, section 6010 of Relocation Guidelines requires that, prior to displacing persons from property, each public entity must make certain prior determinations that it will comply with the provisions of the Act and the Relocation Guidelines; and

**WHEREAS**, it is the desire of the City to make the determinations required by section 6010; and

**WHEREAS**, section 6038 of the Relocation Guidelines requires that 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 specific Relocation Plan for the project and submit it for approval to the local legislative body, which Plan must contain certain elements; and

**WHEREAS**, the City of Rohnert Park has prepared a Relocation Plan meeting the requirements of section 6038 for the Projects and such Plan has been presented to the City Council for its approval.

**THE CITY COUNCIL OF THE CITY OF ROHNERT PARK DOES FIND, DETERMINE, RESOLVE, AND ORDER AS FOLLOWS:**

**SECTION 1.** In connection with the Wilfred Avenue Improvement Project,

(a) Fair and reasonable relocation payments will be provided to eligible persons as required by Article 3 of the Relocation Guidelines.

(b) Relocation assistance programs offering the services described in Article 2 of the Relocation Guidelines will be established.

(c) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in the Relocation Guidelines.

(d) Based upon recent survey and analysis of both the housing needs of persons who will be displaced and available replacement housing and considering competing demands for that housing, comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size, and cost for the eligible persons who require them.

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

(f) A Relocation Plan meeting the requirements of Relocation Guidelines section 6038 for the Projects has been prepared.

**SECTION 2.** The Relocation Plan prepared for this Project and presented to this City Council, which includes a relocation assistance program offering the services described in Article 2 of the Relocation Guidelines, and which the Relocation Plan is on file in the City Administrative Office, is hereby approved and adopted for the Project.

**SECTION 3.** The City's designee is authorized to take all actions necessary to enforce and carry out the determinations made by this Resolution and the provisions of the Relocation Plans hereby approved and adopted for the Project.

**SECTION 4.** The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED this 26th day of February 2013.



CITY OF ROHNERT PARK

Pam Stafford  
Pam Stafford Mayor

ATTEST:

JoAnne Buergler  
JoAnne Buergler City Clerk

AHANOTU: AYE BELFORTE: ABSENT MACKENZIE: AYE CALLINAN: AYE STAFFORD: AYE  
AYES: ( 4 ) NOES: ( 0 ) ABSENT: ( 1 ) ABSTAIN: ( 0 )

**EXHIBIT A**

DRAFT RELOCATION PLAN FOR  
THE WILFRED AVENUE IMPROVEMENT PROJECT

DRAFT

# Relocation Plan

*For the*

## Wilfred Avenue Improvement Project

*Prepared for*

City of Rohnert Park

*Prepared by*



February 2013

## Table of Contents

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<b>I. EXECUTIVE SUMMARY</b>	<b>1</b>
Relocation Program Summary	2
Relocation Policy Summary	3
Project Location and Project Area Maps	4
<b>II. PROJECT AREA IMPACT</b>	
Project Characteristics	5
Occupant Impact	5
<b>III. REPLACEMENT HOUSING RESOURCES</b>	<b>7</b>
<b>IV. RELOCATION ASSISTANCE PROGRAM SUMMARY</b>	
Relocation Advisory Assistance	9
Moving Cost Assistance	10
Replacement Housing Payments	11
Last Resort Housing Plan	12
Appeal and Grievance Process	12
Claim Processing and Distribution of Payments	13
<b>APPENDIX</b>	<b>14</b>
A. Informational Brochure - Residential Relocation Handbook	
B. Informational Brochure - Business Relocation Handbook	
C. Copy of Initial Contact Letter/Notice of Eligibility (specific tenant information redacted)	
D. Map of Available Rental Properties	
E. Draft Plan Circulation Letter	
F. Public Comments Received During 30-Day Draft Plan Review Period	

## I. EXECUTIVE SUMMARY

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The City of Rohnert Park (City) is proposing to widen and make improvements along a portion of Wilfred Avenue, also known as Golf Course Drive West, as part of the Wilfred Avenue Improvement Project (Project). The City has entered into a Joint Exercise Powers Agreement with the County of Sonoma and the Federated Indians of Granton Rancheria to accomplish this effort. Currently, the City is attempting to purchase a portion of several properties along Wilfred Avenue to allow for the roadway improvement.

The City has worked diligently to plan the Project in a manner that minimizes the number of potential acquisitions and displacements. Certain displacements, though, are unavoidable to bring this important transit improvement to the community. The acquisition on one of several properties will result in the loss of frontage. This loss is significant enough to make the one single family residence and accessory buildings on the property unusable. Therefore, the City has structured its offer to include the value of the dwelling and accessory buildings. The improvements are occupied by two residential occupants. One occupant also operates a home based business.

The City recognizes its responsibility to provide assistance to the property owners and occupants in compliance with California State laws and regulations that govern property acquisition and occupant relocation in the State of California. The City Council will be asked to adopt California Code of Regulations, Title 25, Chapter 6 as the implementing regulations for Section 7260, et seq. of the Government Code of the State of California.

Under state law the City is required to adopt a formal Relocation Plan which documents how the City is planning to provide assistance for persons and businesses that may be displaced by the acquisition of property. Therefore, the City contracted for the development of this Draft Relocation Plan that is being made available for public review and comment for a period of 30 days; between January 23 and February 24, 2013. The Draft Relocation Plan available on the City's website and at the Rohnert Park-Cotati Regional Library and the City's administrative offices. The public has the opportunity to submit comments regarding the Draft Relocation Plan to the City's Relocation Consultants, Associated Right of Way Services, Inc. Comments and responses will be discussed at the City Council meeting for consideration as to whether they should be incorporated into the Final Relocation Plan. The Draft Plan is submitted to the City Council for consideration and adoption of a Final Plan.

The Draft Relocation Plan was prepared with information available from public record, property owners, appraisal documents, an interview with the property occupants, and area housing market data. The City will provide relocation assistance in compliance with the California Code of Regulations, Title 25, Chapter 6. All services and benefits to be derived from any right of way

activity will be administered without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act.

This Relocation Plan will:

- Summarize the needs of the occupant being displaced,
- Determine whether suitable replacement housing resources exist, and
- Present a Relocation Assistance Program that is sufficient to provide for an orderly, timely, and efficient relocation of the displaced occupant.

### Relocation Program Summary

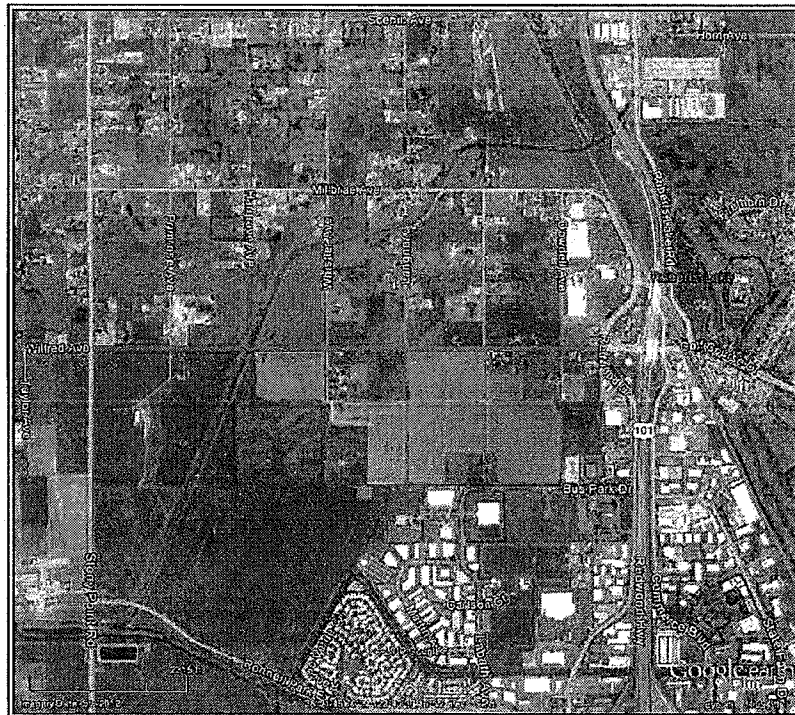
<b>Project Limits:</b>	Redwood Drive to Stony Point Road in the City of Rohnert Park, Sonoma County	
<b>Type of Project:</b>	Roadway Improvement Project	
<b>Project Funding Source:</b>	Federated Indians of Granton Rancheria	
<b>Governing Laws and Regulations:</b>	Government Code §7260, et seq. Cal Code Regs, Title 25, Chapter 6	
<b>Project Impact:</b>	Displacement of Two Residential Tenants Displacement of One Business Operated from Dwelling	
<b>Current Dwelling:</b>	Two-Bedroom Single Family Residence on Rural Property \$765 monthly rent plus utilities	
<b>Availability of Replacement Housing:</b>	At Least Four Three-Bedroom Single Family Residences Available \$1,550 to \$2,000 per month plus utilities	
<b>Availability of Commercial Sites:</b>	Business is Operated from Dwelling. Assumed Similar Operation at Residential Replacement Site.	
<b>Relocation Budget:</b>	Estimated to be \$13,000 to \$118,000	
<b>Anticipated Project Schedule:</b>	Initial Offer to Property Owner:	January 2013
	Initial Notice to Occupant:	January 2013
	Goal Possession Date:	March 2013
	Property Vacant:	April 2013
	Delivery of Property to Contractor:	May 2013



### Relocation Policy Summary

<b>Acquisition Priorities:</b>	No acquisition priorities were identified.
<b>Temporary Relocation:</b>	No occupants will be required to move temporarily.
<b>Language Assistance:</b>	The occupants communicate in English. No additional language assistance is required.
<b>Advisory Assistance:</b>	The occupants will receive Relocation Advisory Assistance to understand the City's Relocation Assistance Program, search for and secure available replacement housing, and file claims for moving and replacement housing payments.
<b>Noticing:</b>	The occupants will receive referrals to available, comparable, decent, safe and sanitary replacement housing prior to receiving a minimum of 90 days' written notice to vacate.
<b>Relocation Assistance Payments:</b>	The occupants will be provided with monetary assistance for eligible moving costs and replacement housing costs for available, comparable, decent, safe and sanitary replacement housing that is available to the household and within their financial means.
<b>Housing of Last Resort:</b>	The City's Last Resort Housing Plan is included herein.
<b>Comparable Replacement Housing:</b>	No occupant will be required to move without assistance to secure comparable, decent, safe and sanitary replacement housing that is functionally equivalent and within their financial means.
<b>Field Office:</b>	A Relocation Advisor will be available to meet with the occupants as needed. Therefore, no field office is required.
<b>Concurrent Displacement:</b>	One rentable housing unit with two occupants and one home based business are impacted. The impact of this project on available housing resources is insignificant.
<b>Special Relocation Considerations:</b>	The occupants are seniors on limited incomes. One occupant has health concerns that may require additional advisory assistance to secure replacement housing.
<b>Rent Back:</b>	If the City obtains possession of the property prior to the date the occupant vacates, the City may enter into an agreement to collect rent prior to vacancy.
<b>Last Resort Housing:</b>	Recommended that City establish Last Resort Housing Program that provides payments in excess of \$5,250 statutory limit for Replacement Housing Payment.

Map of Rohnert Park, CA, showing the property location. The map includes major roads like Highway 101, Highway 116, and local streets such as Wilfred Ave and Santa Rosa Ave. A red pin marks the property location on Wilfred Ave. A callout box labeled "Property Location" points to the pin. Other landmarks include Rohnert Park, Rohnert Park Expy, and various neighborhoods like NEIGHBORHOOD G and NEIGHBORHOOD H.



## II. Project Area Impact

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### PROJECT CHARACTERISTICS

The Project area is located in the City of Rohnert Park in Sonoma County and specifically along Golf Course Drive West, a narrow two lane road, which becomes Wilfred Avenue outside the city limits. The Golf Course Drive West interchange with U.S. 101 is nearing completion as part of a California Department of Transportation highway project. Golf Course Drive West is a planned major arterial road that bisects the Wilfred-Dowdell and Northwest Specific Plan areas located west of the freeway.

Recently, the Federated Indians of Graton Rancheria broke ground on construction of a resort and casino adjacent the Northwest Specific Plan area. The Wilfred Avenue Improvement Project is being implemented to accommodate future growth in the area. This project will complete the planned widening of a 1.43 mile length of roadway from Redwood Drive in Rohnert Park to Stony Point Road in Sonoma County. The proposed street improvements are planned to improve expected increases in traffic flow and to better accommodate existing and anticipated future uses. Within the proposed Project right-of-way, there is one, tenant-occupied, single-family residence and support buildings that will be impacted. The property is identified as Sonoma County Assessor's Parcel Number 045-075-001. It is located at the intersection of Wilfred Avenue or Golf Course Drive West at the intersection of Dowdell Avenue in Rohnert Park, California.

Currently, it is proposed that the City acquire rights to the portion of the property that is required to construct the project. This includes a permanent roadway and utility easement, an irregular strip of land approximately 40 feet wide, located along the entire length of the northern property line. A temporary construction easement is also proposed over the remaining portion of the property for term of three months. All of the improvements located on the property are in the areas to be acquired and are proposed to be removed.

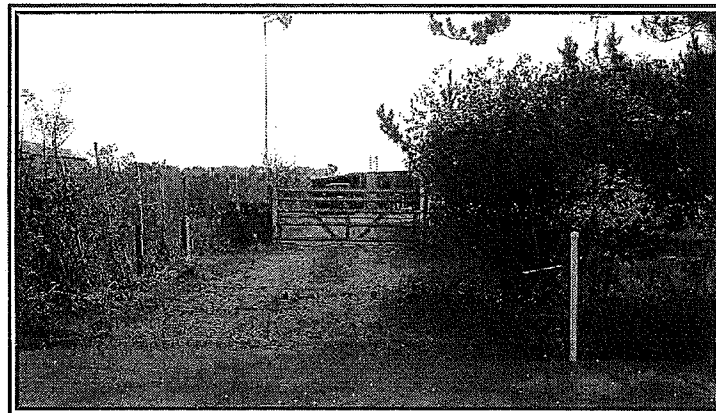
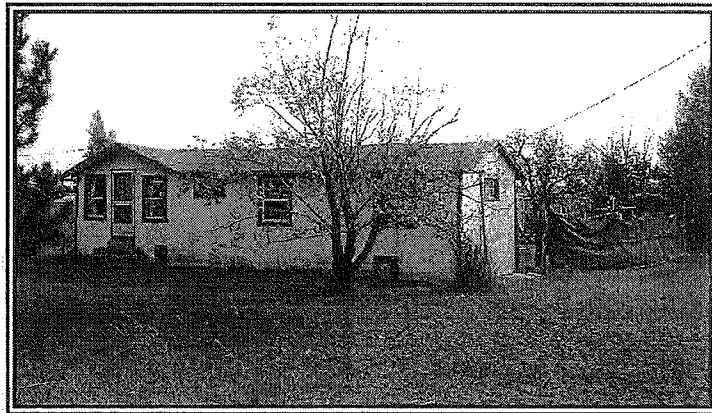
### OCCUPANT IMPACT

Two residential occupants occupy the two-bedroom single family residence and support buildings. One occupant is a long-term tenant with a rental agreement. This occupant pays \$765.00 per month for rent and pays for gas, electric and garbage. The second resident has been in occupancy less than six months, has no rental agreement and pays no rent but contributes approximately \$20.00 per month for utilities. This second occupant sleeps in a support building with no utilities and shares the kitchen, bathroom, and laundry facilities with the primary tenant. The primary tenant operates a part time home based business from the dwelling. Both occupants and the business will be required to move from the property. Therefore, the one household and one business are being displaced. That household consists of two persons who are seniors who are low income according to County of Sonoma income

levels. One occupant has certain health concerns that may require additional advisory assistance to relocate.

The dwelling's street address is listed as 80 Wilfred Avenue, in Santa Rosa but is within the city limits of Rohnert Park. The portion of Wilfred Avenue, where the property is located, was recently renamed Golf Course Drive West. According to public record, the dwelling is a 933 square foot one-story, wood frame single family home built in 1920. The home is not connected to city services and has a private well and septic system. Public records indicate the out buildings total approximately 1,036 square feet.

Below are pictures taken from the public right of way.



### III. Replacement Housing Resources

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The City of Rohnert Park is located in Sonoma County, which is included as one of the nine counties that comprise the San Francisco Bay Area. Sonoma County's population grew by 8.0% over the past ten years (2000-2010), which was slower than the state's rate of 14.6%, as reported by the Center for Economic Development. The median household income in Sonoma County in 2010 was \$68,255, a 28% increase since 2000 and is projected to increase 14% by 2015, as reported by the Sonoma County Economic Development Board.

There are nine incorporated cities in Sonoma County, including Cloverdale, Cotati, Healdsburg, Petaluma, Rohnert Park, Santa Rosa, Sebastopol, Sonoma, and Windsor, in addition to numerous unincorporated communities. The subject is located in the city of Rohnert Park in the central portion of the county along U.S. 101 south of Santa Rosa. Rohnert Park is the county's third largest city, with a January 2012 population estimate of 40,846. The subject is located in the northwest portion of the city in an area of anticipated growth for the city and is part of the Wilfred Dowdell Specific Plan. The Plan is proposed to provide a commercial center on ±25 acres just west of the freeway at the Wilfred Avenue/Golf Course Drive West interchange.

The subject property is comprised of one 933 square foot single family residence and an additional 1,036 square feet of sheds and support buildings utilized by the tenants for sleeping accommodations and storage of personal property in multiple sheds/outbuildings.

In order to accommodate the two occupants, a survey was conducted of available, comparable three-bedroom single family residential dwellings in Rohnert Park that were at least 933 square feet. Since the part time home based business is currently operated from the home, any residential dwelling should allow for similar use. Most single family residential properties have two-car garages that might provide the household with some replacement storage space. The available housing below was screened for other on-site storage options such as a two car garage, or covered patio.

The replacement housing survey for this Relocation Plan was limited to properties in Rohnert Park. There were no two-bedroom single family residential dwellings available for rent in Rohnert Park during the search conducted in January of 2013. However, five three-bedroom rentals were available ranging in rent from \$1,550 to \$2,000 per month. In most cases, no utilities were included in the listed rent rates. For the purposes of this initial survey, it was assumed that all of the properties listed meet the requirement for decent, safe and sanitary (DS&S) conditions. A separate Housing Valuation Study will be prepared and will assess the actual condition of the properties in that study. No dwelling that does not meet the minimum DS&S standards will be used to determine replacement housing options or costs for the one household.

Based on this analysis of available housing, it appears that sufficient comparable replacement housing will be available to accommodate the one displaced household. It is assumed the occupant will continue to operate his home based business from his replacement dwelling and no commercial replacement site resources are required.

Available Two and Three Bedroom Single Family Residences  
Rohnert Park, California  
January 2013

Site Location	Address	Beds/Baths	Monthly Rent	Utilities included in rent	Comments
1	7273 Circle Drive	3/2	\$1,695	none	2 car garage, covered patio in backyard
2	451 Anson Avenue	3/2	\$1,550	none	2 car garage, deck
3	8497 Liman Way	3/2	\$1,700	none	2 car garage, storage shed in backyard
4	1208 Eric Court	3/2	\$1,900	none	2 car garage, large lot, small storage shed
5	7246 Roxanne Lane	3/2	\$2,000	none	2 car garage

A map of the available rental housing locations used in the survey relative to the subject dwelling is included in the appendix.

## IV. Relocation Assistance Program Summary

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The City of Rohnert Park will provide assistance to ensure uniform, fair and equitable treatment to persons displaced from their homes, businesses or farms as a result of a public project. The following Relocation Assistance Program implements the assistance provided for under State Relocation Laws and Regulations.

The available assistance includes Relocation Advisory Assistance, Replacement Housing Payments, and Move Cost Assistance. If the business that is operated from the home incurs expenses as a result of the move, additional assistance may be provided that include certain payments for reestablishing the business or fixed move payments. The occupants will be provided with information regarding the assistance that is available.

**A. Relocation Advisory Assistance.** A Relocation Advisor will work closely with the affected household to help the occupants understand the assistance that is available under the City's Relocation Assistance Program. That assistance includes written notifications from the City, a detailed written description of the City's Relocation Assistance Program (Program), and assistance with filing claims for payment with the City.

**Written Notifications.** The primary occupant has already received a General Information Notice that described the potential impact and the Relocation Assistance Program. A Notice of Eligibility was delivered to the primary tenant that described the occupant's right to receive assistance under the Program. A pending Conditional Entitlement Letter will describe the specific monetary assistance available with consideration given to available replacement housing and household rent and income. Finally, notices will be delivered with specific vacate date information as the city's efforts to acquire the property proceed.

**Assistance to Identify and Secure Housing.** The Relocation Advisor will continue to meet with the occupants to understand specific replacement site needs. That information will help the Advisor to locate and secure comparable replacement housing in the area. The Advisor will inspect the replacement property to determine that it meets the state's Decent, Safe and Sanitary housing requirements. It is anticipated that the business would be permitted to operate from any residence since it does not require public access and does not require specialty equipment or building permits. However, upon request, additional non-residential business sites will be provided to the occupant.

All referrals to residential replacement sites will be within the household's financial means with consideration given to the housing payments available through the City's Relocation Assistance Program. The Relocation Advisor will help the household to obtain housing of the occupant's choice. If necessary, the Advisor will work with the household to formalize complaints of discrimination to the appropriate Federal, State or local fair housing enforcement City. In addition, referrals to other local assistance programs to minimize hardship will be provided as

needed. This may include referrals to housing, finance, employment, training, health and welfare, and other assistance programs will be provided.

**Assistance to Submit Claims for Payment.** The Advisor will also help the household to file claims for payment with the City for moving costs, increased housing costs and other business move costs. The City will determine which claims are reimbursable under the Program and will make payment for approved claims within 30 days.

**B. Moving Cost Assistance.** Eligible occupants can request reimbursement for the actual, reasonable, and necessary cost to move personal property on the acquired property to a replacement site or storage facility within 50 miles. In some cases, an occupant may receive reimbursement for storage costs up to 12 months as the City determines to be necessary. All costs are reimbursed based on detailed, documented receipts unless otherwise noted below. The City may make an advance payment on a portion of the move claim if a later payment would result in financial hardship for the occupant. The following categories of expenses may be considered to be eligible:

- Transportation of persons and property not to exceed a distance of 50 miles (except where relocation beyond 50 miles is justified and approved by the City);
- Packing, crating, unpacking and uncrating personal property;
- Storage of personal property for a period generally not to exceed 12 months as determined by the City to be necessary in connection with the Relocation;
- Insurance of personal property while in storage or transit; and
- The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the occupant, his agent or his employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available.
- 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 City, including connection charges imposed by public utilities for starting utility service. (e.g. telephone and computer).

- 1. Professional Moving Assistance.** The household may choose to contract with a professional moving company to perform the move. The household will need to obtain two detailed written estimates from two professional moving companies. A Relocation Advisor can assist with this process and should review the estimates prior to the move. The household can then pay for the move and request reimbursement from the City, or the household can request that the City pay the moving company directly. In either case, the contract for the move must be between the household and the moving company.



- 2. Self-Move.** While not specifically provided for under the State's Relocation Regulations, the City has determined to offer households the option to move their own personal property based on a Fixed Moving Schedule maintained by the Federal Highway Administration.

Occupant Owns Furniture									Occupant does not own furniture	
Number of Rooms of Furniture								Addtl room		
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms		1 room/ no furn.	Additional room no furn.
\$685	\$880	\$1,100	\$1,295	\$1,570	\$1,815	\$2,090	\$2,365	\$250	\$450	\$85

**C. Replacement Housing Payments.** The City will provide a Replacement Housing Payment to assist the household to relocate to a decent, safe and sanitary, comparable replacement dwelling. The assistance is calculated to offset the rent increase for 42 months and to make the unit affordable to the tenant. If the household provides adequate documentation, then the City will calculate the Rent Differential Payment based on income and on current rent. The household will be eligible to receive a payment based on whichever method proves to provide the greatest assistance.

An eligible tenant household will receive a Conditional Entitlement Letter that describes all relocation benefits and the maximum Replacement Housing Payment to which the household is entitled. The benefit payments will be made by the City only when the household demonstrates that entitlement amounts have been or will be spent for reasonable and necessary expenses related to replacement housing. The City will make all Rent Differential Payments either directly to a tenant or to the tenant's designee.

If the household so chooses, the occupants may use their Replacement Housing Payment to purchase a replacement dwelling. The funds may only be used for down payment and for non-recurring closing costs for a decent, safe and sanitary replacement dwelling. The City will deposit funds directly into the escrow account to purchase the replacement site.

Replacement Housing Payments are limited to \$125 per month or a total of \$5,250 over a 42 month period. If it is determined by the City that comparable replacement housing will not be available as required within these limits, the City will provide assistance under Housing of Last Resort in accordance with its Last Resort Housing Plan (included herein).

**D. Last Resort Housing Plan.** Based upon the preliminary information provided by the occupants and the survey of available, comparable replacement housing in the City of Rohnert Park, it appears that comparable replacement housing will not be available as needed if the Replacement Housing Payment is limited to \$125 per month. The household is currently paying \$765 per month in rent plus utilities. Typical rent for three-bedroom single family residences in the area ranges from \$1,550 to \$2,000 per month plus utilities. The City may elect to provide housing of last resort to allow the household to relocate on a timely basis.

Housing of Last Resort is a program that allows for the implementation of certain regulations if comparable replacement housing will not be available and affordable to the displaced household within the \$125 Replacement Housing Payment limit. Several methods to provide Last Resort Housing to qualified households are available to the City:

1. Provide supplemental funds in excess of \$125 per month for 42 months based on the City's computation of a Replacement Housing Payment for a comparable, decent, safe and sanitary replacement dwelling. Factors include current rent and utilities, income, and the cost to rent a comparable, decent, safe and sanitary dwelling in the area. The maximum Replacement Housing Payment under the Last Resort Housing Program would be calculated by the City's Relocation Consultant, approved by City staff, and presented in a Conditional Entitlement Letter from the City.
2. Build new replacement housing or rehabilitate existing units or provide funds for private parties to rehabilitate existing units for occupancy by the displaced household. Rents would be restricted to an amount per month not to exceed 30% of households' gross monthly income, for a period of 42 months.
3. Relocate and rehabilitate a dwelling. Rents would be restricted to an amount per month not to exceed 30% of households' gross monthly income, for a period of 42 months.
4. Purchase land and or a replacement dwelling and subsequently sale, exchange, or lease the property to the household. Rents would be restricted to an amount per month not to exceed 30% of households' gross monthly income, for a period of 42 months.
5. Removal of barriers for persons who are handicapped.
6. Utilize Housing Authority Section 8 housing vouchers.

**Recommended Action.** The most flexible of the Last Resort options is for the City to pay Replacement Housing Payments in excess of \$5,250 as needed. Section 8 vouchers are not currently available from local housing authorities. There are adequate replacement dwellings vacant and available in the area. Therefore, funding the building or rehabilitation of replacement housing units does not appear to be a reasonable option for the City. Nor is it possible for construction of new replacement units to be completed to meet the project schedule.

**E. The Appeal and Grievance Process.** In the event an occupant believes he or she has been denied an eligible benefit, or disputes the amount of any payment, or has been discriminated against in any manner, the occupant will be afforded an opportunity to file an appeal or grievance with the City. An occupant should first contact his Relocation Advisor to see if the situation can be mutually resolved. If that remedy does not satisfy the occupant, the occupant can present his or her appeal to the

City Manager who can decide on the City's response to the appeal. If the appellant does not agree with the City Manager's determination, the appellant can submit a request in writing for a hearing before the Relocation Appeals Board.

**F. Claim Processing and Distribution of Payments.** All claims are to be filed through a Relocation Advisor in accordance with state laws and regulations. The Advisor will assist the household in completing their claim forms and will notify the occupant of the documentation needed. Each claim will be submitted along with documentation to the City for review and processing. Checks will be available for approved claims within three weeks of the date all documentation is submitted to the Relocation Advisor. Checks will be delivered to the occupant or to the occupant's designee. The City shall provide advance payments when necessary whenever a later payment would result in financial hardship.

This summary has been provided for general information purposes only and should not be interpreted as law.

*Detailed information regarding the City's Relocation Assistance Program can be found in the City's Relocation Handbook included in the Appendix.*

## Appendix

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- Informational Brochure – Residential Relocation Handbook
- Informational Brochure – Business Relocation Handbook
- Copy of Initial Contact Letter/Notice of Eligibility
- Map of Available Rental Properties
- Draft Plan Circulation Letter
- Public Comments Received During 30-Day Draft Plan Review Period

# Relocation Assistance

## Available To

### Residential Tenant Occupants

PROVIDED TO YOU AS A COURTESY BY



Summarizing the Government Code of the State of California §7260, *et seq.* and the  
California Code of Regulations, Title 25, Chapter 6, Subchapter 1

# Table of Contents

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Introduction.....	1
Important Terms Used in This Brochure.....	2
Section 1: Relocation Advisory Services.....	4
Section 2: Moving Expenses.....	5
• Actual Reasonable Moving Costs and Related Expenses .....	5
• Fixed Moving Cost Schedule.....	6
Section 3: Replacement Housing Payments.....	7
• For Tenants and Certain Others.....	7
• Last Resort Housing.....	8
Section 4: Important Information Regarding Relocation Assistance.....	9
• Filing of Claims for Payment.....	9
• Relocation Payments are not Considered to be Income .....	9
• Right to Appeal .....	9
• Nondiscrimination .....	9
General Information .....	10

## Introduction

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Government programs designed to benefit the public as a whole often result in the acquisition of private property, and sometimes in the displacement of people from their residences, businesses, non-profit organizations, or farms. When Congress passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amended it in 1987 it recognized the need to balance the right of a public agency to acquire property with the rights of the occupants of the property being affected. The State of California adopted similar laws and regulations that provide for the rights of persons affected by public and publicly assisted projects. The Government Code of the State of California §7260, *et seq.* and the California Code of Regulations, Title 25, Chapter 6, Subchapter 1 outline a public agency's rights and responsibilities to acquire property and to provide Relocation Assistance. This brochure is an attempt to provide you with a summary of those laws and regulations. Certainly, the information provided in this brief brochure cannot provide you with answers to all of the specific questions and situations that might arise in the relocation of your household. Please work with your Relocation Advisor in order to understand how the Relocation Assistance Program relates to your specific relocation.

Please review this brochure carefully and present any questions to your Relocation Advisor. Section 1 of this brochure provides information about Relocation Advisory Assistance. Section 2 contains information for payments related to moving expenses. Section 3 contains information related to available replacement housing payments. Section 4 provides additional information that is important to understand regarding the Relocation Assistance Program.

If you are required to move as a result of a publicly assisted program or project, a Relocation Advisor will contact you and will provide you with assistance. Your Relocation Advisor will answer your specific questions and will provide additional information that you may need to help you to understand the Relocation Assistance Program. If you have any questions regarding this brochure, please contact your Relocation Advisor.

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**(800) 558-5151 *toll-free***  
**(925) 691-8500 *direct***  
**(925) 691-6505 *fax***

## Important Terms Used in This Brochure

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### **Agency**

Relocation Advisory Assistance and Relocation Payments are administered by a public agency responsible for the acquisition of real property and/or the displacement of persons from property to be used for a publicly funded program or project. The public agency may be a State agency, a local agency, such as a county or a city, or a person carrying out a program or project with public financial assistance. A public agency may contract with a qualified individual or firm like Associated Right of Way Services, Inc. to administer the Relocation Assistance Program. However, the public agency remains responsible for the program.

### **Displaced Person**

Any person who moves from real property, or who moves personal property from real property as a direct result of:

(1) a written notice of intent to acquire by a public agency or as a result of the acquisition of real property in whole or in part, by a public agency or by any person having an agreement with or acting on behalf of a public agency, or as the result of a written order from a public agency to vacate the property for public use; or

(2) rehabilitation, demolition or other displacing activity undertaken by a public agency or by any person having an agreement with or acting on behalf of a public agency of real property on which the person is in lawful occupancy or conducts a business, and the displacement, lasts longer than 90 days. This definition includes those persons displaced as a result of a public action 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 agency is otherwise empowered to acquire the property to carry out the public use.

### **Comparable Replacement Housing**

- Decent, safe, and sanitary.
- Functionally equivalent to your present home.
- Actually available for you to buy or rent.
- Affordable.
- Reasonably accessible to your place of employment.
- Generally as well located with respect to public and commercial facilities, such as schools and shopping, as your present home.
- Not subject to unreasonable adverse environmental conditions.
- Available to all persons regardless of race, color, religion, sex, or national origin.



### **Decent, Safe, and Sanitary (DS&S)**

Certain standards to evaluate the quality of housing where you will move have been established, and any referrals for housing given to you must meet these standards. These standards are referred to as Decent, Safe, and Sanitary, which means it meets all of the minimum requirements established by federal and State regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- Be structurally sound, weather tight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a heating system capable of sustaining healthful temperature (at least 70 degrees) except in those areas where local climatic conditions do not require such a system.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person(s).
- Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.
- Contain unobstructed egress to safe, open space at ground level.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

Any housing which you may find yourself must also meet the above criteria. Please request that the Relocation Advisor make an inspection prior to moving. It is necessary that you move to DS&S housing in order to obtain Replacement Housing Payments.

## Section 1 – Relocation Advisory Assistance

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A Relocation Advisor will work with each eligible displaced residential occupant in order to guide them through the Relocation process and to help them to locate comparable replacement housing. Relocation services will be provided by Associated Right of Way Services, Inc. It is their goal and desire to be of service to you, and to assist you in any way possible to help you successfully relocate. Your Relocation Advisor is available to help and to advise you, so please make full use of their services. Do not hesitate to ask questions to ensure that you fully understand all your rights and benefits.

An individual with a disability will be provided the assistance needed to understand their rights under this program and assistance to locate and to move to comparable replacement housing. Please notify your Relocation Advisor if you need any additional assistance to understand your rights or to secure comparable replacement housing.

When your Relocation Advisor initially contacts you, they will interview you in order to explain the Relocation Program and they will ask many questions to determine your specific relocation needs. Your Relocation Advisor will also ask you to describe the type of comparable replacement housing you are interested in finding. Your Relocation Advisor will explain the assistance and payments that you may claim in accordance with your eligibility. It is important that you explain any anticipated relocation problems to your Relocation Advisor. After the initial interview, your Relocation Advisor will deliver written information regarding your rights as a displaced person and will forward information on available comparable replacement housing as that information becomes available.

Your Relocation Advisor will continue to work with you to help you to plan your relocation to comparable replacement housing. Your Relocation Advisor will help you to understand which costs are compensable under the Relocation Assistance Program and which costs are not.

The goal is to achieve a successful relocation back into the community. Therefore, it is important that you work closely with your Relocation Advisor to evaluate and prepare for the move and search out leads to available comparable replacement housing.

Your Relocation Advisor is also available to provide information to possible sources of funding and assistance from other local, State, and Federal agencies. If you have special problems, the Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Make your needs known in order to receive the help you need.

## Section 2 – Moving Expenses

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If you qualify as a displaced person, you are entitled to reimbursement of moving costs and certain related expenses incurred in moving. Displaced individuals and families may choose to be paid on the basis of: 1) Actual Reasonable Moving Costs and Related Expenses, 2) Fixed Moving Cost Schedule, OR a combination of both, based on circumstances.

### **Actual Reasonable Moving Costs and Related Expenses**

If you choose a payment for Actual Reasonable Moving and Related Expenses, you may include in your claim the reasonable costs for:

- a. 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.
- b. Packing, crating, unpacking and uncrating personal property.
- c. The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling personal property including connection charges imposed by public utilities for starting utility service (e.g., telephone and cable TV).
- d. Such storage of personal property, for a period generally not to exceed 12 months, as determined by the public agency to be necessary in connection with relocation.
- e. Insurance for the replacement value of personal property during the move and necessary storage.
- f. The replacement value of property lost, stolen, or damaged in the move (but not through your neglect) if insurance is not reasonably available.

Your Relocation Advisor will explain all eligible moving costs, as well as those which are not eligible. You must be able to account for any costs that you incur, so please keep all your receipts. Select your mover with care and require that full replacement value insurance be included in the contract. Your Relocation Advisor can help you select a reliable and reputable mover.

A claim for moving expenses should be submitted to the public agency as soon as possible after the move, but in no case later than 18 months from the date of the move. Your Relocation Advisor will provide you with these forms and help you fill out your claim.

You may elect to pay your moving costs yourself and be reimbursed by the public agency or, if you prefer, you may have the public agency pay the mover directly. In either case, let your Relocation Advisor know before you move.

### **Fixed Moving Cost Schedule**

You may choose to be paid on the basis of a fixed moving cost schedule. The amount of the payment is based on the number of rooms in your dwelling. Your Relocation Advisor will be able to tell you the exact amount you will be eligible to receive if you select this option. The schedule is designed to include all of the expenses such as temporary storage, transportation of personal property, and utility hook ups.

Occupant owns Furniture - Number of Rooms of Furniture									Occupant does not own furniture	
1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	Additional room	1 room no furn.	Add'l room/ no furn.
\$685	\$880	\$1,100	\$1,295	\$1,570	\$1,815	\$2,090	\$2,365	\$250	\$450	\$85

For a complete explanation of all moving cost options, please discuss the matter with your Relocation Advisor.

## Section 3 – Replacement Housing Payment

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### For Tenants and Certain Others

Having occupied the property (either as a tenant or an owner) for 90 or more consecutive days immediately preceding the initiation of negotiations between the public agency and property owner, you may be eligible for a Replacement Housing Payment in the form of a Rent Differential Payment. You may be eligible to receive a Rent Differential for a 42-month period up to \$5,250\* to assist you in renting or buying decent, safe, and sanitary housing. This payment is based on any increased rent you might have to pay to obtain a comparable replacement dwelling. The assistance is computed in the following manner:

The assistance needed for one month is determined by subtracting the "base monthly rent" for your present home from the cost of rent and utilities for your new home (or a comparable replacement home, if that cost is lower). That monthly need, if any, is multiplied by 42, to determine the total amount that you will receive. This amount will be paid directly to you. The public agency will provide the assistance in periodic payments. Generally, the base monthly rent for your present home is the lesser of: (1) the monthly rent and average monthly cost for utilities, or (2) thirty (30%) percent of your adjusted gross monthly household income.

**Examples:** Let's say that the monthly rent and average cost for utilities for your present home are \$250; the monthly rent and estimated average utility costs for a comparable replacement home are \$350; and your monthly gross income is \$700. In this case your "base monthly rent" would be \$210 because 30% of your adjusted gross monthly household income is less than the monthly cost of rent and utilities at your present home (\$250).

- If you rent a replacement home for \$360 per month, including estimated average monthly utility charges, you will receive \$5,880. That amount is 42 times \$140 (the difference between the "base monthly rent" for your present home (\$210) and the cost for a comparable replacement home (\$350)).
- If you rent a replacement home for \$310, including estimated average monthly utility charges, you will receive \$4,200. That amount is 42 times \$100 (the difference between the "base monthly rent" for your present home (\$210) and the actual cost of your new home (\$310)).

To be eligible for this Replacement Housing Payment:

- You must have lived in the unit 90 consecutive days immediately before the public agency commenced negotiations with the owner for the purchase of the property;
- You must rent and occupy a decent, safe, and sanitary replacement dwelling within 18 months from the date you vacate the displacement property or you must purchase and occupy a decent, safe, and sanitary replacement dwelling within one year from the date you vacate the displacement property. Your new dwelling must be inspected by a representative of the public agency before the public agency can make any payments other than for moving

costs. Make sure that a DS&S housing inspection is made before you are obligated to buy or rent your replacement housing property.

- You are residing in a decent, safe, and sanitary private dwelling when the payment is made.
- Your claim for payment is submitted within 18 months of the date you move.

Owner-occupants who decide to rent may also be eligible for rent differential payments.

If you decide to purchase a home when you move, the Replacement Housing Payment can be used as a down payment on your new dwelling.

**\*Note:** See Last Resort Housing

### **Last Resort Housing**

In some instances the basic relocation program, as established by California State law and regulations, does not provide sufficient benefits to adequately rehouse a household. Last Resort Housing is a procedure wherein the public agency, based upon additional documentation, may exceed the \$5,250 monetary limit to enable a displaced tenant to rent a replacement dwelling. You will be informed if this process applies to you.

## Section 4 – Important Information Regarding Relocation Assistance

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### **Filing of Claims for Payment**

All claims filed with the agency shall be submitted within 18 months of the later of (1) the date on which the claimant receives final payment for the property or, (2) the date on which the property is vacated. Most claims will be paid within three weeks of submission of a fully documented claim for payment.

### **Relocation Payments are not Considered to be Income**

No relocation payment received will 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 (Title 26, U.S. Code) [49 CFR 24.209] or Personal Income Tax Law, Part 10 (commencing with § 17001) of Division 2 of the Revenue and Taxation Code [Gov. Code § 7269].

No relocation payment received will be considered income or resources to any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled under any other provisions of law.

### **Right to Appeal**

Any aggrieved person may file a written appeal with the head of the public agency if the person believes the public agency has failed to properly determine his or her eligibility for relocation assistance advisory services or the amount of a relocation payment.

If you have a grievance, you will be given a prompt and full opportunity to be heard. You will also have the right to be represented by legal counsel or other representative in connection with the appeal, but solely at your own expense.

The public agency will promptly review your appeal and consider all pertinent justification and information available to ensure a fair and full review. The public agency will provide you with a written determination as well as an explanation of the decision. If you are still dissatisfied with the relief granted, the public agency will advise you of your right to seek judicial review of the public agency decision.

### **Nondiscrimination**

Under Title VIII of the Civil Right Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if it is based on race, color, religion, sex, or national origin. Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et. seq.] sets forth the policy of the United States, within constitutional limits to ensure that all services and/or benefits will be administered without regard to race, color, national origin, or sex.

## General Information

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This brochure is provided to assist you in understanding your rights and benefits. If you have questions regarding your relocation please contact your Relocation Advisor. Additional information on relocation and acquisition requirements, the law, and the regulation can be found at <http://www.leginfo.ca.gov/calaw.html> and <http://www.dir.ca.gov/dlse/CCR.htm>.

*This brochure has been provided to you as a courtesy by Associated Right of Way Services, Inc. and is intended to provide general information concerning the Relocation Assistance Program. Further details regarding relocation assistance and benefits are set forth in the Government Code of the State of California §7260, et seq. and the California Code of Regulations, Title 25, Chapter 6, Subchapter 1. In the event of any conflict, California Law and Regulations shall be controlling. Please contact your Relocation Advisor for additional information regarding the Relocation Assistance Program.*



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# Relocation Assistance

## Available to

### Non-Residential Occupants

(Business, Farms and Non-Profit Organizations)

PROVIDED TO YOU AS A COURTESY BY



Summarizing the Government Code of the State of California §7260, et seq. and the California  
Code of Regulations, Title 25, Chapter 6

# Table of Contents

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<b>Introduction .....</b>	<b>1</b>
<b>Important Terms Used in This Handbook.....</b>	<b>2</b>
<b>Section 1: Relocation Advisory Services .....</b>	<b>4</b>
<b>Section 2: Available Relocation Payments.....</b>	<b>5</b>
• Actual, Reasonable, and Necessary Moving Costs.....	5
• Actual Reestablishment Expenses.....	7
• Fixed Payment for Moving Expenses ("In Lieu Payment").....	8
<b>Section 3: Important Information Regarding Relocation Assistance .....</b>	<b>9</b>
• Filing of Claims for Payment .....	9
• Relocation Payments are not Considered to be Income.....	9
• Right to Appeal.....	9
• Nondiscrimination.....	9

## Introduction

Government programs designed to benefit the public as a whole often result in the acquisition of private property, and sometimes in the displacement of people from their residences, businesses, non-profit organizations, or farms. When Congress passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amended it in 1987 it recognized the need to balance the right of a public agency to acquire property with the rights of the occupants of the property being affected. The State of California adopted similar laws and regulations that provide for the rights of persons affected by public and publicly assisted projects. The Government Code of the State of California §7260, *et seq.*, and the California Code of Regulations, Title 25, Chapter 6 outline a public agency's rights and responsibilities to acquire property and to provide Relocation Assistance. This Relocation Assistance Program Handbook is an attempt to provide a summary of those laws and regulations. Certainly, the information provided in this brief brochure cannot provide answers to all of the specific questions and situations that might arise in the relocation of a business. Eligible occupants will be provided with a Relocation Advisor who can explain how the Agency's Relocation Assistance Program relates to specific relocation issues.

Each impacted business occupant or non-profit organization should review this brochure carefully and present any questions to the Agency's Relocation Advisor. Section 1 of this brochure provides information about Relocation Advisory Assistance. Section 2 contains information for payments that are available to displaced businesses and non-profit organizations. Section 3 provides additional information that is important to understand regarding the Relocation Assistance Program. Section 4 provides information regarding loss of business goodwill.

If you are required to move as a result of a publicly assisted program or project, a Relocation Advisor will contact you and will provide you with assistance. Your Relocation Advisor will answer your specific questions and will provide additional information that you may need to help you to understand the Relocation Assistance Program.

*This brochure is provided to you as a courtesy and is intended to provide general information concerning the Relocation Assistance Program. Further details regarding relocation assistance and benefits are set forth in the Government Code of the State of California §7260, et seq. and the California Code of Regulations, Title 25, Chapter 6. In the event of any conflict, California Law and Regulations shall be controlling. Please contact your Relocation Advisor for additional information regarding the Relocation Assistance Program.*



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# Important Terms Used in This Handbook

## Agency

Relocation Advisory Assistance and Relocation Payments are administered by a public agency responsible for the acquisition of real property and/or the displacement of persons from property to be used for a publicly funded program or project. The public agency may be a State agency, a local agency, such as a county or a city, or a person carrying out a program or project with public financial assistance. A public agency may contract with a qualified individual or firm like Associated Right of Way Services, Inc. to administer the Relocation Assistance Program. However, the public agency remains responsible for the program.

## Displaced Person

Any person who moves from real property, or who moves personal property from real property as a direct result of:

(1) a written notice of intent to acquire by a public agency or as a result of the acquisition of real property in whole or in part, by a public agency or by any person having an agreement with or acting on behalf of a public agency, or as the result of a written order from a public agency to vacate the property for public use; or

(2) rehabilitation, demolition or other displacing activity undertaken by a public agency or by any person having an agreement with or acting on behalf of a public agency of real property on which the person is in lawful occupancy or conducts a business, and the displacement, lasts longer than 90 days. This definition includes those persons displaced as a result of a public action 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 agency is otherwise empowered to acquire the property to carry out the public use.

## Business

Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or solely for the purpose of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, an outdoor advertising display or displays, when the display(s) must be moved as a result of the project. In order to qualify as an eligible business occupant, the business must not be in unlawful occupancy.

## Farm Operation

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

### **Non-profit Organization**

A public or private entity that has established its non-profit status under applicable Federal or State law.

### **Program or Project**

An activity or series of activities undertaken by a public agency, or an activity undertaken by a public agency with public financial assistance in any phase of the activity.

### **Small Business**

A business having not more than 500 employees working at a site of economic activity being acquired or displaced by a program or project. A site occupied solely by outdoor advertising signs, displays, or devices does not qualify as a small business for purposes of the reestablishment expense benefit.

### **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 lesser of (1) the reasonable cost of moving such displays, or (2) the in-place value of the displays.

### **Unlawful Occupancy**

A non-residential occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

## Section 1 – Relocation Advisory Assistance

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A Relocation Advisor will work with each eligible displaced business in order to guide them through the Relocation process and to help them to locate a suitable replacement property. Relocation services are provided by Associated Right of Way Services, Inc. It is their goal and desire to be of service to you, and to assist you in any way possible to help you successfully relocate. Your Relocation Advisor is available to help and to advise you, so please make full use of their services. Do not hesitate to ask questions to ensure that you fully understand all your rights and benefits.

An individual with a disability will be provided the assistance needed to understand their rights under this program and assistance to locate and to move to a replacement site. Please notify your Relocation Advisor if you need any additional assistance to understand your rights or to secure a replacement site.

When your Relocation Advisor initially contacts you, they will interview you in order to explain the Relocation Program and to understand your current operation, facility and operating costs. Your Relocation Advisor will also ask you to describe the type of replacement site you are interested in finding. Your Relocation Advisor will explain the assistance and payments that you may claim in accordance with your eligibility. It is important that you explain any anticipated relocation problems to your Relocation Advisor. During the initial interview the Relocation Advisor will ask many questions to determine your specific relocation needs. After the initial interview, your Relocation Advisor will deliver written information regarding your rights as a displaced person and will forward information on available replacement sites as that information becomes available.

Your Relocation Advisor will continue to work with you to help you to plan your relocation to a replacement site. Your Relocation Advisor will help you to understand which costs are compensable under the Relocation Assistance Program and which costs are not. Your Relocation Advisor will also help to determine the need for outside specialists to plan for the move and the reinstallation of your personal property.

A representative of the public agency will work with you, an appraiser, and the owner of the real property (if you are a tenant) to help to identify and to resolve any issues regarding what is real estate and what is personal property to be relocated. You will be asked to provide a copy of your lease agreement (if applicable) to help to determine the ownership of the furniture, fixtures and equipment.

The goal is to achieve a successful relocation back into the community. Therefore, it is important that you do everything a prudent business owner would do to maintain the business. This includes working closely with your Relocation Advisor to evaluate and prepare for the move and searching out leads to available replacement sites.

Your Relocation Advisor is also available to provide information to possible sources of funding and assistance from other local, State, and Federal agencies. If you have special problems, the Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Make your needs known in order to receive the help you need.

## **Section 2 – Available Relocation Payments**

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An eligible business may request reimbursement on the basis of actual, reasonable moving costs and related expenses or, under certain circumstances, a fixed payment. Actual, reasonable moving expenses may be paid when the move is performed by a professional mover or if you move yourself. Related expenses, such as personal property losses, expenses in finding a replacement site, and reestablishment expenses may also be reimbursable.

You must provide your Relocation Advisor with an inventory of the personal property to be moved and advance notice of the approximate date of the move. Your Relocation Advisor will need to inspect the personal property at the displacement and replacement sites, and to monitor the move in order to assess your eligibility for certain moving payments.

### **Actual, Reasonable, and Necessary Moving Costs**

You may be paid the actual, reasonable and necessary cost of your move when the move is performed by a professional mover or when you elect to move yourself, however, all your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment and other personal property.

Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications may also be reimbursable.

- Transportation of persons and property not to exceed a distance of 50 miles from the site from which the business was displaced, except where relocation beyond 50 miles is justified;
- Packing, crating, unpacking and uncrating personal property;
- Storage of personal property for a period generally not to exceed 12 months, as determined by the public agency to be necessary in connection with relocation;
- Insurance of personal property while in storage or transit; and
- 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 reasonable available.
- 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 agency, including connection charged imposed by public utilities for starting utility service.
- The cost of modifying the machinery, equipment or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply. These costs must be directly related to modifications of personal property.
- The cost of any license, permit or certification that is required to the extent such cost is necessary to the reestablishment of the operation at a new location.

- The reasonable cost of any professional service (including, but not limited to, architects', attorneys' or engineers' fees, or consultants' charges) necessary for the planning of the move of personal property, moving the personal property, or installation of relocated personal property at the replacement site.

All costs claimed under this section must be reasonable and necessary. The costs will only be considered if the costs could not have been avoided or substantially reduced at an alternate available site.

This is not an inclusive list of moving related expenses. Your Relocation Advisor will provide you with a complete explanation of reimbursable expenses.

### **Estimated Cost Move**

If you agree to take full responsibility for all or part of the move of your operation, the public agency may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms, or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate at the public agency's discretion. The advantage of this moving option is that it relieves you from documenting all moving expenses because the payment is limited to the amount of the lowest acceptable bid or estimate. The public agency may make the payment without additional documentation.

### **Direct Loss of Tangible Personal Property**

Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment is based on the lesser of (1) the value of the item for continued use at the displacement site less the proceeds from its sale, or (2) the estimated reasonable cost of moving the item. Your Relocation Advisor will explain this procedure in detail if this is a consideration for you.

### **Substitute Personal Property**

Where an item of personal property which is used in connection with any business is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (1) the replacement cost, minus any net proceeds from its sale, or (2) the estimated cost of moving the original item.

### **Low Value High Bulk Property**

If the public agency considers a personal property item to be of low value and high bulk, and moving costs are disproportionate to its value (such as minerals, metals, rock, or topsoil), the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new business location.



## **Searching Expenses for Replacement Property**

Displaced businesses are entitled to reimbursement for actual, reasonable expenses incurred in searching for a replacement property, not to exceed \$1,000. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search; and other expenses determined to be reasonable and necessary by the public agency.

Fees paid to real estate agents or brokers to locate a replacement site may be reimbursed, exclusive of any commissions or fees related to the purchase of the site.

## **Advance Payments**

An eligible displaced business may be paid for anticipated moving expenses in advance of the actual move whenever later payment would result in financial hardship. Please discuss this option with your Relocation Advisor.

## **Actual Reestablishment Expenses**

A small business may be eligible for a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business must have not more than 500 employees working at the site who will be displaced by a program or project.

Reestablishment expenses may include, but are not limited to:

- Repairs or improvements to the replacement real property required by Federal, State, and local laws, codes or ordinances.
- Modifications to the replacement real property to accommodate the business operation or to make the replacement structures suitable for the operation.
- Construction and installation costs of exterior signs to advertise the business.
- Provision of utilities from the right of way to improvements on the replacement site.
- Redecoration or replacement of soiled or worn surfaces at the replacement site such as painting, wallpapering, paneling, or carpeting.
- Licenses, fees and permits when not paid as part of moving expenses.
- Feasibility surveys, soil testing and marketing studies.
- Advertising the replacement location.
- Professional services in connection with the purchase or lease of a replacement site.
- Estimated increased costs of operation at the replacement site during the first two years for items such as: lease or rental charges; personal or real property taxes; insurance premiums; utility charges (excluding impact fees).
- Impact fees or one-time assessments for anticipated heavy usage.
- Other items that the public agency considers essential for reestablishment.

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

- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the business operation.
- Interior or exterior refurbishments at the replacement site which are for aesthetic purposes.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home which does not contribute materially to the household income.

### **Fixed Payment for Actual Moving Expenses ("In Lieu Payment")**

Displaced businesses may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 nor more than \$20,000.

For a business to be eligible for a fixed payment, the public agency must determine the following:

- Business owns or rents personal property that must be moved due to the displacement.
- Business cannot be relocated without a substantial loss of its existing patronage.
- Business cannot be part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaced by the public agency.
- Business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Eligibility requirements for non-profit organizations are slightly different than business requirements. The computation for non-profit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified. If you are interested in a fixed payment, please consult your Relocation Advisor for additional information.

### **Computation of the Fixed Payment**

The fixed payment for a displaced business is based upon the average annual net earnings of the business for the two taxable years immediately preceding the year the business was displaced. You must provide the public agency with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the public agency. The public agency may choose to accept alternative tax years if the business submits a request in writing explaining the desired variance.

Example of a Fixed Moving Payment Computation Business Displaced in 2011	
2009 Annual Net Earnings \$16,500	2010 Annual Net Earnings \$18,500
Average Annual Net Earnings $\$16,500 + \$18,500.00 = \$35,000 / 2 = \$17,500$ Fixed Payment = \$17,500	

## Section 3 – Additional Information

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### Filing of Claims for Payment

All claims filed with the public agency shall be submitted within 18 months of the later of (1) the date on which the claimant receives final payment for the property or, (2) the date on which the property is vacated. Most claims will be paid within three weeks of submission of a fully documented claim for payment.

An eligible displaced business may be paid for anticipated moving expenses in advance of the actual move whenever later payment would result in financial hardship. Please discuss this option with your Relocation Advisor.

### Relocation Payments are not Considered to be Income

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code, 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.

No relocation payment received will be considered income or resources to any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled under any other provisions of law.

### Right to Appeal

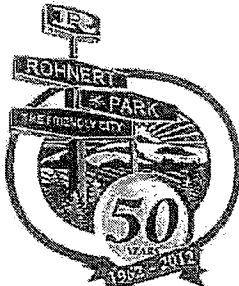
Any aggrieved person may file a written appeal with the head of the public agency if the person believes the public agency has failed to properly determine his or her eligibility for relocation assistance advisory services or the amount of a relocation payment.

If you have a grievance, you will be given a prompt and full opportunity to be heard. You will also have the right to be represented by legal counsel or other representative in connection with the appeal, but solely at your own expense.

The public agency will promptly review your appeal and consider all pertinent justification and information available to ensure a fair and full review. The public agency will provide you with a written determination as well as an explanation of the decision. If you are still dissatisfied with the relief granted, the public agency will advise you of your right to seek judicial review of the public agency decision.

### Nondiscrimination

Under Title VIII of the Civil Right Act of 1968 and later acts and amendments make discriminatory practices in the purchase and rental of most residential units illegal if it is based on race, color, religion, sex, or national origin. Title VI of the Civil Rights Act of 1964 [42 U.S.C. 2000d et. seq.] sets forth the policy of the United States; within constitutional limits to ensure that all services and/or benefits will be administered without regard to race, color, national origin, or sex.



*Still Friendly After All These Years!*

### **City Council**

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Vice Mayor

Amy O. Ahanotu  
Gina Belforte  
Jake Mackenzie  
Council Members

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City Manager

Michelle Marchetta Kenyon  
City Attorney

Alexandra M. Barnhill  
Assistant City Attorney

JoAnne Buerger  
City Clerk

Darrin W. Jenkins  
Director of Development Services  
/ City Engineer

Brian Masterson  
Director of Public Safety

John McArthur  
Director of Public Works and  
Community Services

Cathy Orme  
Finance Director

January 4, 2013

*Via First Class and Certified Mail*

FILE COPY

Re: Notice of Eligibility to Receive Relocation Assistance as a Tenant  
Occupant  
Wilfred Avenue Improvement Project  
Affected Property APN [REDACTED]

Dear [REDACTED]

The City of Rohnert Park ("City") is moving forward with its plan to complete the widening of a 1.43 mile length of roadway from Redwood Drive in Rohnert Park to Stony Point Road in Sonoma County, the Wilfred Avenue Improvement Project ("Project"). The preliminary design is complete and we are beginning the right-of-way acquisition process. On December 24, 2012, the City entered into negotiations with the owner of the property that you occupy. The City is interested in purchasing a portion of the property to allow for road improvements along Wilfred Avenue in Rohnert Park. If the property is acquired, you would be required to relocate and you would be entitled to receive assistance and benefits under the City's Relocation Assistance Program.

The purpose of this notice is to introduce and invite you to meet with your Relocation Advisor who can answer questions you may have related to the Project, the Project schedule, and your rights to receive benefits under the City's Relocation Assistance Program. This notice is also provided in order to inform you of your rights under State law. Your Relocation Advisor will also gather general information from you and others who may be affected by the Project in order to prepare a Relocation Plan Summary ("Plan"). The Plan will address the needs of the Project occupants and the assistance that will be available if the Project proceeds.

If the City is able to acquire the property, and you are required to move as a result, you would then be eligible to receive various relocation payments and assistance in finding a new place to live. Associated Right of Way Services, Inc. ("AR/WS") has been retained by the City to help to plan for the Project and to provide you with Relocation Assistance.

Displaced persons may be eligible for relocation advisory services and payments in accordance with California Relocation Assistance Law (Government Code §7260, et seq.) and corresponding regulations found in the California Code of Regulations, Title 25, Chapter 6. A brief explanation of these laws and your rights are found in the enclosed Relocation Handbook.

In order to determine eligibility, a Certificate of Occupancy and verification that you have occupied the subject property for a minimum of 90 consecutive days prior to the City's first written offer to purchase the property is required. Your Relocation Advisor has the forms and will help you complete and/or obtain the necessary information.

Please contact your Relocation Advisor, Ms. Alesia Stauch of ARWS, to arrange a time to meet with her in your home to discuss the Project and the City's Relocation Assistance Program. She is available to meet with you at a time that is convenient for you.



Ms. Alesia Stauch, Relocation Advisor  
Associated Right of Way Services, Inc.  
2300 Contra Costa Boulevard, Suite 525  
Pleasant Hill, CA 94523  
(800) 558-5151 • (925) 691-6505 fax  
astrauch@arws.com

Following is a general summary of relocation services and payments that are available under the City's Relocation Assistance Program. These services and payments may or may not be applicable to your specific situation.

**1. Moving Expenses:**

You may select one of the following options to cover the costs related to your move from the property. In rare circumstances, you may be eligible for a combination of the following. Please discuss this fully with your Relocation Advisor prior to incurring moving expenses.

- A. Fixed Moving Expense and Dislocation Allowance based on the number of rooms in your home. Your entitlement under this option would be based on the number of rooms you have on the property that have personal property in them. This amount includes compensation to connect utilities and/or appliances at the replacement site.
- B. Actual Moving Costs Based on Receipts. Payment is based upon receipted bills for labor and equipment. Hourly rates should not exceed the cost paid by a commercial mover. Under this option the City may agree to pay for the cost to store those items for up to 12 months. This matter should be discussed with a Relocation Advisor who can submit a request for compensation for storage. Reimbursement for one-time utility reconnection fees may also be allowable.
- C. Commercial Move. Payment is determined by a for-hire mover based on the lower of two written estimates. Payment can be made directly to the mover or to you once paid invoices have been submitted for review. Under this option the City may agree to pay for the cost to store those items for up to 12 months. This matter should be discussed with a Relocation Advisor who can submit a request for compensation for storage. Reimbursement for one-time utility reconnection fees may also be allowable.

## 2. Replacement Housing Payment:

The City will survey the cost of comparable replacement housing in the area and develop a Housing Valuation Study to establish the cost for rent and utilities for a comparable dwelling. Once that study is completed, the City will present you with a Conditional Entitlement Letter that describes the maximum Replacement Housing Payment that you can receive under the City's Relocation Assistance Program. You can use that assistance to either rent replacement housing or use as a down payment to purchase replacement housing. This payment shall not exceed \$5,250 unless it is determined that you require housing of last resort<sup>1</sup>.

- A. If you choose to rent replacement housing, you may be eligible to receive a **Rent Differential** payment based on the difference between the cost to rent and pay utilities at a comparable replacement property and the cost to rent and pay utilities at the property you now occupy. If you are low income you may qualify for assistance so that your monthly rent and utilities do not exceed 30% of your monthly household income. Rent Differential payments are calculated to provide assistance for 42 months.
- B. If you choose to purchase replacement housing, you may use the maximum Replacement Housing Payment as a **Down Payment** to purchase a replacement dwelling. Please discuss this option with your Relocation Advisor.

**IMPORTANT:** To receive Down Payment assistance outlined above, you must purchase and occupy your replacement dwelling within one year from the date you move from the property where you now live. Failure to act within the one-year period could result in loss of all replacement housing benefits.

All claims for payment must be submitted to the City within eighteen months of the date that you move from the subject property.

The Relocation Assistance Program is very complex. It is important that you read and understand the matters explained in the Relocation Handbook which relate to your eligibility. If at any time in the future you want assistance, please contact your Relocation Advisor. To avoid loss of possible benefits it is important that you do not commit yourself to purchasing or renting a replacement property or move without first contacting your Relocation Advisor.

### **Additional Relocation Assistance Program Information**

Please do not proceed with securing replacement housing until you have received a Conditional Entitlement Letter that describes your Replacement Housing Payment in detail. Contact your Relocation Advisor if you are interested in securing replacement housing in the immediate future.

You may appeal if you believe that the City has failed to properly determine your eligibility or the amount of payment authorized by the Relocation Regulations. You have the right to be represented by legal counsel, but this is not required. If you still believe a proper determination has not been made, you may seek judicial review.

<sup>1</sup> On a case by case basis, the City will consider if Housing of Last Resort is needed to provide comparable housing in a timely manner that is decent, safe, and sanitary and within the household's financial means. In order to establish the household's financial means, income information and verification is required.

All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act.

It is important that you understand that this notice does not require you to move at this time. This is not a notice to vacate the premises. It is important that you continue to honor the terms of your existing rental agreement with the property owner. Failure to pay rent to the landlord could result in eviction. If the City is able to acquire the property and you become a tenant of the City, then failure to pay rent could result in eviction, and the collection of rent and damages.

Thank you for working with the City to help to plan for this important project. Your Relocation Advisor, Ms. Strauch, can answer your questions related to the City's Relocation Assistance Program.

Sincerely,



Darrin Jenkins  
Director of Development Services

Enclosure  
(1) Relocation Handbook

**Certification of Delivery**

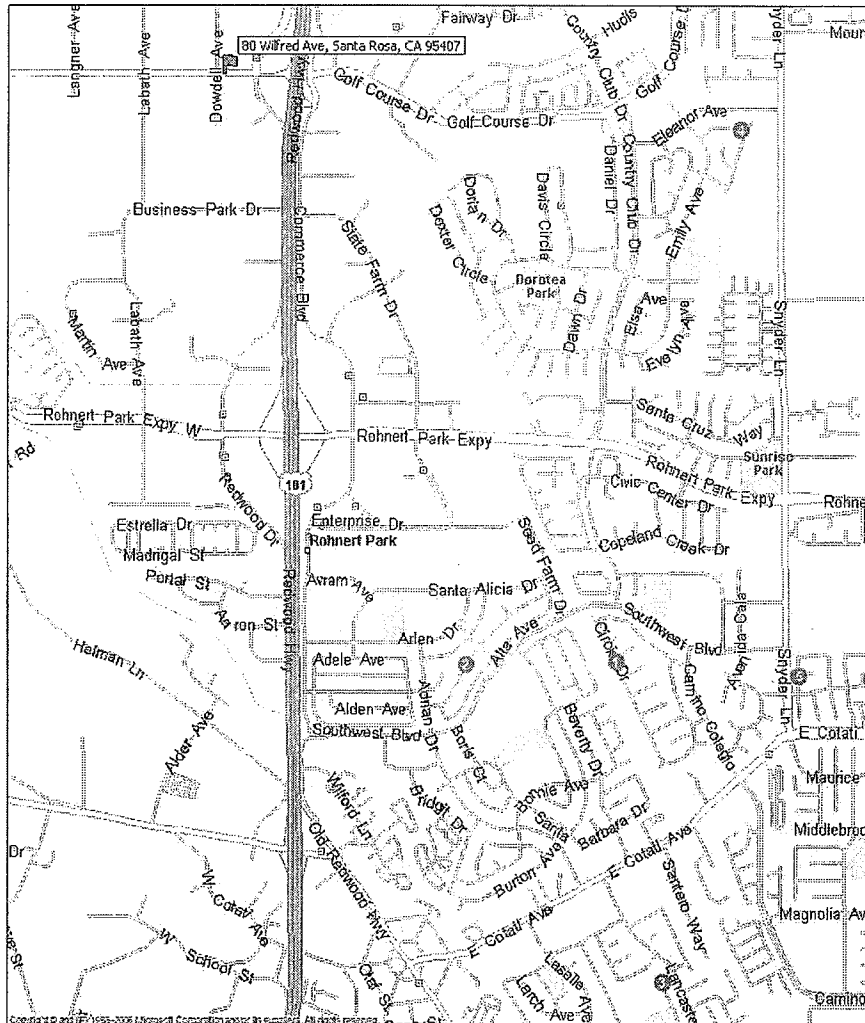
☐ This Notice and Enclosure was sent via first class and certified mail on \_\_\_\_\_.

☒ This Notice and Enclosure was personally delivered on 1/21/13.

Signature: 

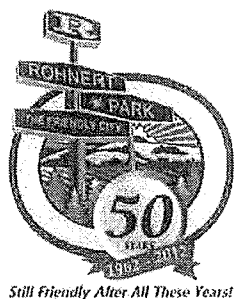
Date: 1/21/13

## Map of Available Rental Properties Rohnert Park, California



Site Location	Address	Beds/Baths	Monthly Rent	Utilities included in rent	Comments
1	7273 Circle Drive	3/2	\$1,695	none	2 car garage, covered patio in backyard
2	451 Anson Avenue	3/2	\$1,550	none	2 car garage, deck
3	8497 Liman Way	3/2	\$1,700	none	2 car garage, storage shed in backyard
4	1208 Eric Court	3/2	\$1,900	none	2 car garage, large lot, small storage shed
5	7246 Roxanne Lane	3/2	\$2,000	none	2 car garage





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*City Clerk*

Brian Masterson  
*Director of Public Safety*

John McArthur  
*Director of Public Works and  
Community Services*

Cathy Orme  
*Finance Director*

January 23, 2013

Re: Wilfred Avenue Improvement Project  
Draft Relocation Plan Open 30 Day Review and Comment Period  
January 23, 2013 through February 24, 2013

The City of Rohnert Park ("City") is moving forward with its plan to widen and make improvements along Wilfred Road (also known as Golf Course Drive West) from Redwood Drive to Stony Point Road in Sonoma County. In order to allow for project construction, the City will need to acquire several properties in whole or in part along the proposed route. The City has already presented property owners with offers to purchase property rights for properties along the corridor.

One of the properties along the project route is occupied by a single household and one part time home based business. If the City is successful in its efforts to acquire the property, the household and business would be required to relocate in order to allow for the road construction. The City must consider the impact of the project on those occupants and present its plan to provide assistance in accordance with State of California Relocation laws and regulations. Recently, the City prepared a Draft Relocation Plan for the Wilfred Avenue Improvement Project ("Draft Plan") that addresses these matters.

The City would like for you to become involved in the planning and review process. Please read the Draft Plan and submit comments which will be included in the Final Plan. **It is important that you submit your comments by 8:00 a.m. on February 25, 2013 so that they may be included in the Final Plan.** The Final Relocation Plan is currently scheduled to go before the City Council on February 26, 2013. The Draft Plan is available for your review at the following locations:

- City Hall - 130 Avram Avenue in Rohnert Park
- Rohnert Park-Cotati Regional Library - 6250 Lynne Conde Way, Rohnert Park
- City Website - <http://www.rpcity.org/index.aspx?page=825>

If you have any questions, or if you would like to make comments on the Plan, please contact Ms. Alesia Strauch of Associated Right of Way Services, Inc. at 1-800-558-5151. You may also send your comments c/o Associated Right of Way Services, Inc., 2300 Contra Costa Blvd. Suite 525, Pleasant Hill, CA 94523 or to [astrauch@arws.com](mailto:astrauch@arws.com).

Thank you and we look forward to receiving your comments.

Sincerely,

A handwritten signature in dark ink, appearing to read "Darrin Jenkins", with a stylized flourish at the end.

Darrin Jenkins  
Assistant City Manager

cc: Steven Castellanos, SR/WA – AR/WS  
Alesia Strauch, SR/WA – AR/WS

**Public Comments Received During 30-Day Draft Plan Review Period**

Public Comment Period Closes 8:00 AM February 25, 2013

No comments received to date.

Appendix page will be replaced if any comments are received.