

FINAL

CROSSROADS REDEVELOPMENT PROJECT

PLAN AND METHOD FOR RELOCATION

Adopted by: City Council
Date: May 6, 2002
Ordinance No: O-19174

Prepared by:
THE REDEVELOPMENT AGENCY OF
THE CITY OF SAN DIEGO, CALIFORNIA

FINAL

[BLANK]

TABLE OF CONTENTS

	Page
I INTRODUCTION.....	1
A. Agency Displacement	1
B. Relocation in the Event of Agency Displacement	1
C. Agency Rules and Regulations	2
D. Agency Determinations and Assurances.....	2
E. Replacement Housing Plan for Last Resort Housing	5
F. Replacement Housing Plan for Low and Moderate Income Units	5
II. RELOCATION ASSISTANCE ADVISORY PROGRAM AND ASSURANCE OF COMPARABLE REPLACEMENT HOUSING	6
A. Administrative Organization.....	7
1. Responsible Entity	7
2. Staff.....	7
3. Functions.....	7
B. Information Program	10
C. Relocation Record.....	10
D. Relocation Payments.....	11
E. Temporary Moves	11
F. Relocation Resources Survey	11
G. Last Resort Housing.....	11
H. Grievance Procedures	11
I. Relocation Appeals Board.....	12
III. OBTAINING RELOCATION HOUSING.....	12
A. Private Housing.....	12
B. Public Housing	12
C. Special Rehousing Problems.....	13
D. Relationships with Site Occupants.....	13
1. Information Program.....	13
2. Interviews with Site Occupants	13
3. Project Site Office.....	14
4. Housing Referral Services	14
5. Inspection of Relocation Housing.....	15
6. Self-Relocates	15
7. Referrals to Social Service Agencies.....	16

FINAL

E. Relocation Standards16

- 1. Physical Standards17
- 2. Occupancy Standards.....18
- 3. Displacee's Ability to Pay19
- 4. Base Monthly Rental for Displacement Dwelling19
- 5. Standards for Temporary Moves into Housing.....20
- 6. Environmental Standards20

IV. RELOCATION PAYMENTS AND PLAN FOR DISBURSEMENT20

V. RELOCATION OFFICE PROCEDURES22

VI. COMMUNITY PARTICIPATION22

VII. COORDINATION ACTIVITIES.....22

VIII. FORMAL GRIEVANCE PROCEDURE.....23

EXHIBITS

- EXHIBIT A - RELOCATION ASSISTANCE TO TENANTS AND HOMEOWNERS
DISPLACED FROM THEIR HOMES
- EXHIBIT B - RELOCATION ASSISTANCE TO DISPLACED BUSINESSES AND NON-
PROFIT ORGANIZATIONS
- EXHIBIT C - GRIEVANCE PROCEDURES
[EXCERPT FROM AGENCY RULES AND REGULATIONS]

FINAL

PLAN AND METHOD OF RELOCATION

I. INTRODUCTION

The Redevelopment Agency of the City of San Diego ("Agency") has prepared this plan and method of relocation ("Relocation Plan") for those site occupants who may be displaced by Agency action within the Crossroads Redevelopment Project ("Redevelopment Project") area ("Project Area"). This Relocation Plan will be included as part of the Agency's Report to the City Council required by Section 33352(f) of the California Community Redevelopment Law in connection with the proposed amendment to the Redevelopment Plan ("Redevelopment Plan") for the Redevelopment Project.

A. Agency Displacement

The Agency anticipates that its program of redevelopment by assisting in needed property rehabilitation and upgrading and installing needed public improvements and facilities within the Project Area will provide an incentive for the private sector to develop or redevelop vacant, underutilized and blighted properties. As an additional aid to the private sector, the Agency may also selectively acquire and dispose of property: 1) to encourage the development of affordable housing; 2) to aid in the re-use of the land after the upgrade or installation of public improvements; 3) to eliminate non-conforming and other blighting uses; 4) in response to property-owner and developer initiated efforts where public assistance is necessary to assemble property needed for expansion of existing uses or to create developable sites for proposed new uses; and 5) as "opportunity" acquisitions in which an existing owner may desire to sell in order to pursue opportunities outside of the Project Area.

To the extent that the Agency acquires occupied property for land assembly or other purposes, or enters into agreements with developers or others under which occupants will be required to move, the Agency will cause or will be responsible for causing such displacement of occupants. The Agency is not responsible for any displacement which may occur as a result of private development activities not directly assisted by the Agency under a disposition and development, owner participation, or other such agreement.

B. Relocation in the Event of Agency Displacement

Some displacement of residents or businesses may occur in the implementation of the Redevelopment Plan. If and when displacement occurs, the Agency will provide those businesses and persons displaced by Agency activities with monetary and advisory relocation assistance consistent with the California Relocation Assistance and Real Property Acquisition Law (Government Code, Sections 7260, et seq.), the State Guidelines adopted and promulgated pursuant thereto, Relocation Rules and Regulations adopted by the Agency and the provisions of the Redevelopment Plan for the Project.

FINAL

The Agency will pay all relocation payments required by law. This Relocation Plan outlines the general relocation rules and procedures which must be adhered to by the Agency in activities requiring the relocation of businesses and persons within the Project Area. It also identifies the Agency determinations and assurances which must be made prior to undertaking relocation activities as well as describes the Agency's functions in providing relocation assistance and benefits.

C. Agency Rules and Regulations

The Agency has adopted Agency Rules and Regulations that: (1) implement the requirements of California Relocation Assistance and Real Property Acquisition Law (the "Act"); (2) are in accordance with the provisions of the California Department of Housing and Community Development's "Relocation Assistance and Real Property Acquisition Guidelines" (25 California Administrative Code, Sections 6000, et seq.)(the "State Guidelines"); (3) meet the requirements of the California Community Redevelopment Law (Health and Safety Code Sections 33000, et seq.) and the provisions of the Redevelopment Plan; and (4) are appropriate to the particular activities of the Agency and not inconsistent with the Act or the State Guidelines. To the extent that applicable provisions of the Act, the California Community Redevelopment Law or the State Guidelines are amended, such amendments shall be effective prospectively from the date they are adopted (or from an otherwise applicable effective date) and shall govern any conflicting provision in the Agency Rules and Regulations and this Relocation Plan. Additionally, the Agency Rules and Regulations and this Relocation Plan shall be promptly revised as necessary to conform to applicable amendments of the Act, the California Community Redevelopment Law or the State Guidelines.

D. Agency Determinations and Assurances

1. The Agency may not proceed with any approval of a project or other activity which will directly result in the displacement of any business or person until it makes the following determinations:
 - (a) Fair and reasonable relocation payments will be provided to eligible businesses and persons as required by the Act, the State Guidelines and Agency Rules and Regulations.
 - (b) A relocation assistance advisory program offering the services described in Article 2 of the State Guidelines will be established.
 - (c) Eligible businesses and persons will be adequately informed of the assistance, benefits, policies, practices and

procedures, including grievance procedures, provided for in the State Guidelines and Agency Rules and Regulations.

- (d) A Supplemental Relocation Plan meeting the requirements of Section 6038 of the State Guidelines and the Agency Rules and Regulations has been prepared.
 - (e) In the event that displacement involves housing, and based upon a 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.
 - (f) In the event that displacement involves housing, 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, and with a minimum of hardship to those affected.
2. No business or person shall be displaced until the Agency has fulfilled the obligations imposed by the Act, the California Community Redevelopment Law, the Redevelopment Plan, the State Guidelines and the Agency Rules and Regulations.
 3. In the event that displacement involves housing, no persons or families of low- and moderate-income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced person or family at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and an otherwise standard dwelling.
 4. Pursuant to the Community Redevelopment Law (Health and Safety Code Section 33411.3), if any portion of the Project Area is developed with low- or moderate-income housing units, the Agency shall require by contract or other appropriate means that such housing be made available for rent or purchase to the persons and families of low- and moderate-income displaced by the Redevelopment Project. Such persons and families shall be given

priority in renting or buying such housing; provided, however, that failure to give such priority shall not affect the validity of title to real property.

5. Pursuant to the Community Redevelopment Law (Health and Safety Code Section 33411.4), in the event that displacement involves housing, and if insufficient suitable housing units are available in the community for low- and moderate-income persons and families to be displaced from the Project Area, the Agency shall assure that sufficient land is made available for suitable housing for rental or purchase by low- and moderate-income persons and families. If insufficient suitable housing units are available in the City for use such persons and families of low- and moderate-income displaced by the Redevelopment Project, the Agency may, to the extent of that deficiency, expend funds and take such other actions as necessary to provide, rehabilitate, or construct, or cause the provision, rehabilitation or construction of last resort housing through methods including but not limited to the following:
 - (a) Transfer of funds to state and local housing agencies as permitted by law;
 - (b) Contract with organizations experienced in the development of housing as permitted by law;
 - (c) Direct development, rehabilitation or construction by the Agency as permitted by law;
 - (d) Financing of development, rehabilitation or construction by the Agency as permitted by law; or
 - (e) Provide housing subsidies as permitted by law.
6. Pursuant to the Community Redevelopment Law (Health and Safety Code Section 33412), in the event that displacement involves housing, permanent housing facilities shall be made available within three years from the time any occupants thereof are displaced, and pending the development of such facilities there will be available to such displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

FINAL

7. Pursuant to the Community Redevelopment Law (Health and Safety Code Section 33413(a)), in the event that, and whenever dwelling units housing persons and families of low- or moderate-income are destroyed or removed from the low- and moderate-income housing market as part of the Redevelopment Project which is subject to a written agreement with the Agency or where financial assistance has been provided by the Agency, the Agency shall prepare a Housing Replacement Plan for Low and Moderate Income Units in accordance with subsection 6 hereinbelow and, within four years of such destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low- or moderate-income an equal number of replacement dwelling units at affordable housing costs within the Project Area or other territorial jurisdiction of the Agency, as provided for in the Redevelopment Plan and as allowed by the City's General Plan.

E. Replacement Housing Plan for Last Resort Housing

In the event the Agency is unable to demonstrate that comparable replacement housing will be available as required under the Agency Rules and Regulations for a project, then the Agency shall determine whether to use Agency funds or the funds authorized for the project to provide such necessary replacement housing or to modify, suspend or terminate the project or undertaking. If the Agency determines to provide such necessary replacement housing, then the Agency shall develop or cause to be developed a Replacement Housing Plan for Last Resort Housing in accordance with Sections 6124, et seq. of the State Guidelines. The requirement for this Replacement Housing Plan for Last Resort Housing is separate and distinct from the requirement for the Replacement Housing Plan for Low and Moderate Income Units described herein below.

F. Replacement Housing Plan for Low and Moderate Income Units

Pursuant to the California Redevelopment Law (Health and Safety Code Section 33413.5), in the event that redevelopment activities result in the destruction or removal of low- and moderate-income housing units from the housing market, a Replacement Housing Plan for Low and Moderate Income Units shall be prepared as follows:

Not less than 30 days prior to the execution of an agreement for acquisition of real property, or the execution of an agreement for the disposition and development of property, or the execution of an owner participation agreement, which agreement would lead to the destruction or removal of dwelling units from the low- and moderate-income housing market, the Agency shall adopt by resolution a Replacement Housing Plan for Low and Moderate Income Units. For a reasonable time prior to adopting a Replacement Housing Plan for Low and

FINAL

Moderate Income Units, the Agency shall make available a draft of the proposed Replacement Housing Plan for Low and Moderate Income Units for review and comment by the residents and businesses in the affected area, other public agencies, and the general public.

The Replacement Housing Plan for Low and Moderate Income Units shall include those elements required by the Community Redevelopment Law (Health and Safety Code Section 33413.5). A dwelling unit housing persons of low- or moderate-income whose replacement is required by the Agency, but for which no Replacement Housing Plan for Low and Moderate Income Units has been prepared, shall not be destroyed or removed from the low- and moderate-income housing market until the Agency has by resolution adopted a Replacement Housing Plan for Low and Moderate Income Units.

Nothing, however, shall prevent the Agency from destroying or removing from the low- and moderate-income housing market a dwelling unit which the Agency owns and which is an immediate danger to health and safety. The Agency shall, as soon as practicable, adopt by resolution a Replacement Housing Plan for Low and Moderate Income Units with respect to such dwelling unit.

The requirement for this Replacement Housing Plan for Low and Moderate Income Units is separate and distinct from the requirement for the Replacement Housing Plan for Last Resort Housing described hereinabove.

II. RELOCATION ASSISTANCE ADVISORY PROGRAM AND ASSURANCE OF COMPARABLE REPLACEMENT HOUSING

The Agency shall implement a relocation assistance advisory program which satisfies the requirements of the Act, Article 2 of the State Guidelines, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Unruh Rights Act, the Rumford Act, and applicable state and federal anti-discrimination laws. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to ensure that (a) all persons displaced from their places of business are assisted in reestablishing with a minimum of delay and loss of earnings (if reasonably possible), and (b) in the event that displacement involves housing, all persons and families displaced from their dwellings are relocated into housing meeting the criteria for comparable replacement housing contained in the State Guidelines and the Agency Rules and Regulations. No eligible person shall be required to move from his/her dwelling unless within a reasonable period of time prior to displacement a comparable replacement dwelling or, in the case of a temporary move, an adequate replacement dwelling is available to such person.

The following outlines the general functions of the Agency in providing relocation assistance advisory services. Nothing in this section is intended to permit the Agency to displace businesses or persons other than in a manner prescribed by law, the State Guidelines and the Agency Rules and Regulations.

A. Administrative Organization

1. Responsible Entity

The Agency is responsible for providing relocation payments and assistance to site occupants displaced by Agency activities. The Agency will meet its relocation responsibilities through the use of its staff, supplemented by assistance from consultants, local realtors, social service agencies and civic organizations.

2. Staff

The Agency has an established Acquisition and Relocation Department whose staff is responsible for developing and administering the Agency's programs for the relocation of all site occupants who are required to move by redevelopment activities.

Agency staff has extensive relocation expertise, with many years of experience. Staff has been, and will continue to be, selected by the Agency from the fields of social welfare, community organization, real estate, business administration, public health, education, public housing, and other related fields. Beyond their professional qualifications and standing, many staff members bring years of valuable experience and skill in carrying out relocation and community planning programs in this and other communities.

As discussed earlier, the Agency's record of relocation is highly successful and attests to its capacity and competency to effect an orderly and satisfactory relocation program. While all of Agency staff will be available, if necessary, it will primarily be the relocation specialists who will assure the successful relocation of families, individuals, businesses and nonprofit organizations.

3. Functions

The Agency's staff and/or consultants will perform the following functions:

- (1) Prepare a supplemental relocation plan ("Supplemental Relocation Plan") as soon as possible following the initiation of negotiations for acquisition of real property by the Agency and prior to proceeding with any phase of a public improvement or facility project or other implementation activity that will result in any displacement other than an insignificant amount of non-residential displacement. *The term "initiation of negotiations" is*

defined in the Agency Rules and Regulations. Such Supplemental Relocation Plan shall conform to the requirements of Section 6038 of the State Guidelines and the Agency Rules and Regulations and shall be submitted to the Agency Board for approval. The Agency or its consultants shall interview all eligible affected persons, including businesses and non-profit organizations, to obtain information upon which to plan for housing, if necessary, and other accommodations, as well as to provide counseling and assistance needs.

- (2) Provide such measures, facilities or services as needed in order to:
 - a. Fully inform persons and businesses eligible for relocation payments and assistance within 60 days following the initiation of negotiations, but no later than the close of escrow on the property, as to the availability of relocation benefits and assistance and the eligibility requirements therefore, as well as the procedures for obtaining such benefits and assistance, in accordance with the requirements of Section 6046 of the State Guidelines and the Agency Rules and Regulations.
 - b. Determine the extent of the need of each such eligible person or business for relocation assistance in accordance with the requirements of Section 6048 of the State Guidelines and the Agency Rules and Regulations.
 - c. Provide current and continuing information on the availability, prices and rentals of comparable commercial properties and locations, and of comparable sales and rental housing, if necessary, and as to security deposits, closing costs, typical down payments, interest rates, and terms for residential property in the area.
 - d. Assist each eligible person and business to complete applications for payments and benefits.

FINAL

- e. Assist each eligible person displaced from his/her business in obtaining and becoming established in a suitable replacement location.
- f. Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state or federal anti-discriminatory laws, or any other arbitrary circumstances.
- g. Supply to such eligible persons information concerning disaster loan and other programs administered by the Small Business Administration, federal and state housing programs, and other federal or state programs offering assistance to displaced persons and businesses.
- h. Provide other advisory assistance to eligible persons in order to minimize their hardships. As needed, such assistance may include counseling and referrals with regard to housing, financing, employment, training, health and welfare, as well as other assistance.
- i. Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the Redevelopment Project, which policies shall be in accordance with the provisions of Section 5058 of the State Guidelines and the Agency Rules and Regulations.
- j. Notify in writing eligible persons to be displaced at least 90 days in advance prior to requiring the person to move from a dwelling or to move a business. In the event that acquisition is taking place within the context of eminent domain, this notice may be in the form of an Order for Prejudgment Possession.
- k. In the event that displacement involves housing, assure eligible persons that within a reasonable

period of time prior to displacement there will be available comparable replacement housing meeting the criteria described in Section 6008(c) of the State Guidelines and the Agency Rules and Regulations, sufficient in number and kind for and available to such eligible persons.

1. In the event that displacement involves housing, assist each eligible person to obtain and move to a comparable replacement dwelling.

B. Information Program

The Agency, through its staff and/or consultants, shall establish and maintain an information program that provides for the following:

1. Within 60 days following the initiation of negotiations and not less than 90 days in advance of displacement, except for those situations described in Section 6042(e) of the State Guidelines, the Agency shall prepare and distribute informational materials (in the language most easily understood by the recipients) to persons and businesses eligible for Agency relocation benefits and assistance ("Informational Statement"). The Informational Statement shall be in substantially the form attached hereto as Exhibits A and B.
2. Conducting personal interviews and maintaining personal contacts with occupants of the property to the maximum extent practicable.
3. Utilizing meetings, newsletters and other mechanisms, including local media available to all persons, for keeping occupants of the property informed on a continuing basis.
4. Providing each person and business written notification as soon as his/her eligibility status has been determined.
5. Explaining to persons interviewed the purpose of relocation needs survey, the nature of relocation payments and assistance to be made available, and encouraging them to visit the relocation office for information and assistance.

C. Relocation Record

FINAL

The Agency shall prepare and maintain an accurate relocation record for each person and business to be displaced as required by Section 6048 of the State Guidelines and the Agency Rules and Regulations.

D. Relocation Payments

The Agency shall make relocation payments to or on behalf of eligible displaced persons and businesses in accordance with the State Guidelines and the Agency Rules and Regulations. The obligations for relocation payments are in addition to any acquisition payments made pursuant to the Agency's real property acquisition guidelines, which are set forth in the Agency Rules and Regulations and consistent with Article 6 of the State Guidelines.

E. Temporary Moves

Temporary moves are not encouraged. Agency staff and/or consultants shall make every effort to assist the site occupant in obtaining permanent relocation resources prior to initiation of a temporary move, and then only after it is determined that Project Area activities will be seriously impeded if such move is not performed. Temporary moves shall be in accordance with Section 6044 of the State Guidelines and the Agency Rules and Regulations.

F. Relocation Resources Survey

In the event that displacement involves housing, the Agency shall conduct a survey of available relocation resources in accordance with Section 6052 of the State Guidelines and the Agency Rules and Regulations.

G. Last Resort Housing

In the event that displacement involves housing, Agency shall follow Sections 6120-6139 of the State Guidelines and the Agency Rules and Regulations for assuring that if the Agency action results, or will result in displacement, and comparable replacement housing will not be available as needed, the Agency shall use its funds or fund authorized for the Project to provide such housing.

H. Grievance Procedures

The Agency Rules and Regulations contain grievance procedures which implement the provisions of the Act and the State Guidelines. The purpose of the grievance procedures is to provide Agency requirements for processing appeals from Agency determinations as to the eligibility for, and the amount of a relocation payment, and for processing appeals from persons aggrieved by the Agency's failure to refer them to comparable permanent or adequate temporary replacement housing. Potential displacees will be informed by the Agency of their right to appeal regarding relocation payment claims or other decisions made

FINAL

affecting their relocation. A copy of the Agency's Relocation Grievance Procedures is attached as Exhibit C.

I. Relocation Appeals Board

The Agency provides an approved forum for informal or formal review. The City of San Diego, at the request of the Agency, has established a Relocation Appeals Board to review cases requiring further action. The Relocation Appeals Board shall hear all complaints brought by potential displacees and residents of the Project Area relating to relocation and make determinations in accordance with the Agency Rules and Regulations. The Relocation Appeals Board shall, after a public hearing, transmit its findings and recommendations to the Agency in accordance with the Agency Rules and Regulations.

III. OBTAINING RELOCATION HOUSING

A. Private Housing

For several decades, now, the Agency has received excellent cooperation from property owners, operating managers, realtors, multiple listing bureaus, property management firms and others offering a variety of private standard housing for rent or for sale. Based on this relationship, an adequate supply of replacement housing for use in carrying out the Agency's relocation program has been available. This relationship has been continually strengthened through the years and is expected to continue. Agency access to such housing remains open to displacees when units are available.

The Agency shall give priority to those displaced by public action in the rental or purchase of subsidized and Section 8 housing, as well as in other properties acquired by the Agency for rehabilitation, when available. The Agency will require sponsors of such programs to accord preference to displacees from the Project Area, and this will be particularly true where such housing is to be developed within the Project Area.

The Agency will obtain, and maintain current listings of standard rental and sale properties that are appropriate for relocation that are available on a nondiscriminatory basis. Information on the size, rental or sale price, financing terms and location of available units will be given to displacees seeking referrals, and, as necessary the relocation staff will provide transportation or otherwise assist the site resident in his or her search for housing.

B. Public Housing

The Housing Authority of the City of San Diego grants displacees priority in consideration for placement and has simplified referral procedures, as well as participated in the conversion of units to meet the special needs of large families, the physically disabled and the

FINAL

elderly. Special income limits are established by the Authority for admission of eligible displacees.

Families receiving Aid to Dependent Children and low-income families and individuals not receiving public assistance shall pay rent based on 30 percent of net income, regardless of the number of bedrooms required. All rents for these persons are now subsidized by the Federal Government under provisions of the Brooke Amendment.

Public housing can be a relocation resource. No displacee will be initially offered such housing, however, unless they are displaced from public housing or have requested such housing.

C. Special Rehousing Problems

Staff and/or consultants will interview the occupants to obtain information pertinent to special rehousing and social needs of the individual or family. Particular effort will be made to anticipate and aggressively seek solutions for problems of individuals or groups of displacees among the elderly, low-income, large families, racial minorities, physically disabled and unemployed. The Agency will work cooperatively with other groups and agencies, make appropriate referrals, and otherwise obtain for displacees the assistance essential to their successful rehousing.

D. Relationships with Site Occupants

1. Information Program

Agency staff will implement an informational program to site occupants and displacees to advise them on the Agency's plans and programs. The project area committee (PAC), community advisory committee (CAC), or other applicable advisory committee may also play an important role in keeping project residents, businesses and the general community fully informed on the activities of the Agency in the Project Area.

This will be done by personal interview and contacts, general mailings and distribution of informational material, group and public meetings to provide information and answer questions, regular staff attendance at meetings of various groups, etc. All these efforts will be continued throughout the project operations to insure that each site occupant is fully informed as to the time schedules, relocation program, opportunities for relocation housing, relocation services and other available benefits.

2. Interviews with Site Occupants

As soon as practical after the initiation of negotiations, Agency staff and/or the relocation consultant will meet with site occupants. The interviewer will

FINAL

discuss and explain the contents of the Informational Statement, any rental agreement, and other applicable materials. As evidence that the displacee has been properly notified, the displacee will be requested to sign a receipt for the Informational Statement, which fully describes the rights under the redevelopment program, the services offered for relocation, the regulations and procedures for obtaining relocation payments, etc.

The relocation staff also will update any information obtained in prior interviews with the displacees, ascertain precise relocation needs and problems, from which the displacee will be assisted in formulating and carrying their approach to relocation. This is the beginning of personalized relocation assistance and, as necessary, the displacee will be referred to appropriate agencies or resources for special services.

Persons who occupy property after Agency acquisition are not eligible for assistance or benefits if they were informed prior to occupancy that the property was being acquired for a public use and occupancy is only available between acquisition of the property and its development. The Agency Board may consider occupants not so informed eligible for assistance and benefits, however.

3. Project Site Office

Whenever possible, the Agency shall establish a site office, where the assigned relocation staff and/or consultants will work closely with all displacees and appropriate agencies in carrying out the relocation program. Staffing, working days and hours will be arranged to provide services conveniently available to all occupants of the Project Area.

4. Housing Referral Services

The referral procedure will be essentially one of personal contact, liaison, and assistance by the relocation consultant and/or staff. The relocation consultant and/or staff will work closely with each displacee until he or she is permanently rehoused, offering comparable housing that meets their needs, and encouraging them to find replacement housing on their own initiative.

The Agency will maintain listings of private rental and sales housing that has previously been inspected and certified as meeting the Agency's relocation housing standards, which is available on an open-occupancy basis, which is not planned for clearance. Listings of vacancies will be provided to the displacee, arrangements will be made for the displacee to inspect the housing and, if necessary, he or she will be provided transportation and/or be accompanied on the inspection. The displacee will be provided further referrals if, for reasonable cause, he or she is unable to accept an offered unit. The same procedure will be followed when a self-relocatee is found occupying sub-standard housing.

FINAL

Displacees will be informed of the availability of VA and FHA acquired properties, and of any Section 8 housing that meets their needs. Listings of properties will be available so that they may be freely examined. The relocation consultant and/or staff will provide displaced residents with evidence of their eligibility for such housing, serve in a liaison capacity and otherwise assist displacees in securing such accommodations.

Those displacees appearing eligible for and interested in public housing (including Section 8 housing programs) will be referred to the Housing Authority and otherwise assisted in expediting their applications and placement. The Housing Authority will be requested to make available to the Agency the Authority's list of available housing, in order that such housing may be utilized for eligible displacees.

If interested and determined eligible for other subsidized housing, displacees will be referred to the appropriate sponsor or owner of such housing and assisted in making the application. In addition, they will also be referred to comparable replacement housing whose owners are willing to accept and participate in the Section 8 program and assistance will be provided in making such application.

5. Inspection of Relocation Housing

All housing offered to displacees will be internally and externally inspected by the relocation staff and/or consultant in advance. If, upon inspection, the housing occupied by a self-relocatee is found below standard, the occupant will be advised accordingly and offered standard housing. If the displacee refuses to accept further assistance, the obligation of the Agency to the relocatee will be considered fulfilled. In such instances, the matter may be referred to the Building Inspection Department with the objective of bringing the housing into conformity with local codes.

Housing occupied by relocatees moving outside the City of San Diego will be inspected, when possible, by the redevelopment agency of that City or by its building inspection department. When this is not possible, the claimant will be required to provide sufficient information to determine that the dwelling is standard pursuant to Agency requirements and such self-relocation will be considered as permanent.

6. Self-Relocatees

Displacees finding their own housing will be urged to notify the Agency in advance so that the selected housing may be inspected beforehand. However, should the displacee move without giving notice or leaving a forwarding address, every effort will be made to locate the displacee promptly to determine the quality of the relocation housing and to assure that the displacee understands the relocation assistance to which he

FINAL

or she is entitled. Efforts to trace displacees will be not abandoned until appropriate contacts have been made without success.

7. Referrals to Social Service Agencies

The relocation services offered by the Agency will be supplemented by those qualified professionals who will be directly responsible -- in cooperation with the Agency, its staff and other consultants and agents -- for seeking and achieving solutions to the social and economic problems that may interfere with the successful relocation of a specific displacee or groups of site occupants.

The Agency has worked closely with many agencies and organizations that operate in the communities to interpret the redevelopment program and the anticipated needs of Project Area occupants. The Agency will continue to seek their assistance and cooperation during the relocation process. Following are some agencies that have provided assistance on an as-needed basis, and which are expected to continue to do so:

Harvest Ministries
Alcoholics Anonymous
St. Vincent De Paul, Joan Kroc Center
Salvation Army
Episcopal Community Services
Lutheran Social Services
Neighborhood House Endeavors
Vietnam Veterans Outreach Center
Travelers Aid
Catholic Community Services

This list is not intended to be all-inclusive. As the relocation staff and/or consultants determine the need, other organizations will be contacted.

E. Relocation Standards

It is the Agency's objective that all site occupants be rehoused with a minimum of hardship in accommodations which are decent, safe, sanitary, and suitable to their individual needs; located in areas not less desirable than the Project Area in regard to public utilities and public and commercial facilities; available without regard to race, color, sex, religion or national origin; reasonably accessible to their places of employment; and priced within their financial means. The standards set forth below have been established by the Agency to achieve these objectives.

FINAL

The Agency shall make a good faith effort to relocate displacees within the Project Area unless they choose to relocate elsewhere.

Only housing which qualifies as standard under provisions of the Local Housing Code will be used as a relocation resource.

The following standards apply in measuring the quality and suitability of the housing to be offered by the relocation consultant and/or staff to a site occupant, or that which a self-relocatee has selected on his own initiative.

No persons or families of low- and moderate-income shall be displaced unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement.

1. Physical Standards

- (a) The roof, the exterior walls, windows and doors shall be weather proof and water tight, and in safe, sound condition and good repair.
- (b) The foundation, the interior walls and doors, and the ceilings and floors shall be in safe, sound condition and good repair.
- (c) Every stairway, exit door, fire escape and elevator shall be in safe, sound condition, in good repair and free from obstructions.
- (d) Except in the case of concrete floor slab construction, the clearance between the ground and the floor joints shall be not less than 18" and such under-floor area shall be properly vented.
- (e) All portions of a lot about or under a building shall be adequately drained, and together with the building and parts thereof, shall be clean, free of rubbish and of health, fire and safety hazards.
- (f) Every building shall be connected to the public water supply and sewers or septic tank, and every plumbing fixture, water and waste pipe shall be installed in an approved manner, sanitary and in good working condition.
- (g) Every dwelling unit shall have adequate heating facilities which are installed in an approved manner, are safe and in good working condition.

FINAL

- (h) Every dwelling unit shall be supplied with adequate electric wiring, convenience outlets and fixtures, which are installed in an approved manner, which are safe and in good working condition.
- (i) Every dwelling shall contain electrically wired smoke detectors in every sleeping room and in each hallway, corridor or area adjacent to any such sleeping room.
- (j) Every sleeping room shall contain at least one window opening directly to the outside.
- (k) A cellar or unfinished attic shall not be used for living, sleeping, cooking or eating purposes. In any basement space used for living purposes, the walls and floors which are below ground level shall be waterproofed and dampproofed.
- (l) Every room used for living purposes shall have not less than an 8' ceiling height and a window area of not less than 12 square feet or 1/8th of the superficial floor area, whichever is greater.
- (m) Every dwelling unit shall comply with the Residential Lead-Based Paint Hazard Reduction Act of 1992.
- (n) Evidence shall be provided that, where required by ordinance, valid certificates of occupancy and health permits have been obtained.
- (o) Every dwelling unit shall have a private lavatory and bathtub or shower, with hot and cold running water, and a suitable bathroom or compartment. Rooms including these fixtures shall have adequate light and ventilation.
- (p) Every dwelling unit shall have a private kitchen containing a sink with hot and cold running water and adequate light and ventilation.

2. Occupancy Standards

An otherwise standard dwelling may not be considered as standard for a specific family, unless it provides adequate sleeping space for all the family members. Living rooms should not be considered for sleeping purposes, except in the case of an efficiency or studio apartment. In the evaluation of dwelling units considered for relocatees existing building codes or other suitable regulations will be used as occupancy standards.

3. Displacee's Ability to Pay

The Agency will give consideration to the particular financial situation of each family or individual. Every effort will be made to maintain the lowest possible housing cost-income ratio which, at the same time, provides the displacee adequate, decent, safe and sanitary housing. Agency staff will counsel displacees to relocate into housing which is affordable.

The amount of rental assistance a displacee is entitled to receive is based upon the following factors pursuant to the Agency Rules and Regulations.

An eligible person who rents a replacement dwelling is entitled to a payment not to exceed \$5,250.00 for rental assistance. Unless Federal Regulations apply, such payment shall be 42 times the amount obtained by subtracting the base monthly rental for the displacement dwelling from the lesser of:

- (a) The monthly rent and estimated average monthly utilities for a comparable replacement dwelling; or
- (b) The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary replacement dwelling actually occupied by the displaced person.

4. Base Monthly Rental for Displacement Dwelling

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

- (a) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement (but not less than a 3-month period), as determined by the Agency. (For an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent prior to displacement, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances); or
- (b) Thirty (30) percent of the person's average gross household income. This standard shall apply, unless covered by Federal Regulations. (If the person refuses to provide appropriate evidence of income or is a dependent, the base monthly rental shall be established solely on the displacement dwelling rental rate. A full

FINAL

time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise.)

5. Standards for Temporary Moves into Housing

As noted above, temporary moves are not encouraged. Should a temporary move become necessary, the following standards shall be followed.

Housing not meeting the Agency's established standards for permanent relocation will not be used for emergency temporary housing.

In no event will the temporary housing offered be of a less desirable character than that from which the site resident is being moved, and such temporary housing shall be in a safe and habitable condition.

Temporary relocations made by the Agency will not diminish the Agency's obligation with respect to the displacee's permanent relocation. The necessary costs incurred in temporary moves made at the direction of the Agency will be paid in accordance with applicable regulations.

If a self-relocatee moves into sub-standard housing and declines, without satisfactory reason, to accept standard housing to which he or she is referred, it will be considered that the Agency's responsibility to the relocatee has been discharged.

6. Environmental Standards

It is the Agency's policy to refer displaced families, individuals, businesses and nonprofit organizations to replacement dwellings and/or suitable replacement sites located in areas not subject to unreasonable adverse environmental conditions. Relocation housing sites shall be not generally less desirable than the location of the displaced site with respect to public utilities and services, schools, churches, recreation, transportation and other public and commercial facilities, and within reasonable proximity to the displacee's present place of employment.

IV. RELOCATION PAYMENTS AND PLAN FOR DISBURSEMENT

Relocation payments, as provided by the Act, the State Guidelines and the Agency Rules and Regulations will be paid to those displaced by Redevelopment Project activities. These payments may include:

- A. Actual and Reasonable Moving Expenses (as defined in Section 6090 of the State Guidelines and the Agency Rules and Regulations), or an Alternate Payment (as defined in Sections 6098 and 6100 of the State Guidelines and the Agency Rules

FINAL

and Regulations) in lieu of Actual and Reasonable Moving Expenses. The amount for an Alternate Payment for each residential household is established by a schedule authorized by Federal Regulations; the amount for an Alternate Payment for businesses ranges from not less than \$1,000 to not more than \$20,000, depending upon various factors.

- B. If displacement involves housing, an allowance for residential tenants of up to \$5,250 to assist in the purchase of a replacement dwelling or in the rental of a comparable rental unit;
- C. If displacement involves housing, an amount not to exceed \$22,500 toward the purchase of a replacement dwelling for an owner-occupant, provided the claimant occupies the replacement unit;
- D. Actual Reasonable Expenses in Searching for a Replacement Business (as defined in Section 6094 of the State Guidelines and the Agency Rules and Regulations), not to exceed \$1,000;

The descriptions above are meant only as a brief summation of possible payments. Specific eligibility requirements and qualifications for each payment will be enumerated in the Informational Statements to be provided in substantially the same form as Exhibits A and B.

At the discretion of the Agency Board, an additional payment may be authorized. The additional payment would be for extraordinary circumstances.

The disbursement of all relocation benefits will be made in a timely and orderly manner. All claims for relocation benefits must be filed with the Agency within 18 months from (a) the date the claimant relocates from the property, or (b) the date on which final payment for the acquisition of the real property is made, whichever is later.

All required claim forms will be prepared by a member of the relocation staff and all parts of the claim will be fully explained to the claimant. Any relocation claim submitted must be supported by the required documentation (including but not limited to replacement site rental verification, moving bill, escrow closing statement, income tax return, etc.). This information and documentation will be verified by the relocation staff.

The claimant will be asked to sign prepared claim forms after it is established that the claimant understands all aspects of the claim. The claim forms will, along with a memorandum explaining the attached claim request, be forwarded to the Agency for review and recommendation. Approval of payment of any claims will be made by the Agency or its designee. Upon approval of the claim, payments will be initiated.

FINAL

At times, there may be a need for advance relocation payments in the event of a hardship. Most often, such payments are needed to assist the displacee in securing a replacement site or other related commitments. The relocation staff will expedite consideration of such requests.

V. RELOCATION OFFICE PROCEDURES

Whenever possible, the Agency will establish a site office where the assigned relocation staff or consultants will work closely with all displacees and appropriate agencies in carrying out the relocation program. Staff, working hours and days will be arranged to provide services conveniently available to all occupants of the Project Area.

At such time as it is necessary to open and maintain a relocation site office, more specific procedures may be established. In general, in addition to such specific services as may be offered by any relocation consultant with which the Agency may contract, staff shall be available, on a regular basis, or by appointment at the displacee's convenience, to assist in relocation matters and to answer questions. In addition, staff and/or the relocation consultant will be available to go to the displacee's home or business site to assist in relocation matters on an "as-needed" basis.

VI. COMMUNITY PARTICIPATION

The Agency actively encourages the involvement of potential displacees in the hearing and planning stages of the redevelopment process. This Relocation Plan was previously made available to the project area committee (PAC), community advisory committee (CAC), or other applicable advisory committee and the public prior to inclusion in the Report to Council. As Supplemental Relocation Plans may be necessary or are prepared, the project area committee (PAC), community advisory committee (CAC), or other applicable advisory committee, as well as affected persons and businesses will be provided with an opportunity to review and comment upon such Supplemental Plans prior to their adoption.

VII. COORDINATION ACTIVITIES

At such time as the Agency may initiate negotiations for property occupied by a business or person, the Agency's relocation staff (including consultants) will commence relocation activities. Among the coordinated activities are the following:

- A. Personal on-site interviews will be conducted where the staff or consultant will provide each potential claimant with an Informational Statement detailing benefits and eligibility.
- B. After an analysis of needs, appropriate referrals will be made.

FINAL

- C. Claims for relocation payments will be prepared by the relocation staff and/or consultant for the claimant's signature. Signed claims will then be delivered to the Agency for approval and processing.
- D. Relocation benefit checks will be hand-delivered or mailed, at the discretion of the relocation staff, to the claimant/recipients.
- E. If the displacement involves a residential displacee, any new housing chosen by the claimant will be inspected by the relocation staff for health and safety minimum standards. Any such claimant will be informed in writing of the inspection results.
- F. Relocation staff will also contact and work with appropriate governmental and social service agencies to provide applicable assistance, including, for example, small business loans and housing subsidies.

VIII. FORMAL GRIEVANCE PROCEDURE

As stated in Section II. H. herein, the Agency Rules and Regulations include formal grievance procedures to provide for adequate review of Agency relocation decisions. A copy of these Grievance Procedures is attached hereto as Exhibit C.

Exhibit A [attach behind this page]

Exhibit B [attach behind Exhibit A]

Exhibit C [attach behind Exhibit B]

EXHIBIT A**TO PLAN AND METHOD OF RELOCATION****RELOCATION ASSISTANCE TO TENANTS AND HOMEOWNERS
DISPLACED FROM THEIR HOMES****INTRODUCTION**

This booklet describes the relocation payments and other relocation assistance provided by the Community Redevelopment Agency of the City of San Diego, California (the “Agency”) to tenants and homeowners displaced from their homes as a result of Agency redevelopment activities, in accordance with the **California Relocation Assistance and Real Property Acquisition Guidelines**.

If you are notified that you will be displaced by such Agency redevelopment activities, it is important that you **do not move** before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

This booklet may not answer all of your questions. If you have more questions about your relocation, please check the back of this booklet for the name of the person to contact at the Agency. Ask your questions before you move. Afterwards, it may be too late.

[Per Attachment A of the State Guidelines, insert general description of activities that will be undertaken, including an identification of areas which may involve displacement. Also include diagrammatic sketch of Project Area.]

SUMMARY OF RELOCATION ASSISTANCE

As an eligible tenant or homeowner displaced from your home, you will be offered appropriate financial and advisory assistance to help you relocate, which can include:

- Payment for your moving expenses. You may receive either:
 - Payment for Actual Reasonable Moving & Related Expenses, or
 - Fixed Payment.
- Payment to help you rent (or buy, if you prefer) a comparable replacement home. You may receive either:

- Rental Assistance Payment, or
 - Downpayment Assistance Payment, or
 - Replacement Housing Payment for a 180-day Homeowner.
-
- Referrals to comparable replacement homes.

 - Other help to minimize the impact of the move, including the inspection of replacement housing to ensure that it meets established standards and help in preparing claim forms for relocation payments.

If you disagree with the Agency's decision as to your right to a relocation payment or the amount of the payment, you may appeal that decision.

SOME GENERAL QUESTIONS

How Will I Know I am Eligible for Relocation Assistance?

You will receive a written “Notice of Displacement” within 60 days following the “initiations of negotiations” but not later than the close of escrow on the property explaining that you are eligible for relocation assistance. Ordinarily, eligibility begins on the date the owner of the property receives the Agency's initial written offer to purchase, or the Agency approves an agreement which will cause your displacement such as the rehabilitation of your dwelling. Therefore, you should not move before that date. If you do, you may not be eligible for relocation assistance.

How Will the Agency Know How Much Help I Need?

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your relocation needs and preferences for replacement housing and other services. The interviewer will ask certain questions about you and other members of your household.

It is to your advantage to provide the information so that the Agency can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

How Soon Will I Have to Move?

The Agency will work with you so that there will be ample time worked out. You will be given enough time to make plans for moving. Unless your continued occupancy would present a health or safety emergency, you will not be required to move without at least 90 days advance written notice. Most importantly, **you will not be required to move before a comparable replacement home is available to you.**

Under limited circumstances, the Agency's eviction policies may become applicable. A copy of the Agency's eviction policies is attached to this document.

Will the Agency Help Me Find a Replacement Home?

Yes. You will be offered referrals to comparable replacement housing that has been inspected to ensure that it meets established standards. If necessary, you may be referred to as many as three comparable replacement homes. Once the Agency representative has a clear understanding of your needs and preferences, he or she will work with you to assure that you are given the best possible choice of housing.

If you would like to move to a government-owned housing unit or obtain a government housing subsidy to occupy a privately-owned unit, let the Agency representative know of your interest. Generally, displaced persons receive preference for such housing. You will be given assistance in completing any required application forms.

What is a Comparable Replacement Home?

A comparable replacement home is:

- Decent, safe and sanitary.
- Functionally similar to your present home.
- Actually available to you.
- Within your financial means, according to legal standards.
- Reasonably accessible to your place of employment or potential place of employment.
- Generally as well located with respect to public and commercial facilities, such as schools and shopping, as to your present home.
- Not subject to unreasonable adverse environmental conditions.
- Available to all persons regardless of race, color, religion, sex, or national origin.

What is Decent, Safe and Sanitary Housing?

Decent, safe and sanitary housing is housing that:

- Meets applicable housing and occupancy requirements.
- Is structurally sound, weather tight and in good repair.
- Contains a safe, adequate electrical wiring system.
- Has adequate living space for the occupants.

- If food preparation is required, has a kitchen with a sink, hot and cold running water, and connections for a stove and refrigerator.
- Has a separate, complete bathroom with hot and cold running water.
- Has heating as required by climate conditions.
- If you are physically handicapped, is free of barriers which would preclude your reasonable use of the unit.
- Free of lead-base paint contaminants.
- A dwelling unit which is occupied by no more than the maximum number of people allowed under the State Building Code.

What if I Find My Own Replacement Housing?

You have every right to find your own replacement housing. However, before you rent or buy, the Agency representative must inspect the unit to make sure that it is decent, safe and sanitary. If the housing unit is not decent, safe and sanitary, you will not receive a replacement housing payment.

What if I Encounter a Problem in Obtaining Housing of My Choice?

If you encounter a problem in buying or renting housing of your choice, notify the Agency immediately. The Agency representative will look into the matter and try to resolve it. You will receive this help whether you were referred to the housing unit or found it yourself.

If you are unable to buy or rent a housing unit because of discriminatory practices on the part of a real estate broker, rental agent, lender, or a property owner, the Agency will help you file a formal housing discrimination complaint with the Department of Housing & Urban Development or the appropriate State or local fair housing agency.

What other Services Will I Receive?

In addition to help in obtaining a comparable replacement home, other assistance, as necessary, will be provided in order to minimize the impact of your move. This assistance may include referral to appropriate public and private agencies that provide housing financing, employment, welfare or legal assistance.

The range of services depends on the needs of the person being displaced. You should ask the Agency representative to tell you about the specific services that will be available to help you and your family.

Will I Have to Pay Rent to the Agency before I move?

You will be required to pay a fair rent to the Agency for the period between the acquisition of your property and the date that you move. The Agency will deduct from relocation payments any rent that is owed the Agency except in cases of extreme hardship.

PAYMENT FOR MOVING EXPENSES

Every displaced person is entitled to a relocation payment to cover the reasonable cost of his or her move. You may choose either:

- A Payment for Actual Reasonable Moving and Related Expenses, or
- A Fixed Payment.

Payment for Actual Reasonable Moving & Related Expenses.

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

- Moving your household goods, including necessary insurance on the household goods while in transit.
- Disconnecting and reconnecting household appliances.
- Transportation for you and your family, up to a specified distance.
- Storage of household goods, as may be necessary, up to a specified period.
- Utility reinstallation

The Agency 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 keep all your receipts.

You may elect to pay your moving costs yourself and be reimbursed by the Agency, or if you prefer, you may have the Agency pay the mover. In either case, prior arrangements must be made with the Agency. Select your mover with care. The Agency can help you select a reliable and reputable mover.

Fixed Moving Expense Payment

If you choose a Fixed Moving Expense Payment, you will receive a moving expense and dislocation allowance determined in accordance with established Federal Highway Administration schedules maintained by the California Department of Transportation. The schedules reflect the number of rooms in the displacement dwelling (which may include outbuildings) and whether the displaced person owns and must move the furniture. The Agency has a copy of the schedule for your examination.

For many people, this payment is the most advantageous. No special documentation is required to support your claim. You need only move your personal property and complete the appropriate claim form in order to receive your payment.

REPLACEMENT HOUSING PAYMENTS

Tenants:

An eligible displaced person will receive a Replacement Housing Payment to assist in renting or purchasing a comparable replacement home to which he or she moves. If you are an eligible displaced person who has occupied your home for a period of not less than 90 days prior to the “initiation of negotiations” on such dwelling, you may be eligible to receive either:

- A Rental Assistance Payment in an amount up to \$5,250; or
- A Down payment Assistance Payment in an amount up to \$5,250.

Rental Assistance Payment

If you decide to rent a replacement home, you may be eligible to receive a Rental Assistance Payment to help you rent a comparable replacement home for a period of 42 months. The maximum payment is \$5,250 and may be paid to you in a lump sum, or monthly payments.

The amount of payment is determined by subtracting the base monthly rental at your present home (including utility costs) from the rent for a comparable replacement home (including utility costs). If there is a rental difference, that amount is multiplied by 42 and the total amount not to exceed \$5,250 will be the Rental Assistance Payment.

The **base monthly** rental at your present home is the average monthly rent for your home for a specified period, including utility costs, or 30 percent of your average monthly income, whichever is less.

To qualify for a Rental Assistance Payment, you must rent and occupy a decent, safe and sanitary home within one year after the date you move. However, the Agency may extend this period for good cause.

Downpayment Assistance Payment

A downpayment for which a Downpayment Assistance Payment may be made will not exceed the amount of a reasonable downpayment for the purchase of a comparable replacement dwelling where such is financed, plus expenses incident to the purchase of a replacement dwelling. The

full amount of a downpayment shall be applied to the purchase of the replacement dwelling and shall be shown on the closing statement or other document acceptable to the Agency.

If you buy a replacement home, you may be eligible for a Downpayment Assistance Payment of up to \$5,250.

To qualify for a Downpayment Assistance Payment, you must purchase and occupy a decent, safe and sanitary home within one year after the date you move.

Homeowners:

Replacement Housing Payment for a 180-Day Homeowner

If you owned and occupied your home for 180 days before receiving the Agency's initial written offer to buy it, you may be eligible to receive Replacement Housing Payment up to \$22,500 for a 180-Day Homeowner.

You have every right to find your own replacement housing. However, before you purchase, the Agency representative must inspect the dwelling to make sure it meets decent, safe and sanitary requirements.

The Replacement Housing Payment for a 180-Day Homeowner is a payment not to exceed a combined total of \$22,500 for the following costs:

Differential Amount: This amount covers the increased cost that you must pay for comparable replacement housing.

Mortgage Buydown Payment and Other Debt Service Costs: This payment covers increased interest rates on the new home. Other debt service costs include reimbursement of purchase points and loan origination fees on the new loan or the actual new loan balance. Payment under this category only applies where there is a mortgage loan on the dwelling acquired by the Agency and that loan existed at least 180 days prior to the Agency's "initiation of negotiations".

Incidental Expenses: This amount covers costs typically paid when buying real property, such as legal costs and recording fees; the cost of title insurance; revenue stamps and transfer taxes (not to exceed the cost for comparable replacement housing); loan application fee, etc. However, it does not cover prepaid expenses, such as property taxes and insurance.

Filing a Claim for a Relocation Payment

You must file a claim for each relocation payment. The Agency will provide you with the required claim forms, assist you in completing them, and explain the type of documentation, if any, that you must submit in order to receive your relocation payments.

If you must pay any relocation expenses before you move (such as a security deposit when you sign a lease for your new home), discuss your financial needs with the Agency. You may be able to obtain an advance payment to meet these costs. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

All claims for a relocation payment must be filed with the Agency within 18 months after:

- For tenants, the date of displacement (last day of actual move);
- For property owners, the date of displacement or the date of the final payment for acquisition of the real property, whichever is later.

However, it is to your advantage to file as soon as possible. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within the 18 months, the Agency may extend this period for good cause.

You will be paid promptly after you file an acceptable claim. If there is any problem regarding your claim or the amount of the payment, you will be notified of the action you must take to resolve the matter.

Do I Have to Pay Federal or State Income Taxes on My Relocation Payments?

No. Relocation Assistance payments are not considered as "income" for income tax purposes. For more information, you should check with the State or Federal income tax office in your area or with your personal tax advisor.

Appeals

If you disagree with the Agency's decision as to your right to a relocation payment or the amount of a payment, you may "grieve" or appeal the decision to the Agency. A copy of the Agency's Grievance Procedures is attached.

The Agency will inform you of its appeal procedures. At a minimum, you will have 60 days to file your appeal with the Agency. Your appeal must be in writing. However, if you need help, the Agency representative will assist you in preparing your appeal.

If you are not satisfied with the final decision on your appeal, you may seek review of the matter by the courts.

**EXHIBIT B
TO PLAN AND METHOD OF RELOCATION**

**RELOCATION ASSISTANCE TO DISPLACED BUSINESSES
AND NONPROFIT ORGANIZATIONS**

INTRODUCTION

This booklet describes the relocation payments and other relocation assistance provided by The Redevelopment Agency of the City of San Diego, California (the “Agency”) to businesses and nonprofit organizations displaced as a result of Agency redevelopment activities, in accordance with the **California Relocation Assistance and Real Property Acquisition Guidelines**.

If you are notified that you will be displaced by such Agency redevelopment activities, it is important that you **do not move** before you learn what you must do to receive the relocation payments and other assistance to which you are entitled.

This booklet may not answer all of your questions. If you have more questions about your relocation, please contact the Agency. (Check the back of this booklet for the name of the person to contact.) Ask your questions before you move. Afterwards, it may be too late.

[Per Attachment A of the State Guidelines, insert general description of activities that will be undertaken, including an identification of areas which may involve displacement. Also include diagrammatic sketch of Project Area.]

SUMMARY OF RELOCATION ASSISTANCE

As an eligible displaced business, you will be offered appropriate financial and advisory assistance to help you relocate, which can include:

- Payment for your moving expenses. You may receive either:
 - Payment for Actual Reasonable Moving & Related Expenses, or
 - Fixed Payment.
- Referrals to suitable replacement locations.
- Other help to re-establish your business and minimize the impact of the move, including help in preparing a claim form for relocation payment.

SOME GENERAL QUESTIONS

How Will I Know I am Eligible For Relocation Assistance?

You will receive a written notice explaining that you are eligible for relocation assistance. Ordinarily, eligibility begins on the date the owner of the property receives the Agency's initial written offer (“initiation of negotiations”) to purchase or the Agency executes an agreement which will cause your displacement. Therefore, you should not move before that date. If you do, you may not be eligible for relocation assistance.

How Will the Agency Know How Much Help I Need?

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your relocation needs and preferences for a suitable replacement location and other services. The interviewer will ask questions about such matters as your space requirements. It is to your advantage to provide the information so that the Agency can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

How Soon Will I Have to Move?

Every reasonable effort will be made to provide you with sufficient time to find a suitable replacement location and re-establish your business. If possible, a mutually agreeable date for the move will be worked out. Under normal circumstances, you will not be required to move without at least 90 days' advance written notice. It is important, however, that you keep in close contact with the Agency so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.

Under limited circumstances, the Agency’s eviction policies may become applicable. A copy of the Agency’s eviction policies are attached to this document.

I Own The Property. Will I Be Paid For It Before I have To Move?

If you reach a voluntary agreement to sell your property to the Agency, you will not be required to move before you receive the agreed purchase price. If the possession of the property is obtained through eminent domain proceedings, you will not be required to move before the estimated fair market value of the property has been deposited with the Court. Your attorney will answer your specific questions regarding acquisition of your property.

Will I have To Pay Rent to the Agency Before I Move?

You will be required to pay a fair rent to the Agency for the period between the acquisition of the property upon which your business is located and the date that you move.

How Will I Find A Replacement Location?

The Agency will provide you with current and continuing information on available suitable replacement locations that may meet your relocation needs and will assist you in finding the type of replacement location you need. However, you should take an active role in finding and relocating to a location of your choice. No one knows your needs better than you. You will want to assure that there are no zoning or other restrictions which will impact your operation at your replacement location.

The Agency representative will explain which kinds of moving costs are eligible for reimbursement and which are not eligible. This will enable you to carry out your move in the most advantageous manner.

What Other Assistance Will Be Available to Help Me?

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by the Agency. This includes information on Federal, State and local programs that may be of help in re-establishing a business. For example, the Small Business Administration (SBA) provides managerial and technical assistance to some businesses. There may also be a government grant or loan program which can help you re-establish your business. The Agency will assist you in applying for help available from government agencies.

The range of services depends on the needs of the business being displaced. You should ask the Agency representative to tell you about the specific services that will be available to help you.

I Have A Replacement Location And Want to Move. What Should I Do?

Before you make any arrangements to move, including signing lease agreements, paying deposits, etc., notify the Agency, in writing, of your intention to move. This should be done at least 30 days before the date you begin your move. The Agency will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain a payment.

I Plan To Discontinue My Business Rather Than Move. What Should I Do?

If you have decided to discontinue your business rather than re-establish, you may still be eligible to receive a payment. Contact the Agency representative and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible, the requirements to be met, and how to obtain your payment.

PAYMENT FOR MOVING EXPENSES

Each displaced business or nonprofit organization is entitled to a relocation payment to cover the reasonable cost of moving. You may choose either:

- **Payment for Actual Reasonable Moving and Related Expenses, or**
- **Fixed Payment** (if you meet the eligibility requirements).

Payment for Actual Reasonable Moving And Related Expenses

If you choose a Payment for Actual Reasonable Moving And Related Expenses, you may include in your claim the costs of:

- Transportation of personal property from your present business location to the replacement location. (Generally, transportation costs are limited to a distance of 50 miles. If you plan to move beyond 50 miles, discuss your planned move with the Agency.)
- Packing, crating, uncrating, and unpacking personal property.
- Storage of personal property for a reasonable period not to exceed twelve months.
- Insurance of personal property while in storage or transit.
- The reasonable replacement value of property lost, stolen or damage (not through the fault or negligence of the displaced person, his agent or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available.
- Disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the Agency, including connection charges imposed by public utilities for starting utility service.
- The cost, directly related to displacement of modifying the machinery, equipment or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply.

Claims for payment under this section shall be subject to the following limitations:

- Reimbursable costs shall be reasonable in amount;
 - The cost could not be avoided or substantially reduced at an alternative available and suitable site to which the business was referred.
-
- The cost of any license, permit or certification required by a displaced business to the extent such costs is necessary to the re-establishment of its operation at a new location.
 - The reasonable cost of any professional services, (including but not limited to architects, attorneys, engineers and consultants) necessary for planning the move of the personal property, moving the personal property, or installation of relocated personal property at the replacement site.
 - Actual direct loss of personal property. This payment provides compensation for property that is neither moved nor promptly replaced with a substitute item at the replacement location. Payment is limited to the lesser of: (1) the estimated cost of moving the property or (2) the fair market value of the property for its continued use at the old location, less any proceeds from its sale. To be eligible, you must make a good faith effort to sell the property, unless the Agency determines in advance that such effort is not necessary.
 - Purchase and installation of substitute personal property. Payment will be limited to the lesser of: (1) the estimated cost to move the substituted item to the replacement location, or (2) the actual cost of the substitute item delivered and installed at the replacement location, less any proceeds from the sale or the trade-in value of the substituted item. It is important that you discuss your plans with the Agency before you proceed.
 - Personal Property of Low Value and High Bulk – When in the judgment of the Agency, the cost of moving an item of personal property of low value and high bulk which is used in connection with the business operation would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which should have been received for such property on liquidation. This situation may in appropriate situations be applied to claims involving the moving of junkyards, stockpiles, sand, gravel, minerals, metals and similar property.
 - Searching for a replacement location. This payment may not exceed \$1,000 and may cover costs for:

- Transportation;
- Meals and lodging away from home;
- Time spent searching, based on the hourly wage rate or the salary or earnings of the displaced person or his representative.
- Fees paid to real estate agent or broker to locate a replacement location.

In addition to moving expense payments, a nonprofit organization or small business of not more than 500 employees, is eligible to actual and reasonable Re-establishment Expenses not to exceed \$10,000. Re-establishment expenses shall be only those expenses that are reasonable and necessary and include, but are not limited to, the following:

- Repairs or improvements to the replacement real property as required by Federal, State or local law, code or ordinance.
- Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- Construction and installation costs for exterior signing to advertise the business.
- Provision of utilities from right-of-way to improvements on the replacement site.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- Licenses, fees and permits when not paid as part of moving expenses.
- Feasibility surveys, soil testing and marketing studies.
- Advertisement of replacement location.
- Professional services in connection with the purchase or lease of a replacement site.
- Estimated increased costs of operation during the first 2 years at the replacement site, for such items as:
 - Lease or rental charges,
 - Personal or real property taxes,
 - Insurance premiums, and

- Utility charges, excluding impact fees.
- Impact fees or one-time assessments for anticipated heavy utility usage.
- Other items that the Agency considers essential to the re-establishment of the business.

The Agency 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 keep all your receipts. The Agency will inform you of the documentation needed to support your claim.

You may minimize the amount of documentation needed to support your claim, if you elect to "self-move" your personal property. Payment for a self-move is based on the amount of an acceptable low bid or estimate obtained by the Agency. If you self-move, you may move your personal property using your own employees and equipment or a commercial mover. If you and the Agency cannot agree on an acceptable amount to cover the cost of the "self-move," you will have to submit full documentation in support of your claim.

You may elect to pay your moving costs yourself and be reimbursed by the Agency, or the Agency can pay the mover directly. In either case, you must have prior Agency approval. The Agency can help you select a reliable and reputable mover.

When a claim for "actual direct loss of personal property" or "substitute personal property" is made for an item, the estimated cost of moving the item will be based on the lowest acceptable bid or estimate obtained by the Agency. If not sold or traded-in, the item must remain at the old location and ownership of the item must be transferred to the Agency before you may receive the payment.

Fixed Payment

You may choose a Fixed Payment in Lieu of a Payment For Actual Reasonable Moving And Related Expenses, which is based on the average annual net earnings of the business or gross revenues of a nonprofit organization. This payment may not be less than \$1,000, nor more than \$20,000.

The displaced business is entitled to receive a Fixed Payment if the Agency determines the following.

Requirements – Businesses: In the case of a business operation, no payment shall be made under this section unless the Agency determines that:

- The business is not operated solely for rental purposes and cannot be relocated without a substantial loss of its existing patronage, based on a consideration of all

pertinent circumstances including such factors as the type of business conducted, the nature of the clientele, the relative importance to the displaced business of its present and proposed location, and the availability of a suitable relocation site;

- The business is not part of a commercial enterprise having no more than three (3) other establishments which are not being acquired for a project and which is engaged in the same or similar business. Whenever the sole remaining facility of a business which has been displaced from its principal location:
 - Has been in operation for less than two years;
 - Has had average annual gross receipts of less than \$2,000 during the two taxable years prior to displacement of the major component of the business; or
 - Has had average annual net earnings of less than \$1,000 during the two taxable years prior to the displacement of the major component of the business, the remaining facility will not be considered another “establishment” for purposes of this payment; and

The displaced business:

- Had average annual gross receipts of at least \$5,000 during the two taxable years prior to displacement; or
- The displaced business had average annual net earnings of at least \$1,000 during the two taxable years prior to displacement; or
- The displaced business contributed at least 33-1/3 percent of the total gross income of the owner(s) during each of the two taxable years prior to displacement. If in any case the Agency determines that the two-year period prior to displacement is not representative of average receipts, earnings or income, it may make use of a more representative period.

If application of the above criteria creates an inequity or hardship, the Agency may waive this criteria.

Determination of Number of Businesses. In determining whether one or more legal entities, all of which have been acquired, constitute a single business, the following factors among others shall be considered:

- The extent to which the same premises and equipment are shared.
- The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled.
- The extent to which such entities are held out to the public, and to those customarily dealing with such entities as one business.

- The extent to which the same person or closely related persons own, control or manage the affairs of the entities.

Requirements – Nonprofit Organizations: In the case of a nonprofit organization, no payment shall be made under this section unless the Agency determines that:

- The nonprofit organization cannot be relocated without a substantial loss of its existing patronage (the term “existing patronage” as used in connection with a nonprofit organization includes the membership, persons, community or clientele served or affected by the activities of the nonprofit organization); and
- The nonprofit organization is not a part of an enterprise having more than three (3) other establishments not being acquired which is engaged in the same or similar activity.

Net earnings. The term “average annual net earnings” as used in this section means one-half of any net earnings of the business operations, before federal and state income taxes, during the two (2) taxable years immediately proceeding the taxable year in which the business operation moves from the real property acquired for such project, or during such other period as the Agency determines to be more equitable for establishing such earnings, and include any compensation paid by the business operation to the owner, his or her spouse or dependents during such period.

The term “owner” as used in this section includes the sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the Agency. For purposes of determining a principal stockholder, stock held by a husband, his wife and their dependent children shall be treated as one unit.

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

Loss of Goodwill. When payment under this section will precede settlement of a claim for compensation for loss of goodwill under the Eminent Domain Law, the Agency before tendering payment shall state in writing what portion of the payment, if any, is considered to be compensation for loss of goodwill and shall explain in writing that any payment made pursuant to Code of Civil Procedure, Sections 1263.510 *et seq.* (the Eminent Domain Law, Chapter 9, Article 6 – “Compensation for Loss of Goodwill) will be reduced in the same amount.

The portion considered to be compensation for loss of goodwill shall not exceed the difference between the payment made under this section and an amount which reasonably approximates the payments for which the displaced person otherwise would be eligible under Actual Reasonable Moving Expenses, Actual Direct Losses of Tangible Personal Property, Actual Reasonable Expenses in Searching for a Replacement Business, and Moving Expenses – Outdoor Advertising (Businesses).

The Agency will inform you as to your eligibility for a Fixed Payment and documentation you must submit to support your claim.

Remember, when you elect to take this payment you are not entitled to reimbursement for any other moving expenses.

I Own An Outdoor Advertising Display. What Relocation Payment Will I Receive?

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property or services by the erection and maintenance of outdoor advertising displays is entitled to payment for the reasonable cost of moving such displays or their in-place value, whichever is lesser.

Filing a Claim for a Relocation Payment

All claims for a relocation payment must be filed with the Agency within 18 months after:

- For tenants, the date of displacement (last day of actual move);
- For property owners, the date of displacement or the date of the final payment for acquisition of the real property, whichever is later.

The Agency will provide you with the required claim forms, assist you in completing them, and explain the type of documentation that you must submit in order to receive the payment.

If you must pay any relocation expenses before you move (such as advance rents and security deposit if you lease your new location), discuss your financial needs with the Agency. You may be able to obtain an advance payment. The Agency may extend this period for good cause.

You will be paid promptly after you file an acceptable claim. If the Agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, you will be promptly notified in writing of its determination, the basis for its determination and the procedures for appealing that determination.

Do I Have to Pay Federal or State Income Taxes on My Relocation Payments?

No. Relocation assistance payments are not considered as "income" for income tax purposes. For more information on this you should check with the State or Federal income tax office in your area or with your personal tax advisor.

Appeals

If you disagree with the Agency's decision as to your right to a relocation payment or the amount of a payment, you may "grieve" or appeal the decision to the Agency. A copy of Agency's Grievance Procedures is attached.

The Agency will inform you of its appeal procedures. At a minimum, you will have 60 days to file your appeal with the Agency. Your appeal must be in writing. However, if you need help, the Agency will assist you in preparing your appeal.

If you are not satisfied with the final decision on your appeal, you may seek review of the matter by the courts.

ADDITIONAL INFORMATION

If you have further questions after reading the booklet, contact the Agency and discuss your concerns with the Agency representative.

Agency: The Redevelopment Agency of the
City of San Diego, California

Address: 600 B Street
San Diego, CA 92101-4506
(619) 533-4233

Office Hours: _____ am to _____ pm Monday through Friday

Your Relocation Specialist: _____

Telephone Number: (619) ____ - ____

Attachments:

- Diagrammatic Sketch of Project Area
- Eviction Policies [excerpt from Agency Rules and Regulations]
- Grievance Procedures [excerpt from Agency Rules and Regulations]

**EXHIBIT C
TO PLAN AND METHOD OF RELOCATION**

GRIEVANCE PROCEDURES

A. Right of Review

Any person who believes himself aggrieved by a determination as to eligibility, the amount of payment, the failure of the Agency to provide comparable permanent or adequate temporary replacement housing or the Agency's property management practices may, at his election, have his claim reviewed and reconsidered by the Agency or an authorized designee (other than the person who made the determination in questions).

B. Notification of Decision

If the Agency denies or refuses to consider a claim, the Agency's notification to the claimant of its determination shall inform the claimant of its reasons and the applicable procedures for obtaining review of the decision. If necessary to provide the information in the language most easily understood by the recipient, such notification shall be printed in a language other than English.

C. Stages of Review

1. Request for Further Written Information

A complainant may request the Agency to provide him with a full written explanation of its determination and the basis therefore, if he feels that the explanation accompanying the payment of the claim or notice of the Agency's determination was incorrect or inadequate.

The Agency shall provide such an explanation to the complainant within three (3) weeks of its receipt of his request.

2. Informal Oral Presentation

A complainant may request an informal oral presentation before seeking formal review and reconsideration. The right to formal review and reconsideration shall not be conditioned upon requesting an informal oral presentation.

Within fifteen (15) days of the request the Agency shall afford the complainant the opportunity to make such presentation.

The complainant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the complainant to discuss the claim with the Administrator of the Agency or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The Agency shall make a summary of the matters discussed in the oral presentation to be included as part of its file.

3. Formal Review and Reconsideration

a. Request for Review

At any time within the period described in [Section D herein], a complainant may file a written request for formal review and reconsideration by the Relocation Appeals Board. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material which may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefore, the complainant may be granted additional time.

The Relocation Appeals Board shall consider every aggrieved person's complaint regardless of form, and shall, if necessary, provide assistance in preparing the written request for review.

b. Notice of Procedures

When a complainant seeks review, the Relocation Appeals Board shall inform him that he has the right to be represented by an attorney, to present his case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he has exhausted administrative appeal.

c. Review by Relocation Appeals Board

The Relocation Appeals Board shall promptly hear all complaints brought by aggrieved persons of a redevelopment project area relating to relocation and shall determine if the Agency has complied with the provisions of Chapter 4 of the California Community Redevelopment Law pertaining to relocation, the Relocation Assistance Law and Guidelines, these Rules and Regulations and where applicable, with federal law and regulations.

The Relocation Appeals Board shall, after public hearing, transmit its findings and recommendations to the Agency Board, including any recommendations for modification of the Agency's initial determination.

d. Scope of Review

The Relocation Appeals Board shall review and consider the initial determination of the Agency in the complainant's case in light of:

- (1) All material upon which the Agency based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where a complainant has been improperly denied an opportunity to controvert the evidence [or] cross-examine the witness;
- (2) The reasons given by the complainant for requesting review and reconsideration of the claim;
- (3) Any additional written or relevant documentary material submitted by the complainant;
- (4) Any further information which the Relocation Appeals Board in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

e. Findings and Recommendations by

Relocation Appeals Board

The findings and recommendations on review by the Relocation Appeals Board shall include:

- (1) The determination of the Relocation Appeals Board whether the Agency has complied with State law and where applicable with federal law, pertaining to the relocation;
- (2) The recommendations of the Relocation Appeals Board, including any recommendations for modification of the Agency's initial determination;
- (3) The factual and legal basis upon which the findings and recommendations rest, including any pertinent explanation or rationale;
- (4) A statement to the complainant that the findings and recommendations of the Relocation Appeals Board will be transmitted to the Agency Board for final administrative decision with respect to the claim.

The findings and recommendations of the Relocation Appeals Board shall be in writing and copies thereof shall be provided to the complainant and transmitted to the Agency Board.

The Relocation Appeals Board shall issue findings and recommendations as soon as possible, but no later than three (3) weeks from receipt of the last material submitted for consideration by the complainant or the date of the hearing, whichever is later. In the case of complaints recommended for dismissal for untimeliness or for any other reason not based on the merits of the claim, the time limit for issuing the findings and recommendations shall be reduced to ten (10) days.

f. Final Determination by Agency Board

(1) Scope of Review

After receipt of the written findings and recommendations of the Relocation Appeals Board, the Agency Board shall review and reconsider the initial determination of the Agency on the claim. The Agency Board may, but is not required to, conduct a hearing de novo with respect to the claim, as it deems necessary. The complainant shall be given at least ten (10) days written notice prior to the matter being heard.

The Agency Board shall base its final decision on the claim upon the record compiled in connection with the proceedings of the Relocation Appeals Board, and upon the record of the hearing (if any) held by the Agency Board.

(2) Final Determination

The final determination on review by the Agency Board shall include, but is not limited to:

- (a) The Agency Board's decision on reconsideration of the claim;
- (b) The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale;
- (c) A Statement to the complainant that administrative remedies have been exhausted, if such be the case, and that judicial review may be sought.

The final determination of the Agency Board shall be in writing and a copy thereof shall be provided to the complainant.

The Agency Board shall issue its determination as soon as possible, but no later than three (3) weeks from receipt by the Agency Board of the written findings and recommendations of the Relocation Appeals Board. In the case of complaints dismissed for untimeliness or for any reason not based on the merits of the claim, the time limit for issuing such determination shall be reduced to ten (10) days.

D. Time Limit for Requesting Review

Any request for [Informal Oral Presentation or Formal Review and Consideration] shall be filed in writing with the specified reviewing authority within thirty (30) days following the date the complainant receives notice of the decision being appealed. Such time limit may be extended for good cause by the Agency.

E. Stay of Displacement Pending Final Determination

If a complainant seeks to prevent displacement, the Agency shall not require the complainant to move until at least twenty (20) days after the Agency has made its final determination. In all cases the Agency shall notify the complainant in writing at least twenty (20) days prior to the proposed new date of displacement.

Any complaint seeking to prevent displacement must be brought within thirty (30) days of service by the Agency of the notice to vacate. Such notice to vacate must include notice that any complaint seeking to prevent displacement must be filed within thirty (30) days.

F. Joint Complainants

Where more than one person is aggrieved by the failure of the Agency to refer them to comparable permanent or adequate temporary replacement housing the complainants may join in filing a single written request for review. A determination shall be made as herein provided for each of the complainants.

G. Right to Counsel

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

H. Review of Files by Claimant

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

I. Recommendations by Third Party

Upon agreement between the claimant and the Agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the Agency for its final determination. In reviewing the claim and making recommendations to the Agency, the third party or parties shall be guided by the Agency's Rules and Regulations.

J. Effect of Determination on Other Persons

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

K. Judicial Review

Nothing in these Rules and Regulations shall in any way preclude or limit a claimant from seeking judicial review of the claim upon exhaustion of such administrative remedies.