RD:MDC:LJR
2/5/2010

# RESOLUTION NO. 75278

## A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE APPROVING THE RELOCATION IMPACT STATEMENT AND LAST RESORT HOUSING PLAN FOR UNITY CARE'S PROPERTIES LOCATED AT 109 AND 115 ROUNDTABLE DRIVE

**WHEREAS,** on December 12, 2006, the Council of the City of San José ("City") adopted the Housing Department's recommendation to provide a funding commitment in the amount of $1,700,000 from the City's Housing Trust Fund for the acquisition and rehabilitation of property located within the Roundtable Strong Neighborhood Initiative area to be used to provide affordable housing for low-income youth aging out of foster care; and

**WHEREAS,** on June 26, 2007, the City Council increased the grant amount by $425,000 from $1,700,000 to a total of $2,125,000 for the rehabilitation of two four-plex properties located at 109 and 115 Roundtable Drive for this affordable housing ("Project"); and

**WHEREAS,** in April 2009, representatives from Youthbuild informed the City it had received a $700,000 grant from the US Department of Labor to provide a range of construction services, and reached an agreement with Unity Care Group ("Unity Care") to collaborate on the Project which reduced Project costs, allowing the relocation and rehabilitation to be completed with the available funds; and

**WHEREAS,** the Housing Department commissioned its relocation consultant Associated Right-of-Way Services to update the preliminary relocation budget which has been updated for the Project, and to prepare a Relocation Impact Statement and Last Resort Housing Plan ("Relocation Plan") which has been produced and posted on the internet on January 14, 2010; and

**WHEREAS,** the State of California Health and Safety Code requires the City Council to approve the Relocation Plan; and

**WHEREAS,** the City desires to approve the Relocation Plan for Unity Care's properties located at 109 and 115 Roundtable Drive;

**NOW, THEREFORE,** BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

The Relocation Impact Statement and Last Resort Housing Plan for Unity Care's properties at 109 and 115 Roundtable Drive, as set forth in Exhibit A, attached and incorporated into this resolution, is hereby approved.

ADOPTED this 23rd day of February, 2010, by the following vote:

| | |
|---|---|
| AYES: | CAMPOS, CHIRCO, CHU, CONSTANT, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, PYLE, REED. |
| NOES: | NONE. |
| ABSENT: | NONE. |
| DISQUALIFIED: | NONE. |

Chuck Reed

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk

EXHIBIT A

# DRAFT Relocation Impact Statement and Last Resort Housing Plan

***Unity Care Group / Roundtable Drive Relocation Project***

*Prepared for*

**The City of San Jose Housing Department**

*Submitted by*

**Associated Right of Way Services, Inc.**

**December 2009**

ARWS ASSOCIATED RIGHT OF WAY SERVICES, INC.



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## Introduction

The City of San Jose Housing Department ("City") entered into a loan agreement with Unity Care Group ("UCG") in order to assist UCG to acquire, and eventually renovate, two residential four-unit apartment buildings in the Unity Care Group/Roundtable Drive Relocation Project Area ("Project Area"), in San Jose. In September 2007, UCG acquired the two properties with the intention of eventually renovating the properties for the purpose of providing transitional housing for emancipated youth that have aged out of foster care. The current project schedule does not require the relocation of the current tenants as the schedule to begin the renovations and the eventual change of the use of the property are expected to take place after the units become vacant thru normal turnover cycles.

However, if the project schedule changes and the renovation of the properties in the Project Area must take place at the time when the properties are occupied, the relocation of the occupants will be required. If the relocation of the occupants in the Project Area is required, the City will provide relocation assistance to each eligible affected household in accordance with the guidelines and regulations established by the California Relocation Assistance Law, California Government Code Section 7260 et seq. and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, Chapter 6, Section 6000 et seq. ("the governing regulations").

There are two four-plex properties consisting of eight two-bedroom apartments in the Project Area. Currently, four of the apartments are occupied and the remaining four apartments are vacant. At the time UCG acquired the properties in the Project Area, all eight apartments were occupied. However, each household occupying an apartment in the Project Area was provided a General Information Notice ("Notice"). This Notice informed each household of UCG's acquisition of the property; their potential, but not current, eligibility for relocation assistance if relocation was required; and notifying each household that, at that time, they are not being asked or required to vacate. Therefore, the four households that vacated their apartments will not be eligible to receive relocation assistance if future relocation of the households still occupying their apartments at the time of displacement is required. At this time, UCG does not anticipate renting the four vacant units or any future units that may become vacant thru normal turnover cycles. However, UCG will continue to manage the occupied apartments and will monitor the vacant apartments and the overall Project Area to ensure the safety of the households in the occupied apartments.

The two properties in the Project Area are judged to be of average quality and condition. The Project Area is located in South San Jose near the Blossom Hill Road exit of US Highway 101. The properties immediately adjacent to the Project Area consist of similar residential dwellings and the surrounding area consists of both single family residences and commercial properties. If the Unity Care Group/Roundtable Drive Relocation Project does require the relocation of occupants in the Project Area, it is estimated that four households will be affected and will have to be permanently displaced.





Associated Right of Way Services, Inc. ("AR/WS") has prepared and will administer this Draft Relocation Impact Statement and Last Resort Housing Plan ("Draft Statement"), under the direction of the City. This Draft Statement provides the results of a household needs assessment survey, a housing resource study, and details of the City's proposed relocation program. This Draft Statement also sets forth policies and procedures necessary to conform with statues and regulations established by the California Relocation Assistance Law, California Government Code Section 7260 et seq. and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, Chapter 6, Section 6000 et seq. ("the governing regulations"). No displacement activities will take place prior to the required reviews and approval of this Draft Statement.

Potentially, four households will need to relocate permanently to replacement housing in the greater San Jose area. This Draft Statement addresses the specific replacement housing needs of the four households. The housing research conducted for this Draft Statement has demonstrated that there are an adequate number of available rental units in the San Jose area to accommodate the needs of the households that will need to permanently relocate. The City will need to provide advisory and monetary assistance to allow these households to secure and move to comparable replacement residential dwellings.

**Project Scheduling** This Draft Statement will be circulated for a 30-day public review and comment period in December of 2009. The comments received during this period will be incorporated into a Final Relocation Impact Statement and Last Resort Housing Plan ("Final Statement") and will be presented to the San Jose City Council for consideration in February of 2010. If the Final Statement is approved by Council and the permanent relocation of the Project Area occupants is required, the City will provide each eligible household with relocation assistance in accordance with the governing regulations. At this time, the anticipated vacancy date of the Project Area properties is unknown. However, if relocation is required, each household in the Project Area will be provided with a minimum of 90-days advance written notice of when the Project Area must be vacated.

**Project Assurances** The City is committed to providing relocation assistance to each displaced person who is in legal occupancy for 90-days prior to UCG's acquisition of the two properties in the Project Area. Based on occupancy information provided by the City and UCG and information provided by each household to AR/WS when interviewed for this Draft Statement, it appears that all four households occupying dwellings in the Project Area meet the occupancy requirements to receive permanent relocation assistance if relocation is required. In addition, it is the City's intent that:

- This Draft Statement is made available to the public, including the displaced persons and any other interested parties for review and comment.
- The displaced persons, members of the public, and the Project Area Committee will have an opportunity to comment on this Draft Statement during a 30-day review and comment period.



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- All written comments and responses will be included in the Final Statement.
- All persons displaced as a result of this project shall receive fair and equitable treatment.
- No displaced person will suffer disproportionate damages as a result of a project proposed for the public's benefit.
- No eligible displaced person will be required to move unless adequate replacement housing is available to the displaced person, regardless of race, color, religion, sex, or national origin.
- No displaced person will be required to relocate unless comparable, affordable replacement housing is available within the City of San Jose.
- Each displaced person will be assisted by a Relocation Advisor who will assist the occupant through each step of the relocation process.
- No eligible displaced person will receive a 90-Day Notice to Vacate or be required to relocate without first receiving a Notice of Eligibility for Relocation Assistance, a Conditional Entitlement Letter, a Relocation Brochure, and referrals to available, comparable replacement sites.
- A Relocation Advisor will provide each displaced person with a Relocation Brochure which will explain all relocation assistance available and a Conditional Entitlement Letter which explains the specific assistance and options available. A calculation of any monetary assistance will be included in each Conditional Entitlement Letter.
- Relocation assistance payments will be made in a timely manner. Payments for replacement housing will be based on the City's Housing Valuation Study and "spend-to-get" requirements.
- Eligible benefits and payments as required by governing regulations will be provided to all displaced persons.
- The City's relocation assistance program is adequate to provide orderly and timely relocation of all displaced persons.
- The City will secure funds to pay all required moving costs, replacement housing payments, and other relocation benefits, including Last Resort Housing payments. All relocation benefits will be offered by the City and administered through AR/WS.

**Assessment of Needs**

In order to determine the project impact and the feasibility of permanently relocating the occupants into the surrounding community, all four households were available for personal or phone interviews and provided general household information to the Relocation Advisor for this Draft Statement. Replacement housing information and availability of replacement housing for the households was gathered through research of area newspapers, property management companies, and on-line rental research sites.





**Occupant Characteristics** There are a total of 17 occupants living in the four occupied units. Although each household's characteristics are unique, some general occupant and household characteristics can be helpful in understanding the housing needs of the occupants. Therefore, some general characteristics are listed below:

| **Total Number of Project Area Units:** | **8** |
|---|---|
| Number of Occupied Units | 4 |
| Total Number of Occupants Living in Units | 17 |
| Number of Occupants Over 55 Years of Age | 2 |
| Number of Occupants between 18 and 54 Years of Age | 8 |
| Number of Occupants Younger Than 18 Years of Age | 7 |
| Number of Occupants with Special Physical or Mental Needs | 0 |
| Number of Households Who Will Need to Permanently Relocate Off Site ***(if Relocation is Required)*** | 4 |

| **Type of Housing Units:** | |
|---|---|
| Two-Bedroom Apartments | 8 |
| Total Number of Occupied Housing Units | 4 |

- Locational Needs. The majority of the households reported that they enjoyed the convenient location of their dwellings and their close proximity to public facilities, public infrastructure and public transportation. The majority of the households reported that they have at least one vehicle but some do utilize public transportation. A Relocation Advisor will work with the households to identify available, comparable replacement housing that is equally accessible to public facilities and public transportation.
- Household Income. During the process of interviewing the four households for this Draft Statement, an attempt was made to obtain as much income information as possible. Additional household income information is required to determine income levels in comparison to the Area Median Income in the City of San Jose. Household incomes were not certified; therefore, projections were made for these households. Certified household income information will be used in calculating actual replacement housing payments for all households, if provided.
- Current Rent. All of the dwellings are currently renting at below-market rates. None of the households receive any rent subsidization.
- Overcrowded Conditions. One of the effected households is currently living in overcrowded conditions based upon the City's housing occupancy standards for relocation programs. Therefore, relocation assistance will be provided to the overcrowded household to assist them with securing replacement housing that meets the City's occupancy standards.



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- Language. It was reported that one household speaks English as their primary language and the three remaining households speak Spanish as their primary language. The City will provide relocation advisory assistance in English and Spanish. This may include translation assistance so that the households can communicate with potential landlords or assistance to complete rental applications. No other primary languages were identified during the interviews. However, if additional language assistance is necessary, the City will make every attempt to communicate with those households and to provide the necessary additional advisory assistance to secure a replacement site.

**Special Circumstances** In some cases special circumstances may need to be considered in the moving or relocation process that would result in additional Advisory Assistance. These circumstances may include, but are not limited to, occupants with physical, mental, or emotional limitations. Based on the interviews with the four households, none reported any special circumstance that will need to be addressed.

**Available Housing** A survey was conducted in November and December of 2009 to identify available housing units in the Project Area in order to ensure sure that replacement housing would be available to the Project Area occupants if their relocation is required. The survey indicated that in the South San Jose area there is a sufficient supply of two-bedroom apartments available for rent on the market. Three three-bedroom attached and/or detached dwellings will also be required to adequately relocate one of the four affected households. The survey showed a sufficient supply of three-bedroom dwellings available for rent on the market.

Rent for two-bedroom apartments range from $1,100 to $1,300. The average rent rate for two-bedroom apartments in the surrounding areas of the Project Area is $1,200 per month. A minimum of 7 two-bedroom apartments were available on the private market during the survey period. Rent for three-bedroom attached and/or detached dwellings range from $1,300 to $1,500. The average rental rate for a three-bedroom attached and/or detached dwelling is $1,400 per month. A minimum of 6 three-bedroom attached and/or detached dwellings were available on the private market during the survey period.

In summary, the survey indicated there is a sufficient amount of two-bedroom apartments and three-bedroom attached and/or detached dwellings available to accommodate the four households in the Project Area; if relocation is required. Therefore, it is anticipated that two-bedroom apartments and three-bedroom attached and/or detached dwellings may be used as available and comparable replacement housing units. Since the rental rates for the available sites are significantly higher than the current rents being paid by the households being displaced, the higher rents may not be affordable to these households and Last Resort Housing provisions may apply.





Local realtors have also indicated a recent change in market conditions where previous homeowners are now renters due to foreclosure/bankruptcy. If this trend continues, there may be a higher demand/less supply of rental housing units available for the households being displaced and the rental rates at the time of displacement may be different. This should be monitored closely and addressed at the time of displacement; if relocation is required.

The following listed housing units are an example of comparable units that are available. No determination has yet been made as to their direct comparability to the subject properties.

**San Jose Rentals**
**Two-Bedroom Apartments**
**December 2009**

| Address | Type | Bedroom/ Bath | Price | Comments |
|---|---|---|---|---|
| 458 Boynton Avenue | Apt. | 2/2 | $1,080 | Newly remodeled, upstairs unit, carport parking and on-site laundry. |
| 445 N. 26th Street | Apt. | 2/1 | $1,095 | Newly renovated, carport parking and on-site laundry. |
| 5440 Dellwood Way | Four-plex | 2/1 | $1,095 | Two-story unit, on-site laundry, water and garbage included. |
| 2955 Neet Avenue | Apt. | 2/1 | $1,187 | Upstairs unit, carport parking and on-site laundry. |
| 1393 Lexington Drive | Apt. | 2/2 | $1,200 | Newly remodeled, upstairs unit, on-site laundry and 2-car garage. |



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**San Jose Rentals**
**Three-Bedroom Attached and Detached Dwellings**
**December 2009**

| Address | Type | Bedroom/ Bath | Rent Rate | Comments |
|---|---|---|---|---|
| 1085 Ranchero Way | Apt. | 3/1 | $1,100 | Pool and carport parking. |
| 5300 Terner Way | Apt. | 3/1.5 | $1,323 | On-site laundry. |
| 1612 Branham Lane | Apt. | 3/2 | $1,450 | Pool, on-site laundry and carport parking. |
| 471 Carpentier Way | Condo | 3/1 | $1,495 | Laundry hook-ups and 2-car garage. |
| 5208 Snow Drive | Apt. | 3/2 | $1,500 | Newly remodeled bathroom, laundry room and garage parking. |

**Concurrent Residential Displacement** Although there may be other current or proposed displacing activities within the City's jurisdiction, by the Housing Department or other City Agency's or Departments, it has been determined that they would not impact the ability to relocate the displaced households.

**Temporary Housing** There is no anticipated need for temporary housing. Should such a need arise, the City would respond appropriately and in conformance with all applicable laws and requirements.

**Project Cost Estimate** The following estimates are for budgeting purposes only. These figures should not be interpreted as firm, "not to exceed", or actual entitlement costs. These figures are based on the data obtained through occupant interviews, current project scope, replacement site availability, market rent research, and the judgment and experience of the writer. They do not include payments to consultants or to contractors.

| | Most Probable Cost | High Estimate |
|---|---|---|
| Cost to Permanently Relocate Four Households: | $99,000 | $125,000 |





**Relocation Assistance Program**

This portion of the Statement summarizes the City's Relocation Assistance Program as it pertains to the occupants displaced from the Project Area. This summary of benefits has been provided for general information purposes only and it is not meant to be interpreted as law.

**Definition of Terms** This Draft Statement uses various acronyms and terminology that may be unfamiliar to some readers. Therefore, the definitions of various terms and conditions have been presented in this section in order to provide the reader with a greater understanding of the Relocation Assistance Program available to the displaced persons.

**Comparable Replacement Dwelling** A definition of a comparable replacement dwelling is a dwelling that is of similar size and type to the acquired dwelling. A more specific definition would include:

- Decent, safe, and sanitary as described below.
- Functionally equivalent to the displacement dwelling. The term "functionally equivalent" means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
- In an area not subject to unreasonable adverse environmental conditions from either natural or manmade sources.
- Available to all persons regardless of race, color, religion, sex, marital status, or national origin.
- Within the financial means of the displaced person (housing costs do not exceed 30% of the household's average monthly income), either by their own means or through assistance from the City.

**Decent, Safe, & Sanitary (DS&S)** In order to meet decent, safe and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devises.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons. This shall be interpreted to mean that no more than two persons shall occupy a bedroom.
- Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.



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- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

**Displaced Person** Households required to move from the Project Area. These households will be eligible to receive Relocation Advisory Assistance, Moving Cost Assistance, and Replacement Housing Payments.

**Summary of Residential Occupant Benefits**

The City has adopted the following Relocation Assistance Program in order to provide eligible occupants with the benefits to which they are entitled under governing regulations.

A. **Relocation Advisory Assistance** A Relocation Advisor will be assigned to each household and will be the principal contact in all relocation matters. The Relocation Advisor shall provide ongoing advisory assistance by assisting the occupant in locating and securing a comparable replacement dwelling. In addition, the Relocation Advisor shall ensure that each household receives the following:

1. Each household will receive written documentation informing them of their rights and the availability of relocation assistance.
2. Each household shall be interviewed by their Relocation Advisor in order to ascertain replacement needs. The Relocation Advisor shall request documentation concerning length of occupancy, occupant income, public assistance, and other pertinent information.
3. A Housing Valuation Study will be prepared on the availability of replacement housing in the area. Consideration will be given to the condition of the dwellings and whether or not they compare favorably to the households dwelling. A determination will then be made as to the reasonable cost for each type of comparable replacement dwelling needed. Each household will then receive a Conditional Entitlement Letter that will explain the specific relocation benefits to which they are entitled.
4. The development of this project shall be so scheduled that no displaced person lawfully occupying their dwelling shall be required to move from their dwelling without a written 90 days' notice from the City of the date by which such a move is required. The 90-Day Notice to Vacate will also include a list of referrals to available replacement sites in the area. The Relocation Advisor shall also inform each household of the vacate policies that will be pursued in order to carry out the project.





5. Each household shall receive current and continuing information on the availability of comparable replacement sites in the area.
6. Each household shall be assigned a Relocation Advisor who shall act as a liaison with prospective landlords, realtors, commercial brokers and the City. The Relocation Advisor shall provide documentation to prospective landlords concerning Replacement Housing Payments. In addition, the Relocation Advisor shall help each household complete relocation claims that will be submitted to the City. The Relocation Advisor shall also coordinate delivery of relocation payments to the households or to their assignee.
7. Should a household have a grievance against the City in regards to relocation policies and procedures, the Relocation Advisor will provide the household with information concerning the City's grievance procedures.
8. The Relocation Advisor shall inspect the replacement site for each household to ensure that the unit meets decent, safe, and sanitary standards.
9. The Relocation Advisor shall provide any services required to ensure that the relocation process does not result in different or separate treatment of occupants on account of race, color, religion, national origin, sex, marital status, or other arbitrary circumstances.
10. The Relocation Advisor shall provide referrals to other local assistance programs to the households in order to minimize their hardships. When needed, referrals to housing, finance, employment, training, health and welfare, and other assistance programs will be provided.

B. **Moving Cost Assistance** Each household is entitled to receive a moving payment from the City to move their personal property to their replacement home. Each household may elect one of the two options for cost reimbursement as outlined below:

**Fixed Moving Expense and Dislocation Allowance.** A household may choose to move their own personal property to the replacement site and to submit a claim based on the following Moving Expense and Dislocation Allowance Schedule published by the Code of Federal Regulations.

| Occupant owns Furniture - Number of Rooms of Furniture | | | | | | | | | Occupant does not own furniture | |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 Room | 2 Rooms | 3 Rooms | 4 Rooms | 5 Rooms | 6 Rooms | 7 Rooms | 8 Rooms | Additional room | 1 room no furn. | Addt' room/ no furn. |
| $625 | $800 | $1,000 | $1,175 | $1,425 | $1,650 | $1,900 | $2,150 | $225 | $400 | $65 |



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**Actual Reasonable Moving Costs and Related Expenses.** The City will pay actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. The City will pay all reasonable costs to pack, move, and unpack all personal property up to 50 miles from the displacement site. The City can make a direct payment to the professional moving carrier under this option. The City will allow reimbursement to the household for any one-time utility reconnection fees, such as phone, gas, electric, and cable.

C. **Replacement Housing Payments** A Rent Differential Payment up to $5,250 is available to assist tenants in either renting or purchasing a replacement dwelling. To be eligible, a tenant must have been living in the acquired dwelling for at least 90 days prior to the acquisition of the dwelling by UCG, and he/she must occupy a decent, safe, and sanitary replacement dwelling within 18 months after moving if a replacement property is rented or one year after moving if a replacement property is purchased.

The assistance needed for one month is determined by subtracting the "base monthly rent" for the present home from the cost of rent and utilities for the new home (or a comparable replacement home, if that cost is lower). That monthly need, if any, is multiplied by 42 to determine the total amount of the Rent Differential Payment. This amount will be paid directly to the tenant or to the tenant's designee. The City will provide the assistance in a lump sum, monthly installments, or other periodic payments. Generally, the base monthly rent for the present home is the lesser of: (1) the monthly rent and average monthly cost for utilities, or (2) thirty (30%) percent of the adjusted gross monthly household income.

If relocation is required, the City will conduct a Housing Valuation Study for each type of housing unit to determine the cost of a comparable replacement dwelling. Each household will receive a Conditional Entitlement Letter that describes all relocation benefits and the maximum Rent Differential Payment to which the household is entitled. The Letter will also explain the **"spend to get"** requirement. The "spend to get" requirement means that benefit payments will be made by the City only when the tenant demonstrates that entitlement amounts have been or will be spent. Rent Differential Payments must be used for reasonable and necessary expenses related to replacement housing.

A Rent Differential Payment when used to purchase a replacement dwelling must be applied to the down payment and/or non-recurring closing costs for a decent, safe, and sanitary replacement dwelling. The City will deposit down payments directly into the escrow account to purchase the replacement property.





**The Last Resort Housing Program**

Housing of Last Resort is a program that allows for the implementation of certain regulations to ensure that comparable replacement housing is within the financial means of the displaced person. Last Resort Housing is a procedure wherein the City, based upon additional documentation, may exceed the $5,250 monetary limit to enable a displaced person to rent a comparable replacement dwelling. Several methods to provide Last Resort Housing to qualified displaced persons are available to the City:

1. Provide supplemental funds in excess of the standard limit to allow occupants to replace their current home with an affordable dwelling. All payments are based on the most comparable replacement property as approved in the City's Housing Valuation Studies. As with all other replacement housing payments, occupants must meet spend to get requirements in order to claim payments.

2. Build new replacement housing or rehabilitate existing units or provide funds for private parties to rehabilitate existing units for occupancy by displaced households.

**Recommended Action** The most flexible of the Last Resort Housing options is for the City to pay Rent Differential Payments in excess of $5,250 for qualified displaced persons, as necessary. Since there are adequate replacement dwellings available, building replacement housing units and managing the property is not recommended at this time. It is also highly unlikely that construction of new replacement units could be completed to meet the project's schedule.

A survey of the local housing market indicates that there will be an adequate supply of replacement dwellings available if relocation is required. Some of these units, however, would not be affordable to some of the households if the standard relocation payments were made. The recommended course of action is for the City to provide supplemental replacement housing funds to bring the units within the financial means of the displaced person.

**Appeal and Grievance Process**

If a displaced person believes that a claim has been unfairly administered, the claimant may request review by the Director of the Housing Department of the City, or his/her designee. Review may also be brought before the Relocation Appeals Board if the claimant wishes to forego review by the Director or is unsatisfied with the Director's determination. The Relocation Appeals Board, after holding a hearing, will make a final determination. If still unsatisfied, the claimant may then seek judicial review. Any appeal must be filed within 18 months following the date of displacement.



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**Eviction Policy**

Should UCG or the City evict an occupant for failure to meet any obligations or for violating the terms and conditions of their lease or rent agreement prior to the sale of the property, then under the applicable relocation law, the evicted tenant(s) will not be considered a "displaced person" and, therefore, will not be eligible for relocation benefits. Eviction will not affect a tenant's eligibility for relocation benefits if a tenant is evicted as a last resort to remove the tenant from the Project Area.

**Claim Processing and Distribution of Payments**

All claims are to be filed through a Relocation Advisor. The Relocation Advisor will assist the displaced person in completing their claim forms, will notify each displaced person of the documentation needed in order to file the claim, and will inspect all replacement properties as needed. Each claim will be submitted along with documentation to the City for review and processing. Checks will be available for approved claims within three weeks of the date all documentation is submitted to the Relocation Advisor. Checks will be delivered to the project occupant or to the project occupant's designee. The City shall provide advance payments when necessary to secure replacement housing in a time frame that may be dictated by new landlords and whenever a later payment would result in financial hardship.

**Relocation Advisor Contact Information**

The Relocation Advisor may be contacted at the following location and during the following times:

Address: Associated Right of Way Services, Inc.
2300 Contra Costa Boulevard, Suite 525
Pleasant Hill, CA 94523

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

Office Hours: Monday – Friday, 8:30 am – 5:00 pm





**Citizen Participation/Statement Review**

A Draft Statement will be provided to each Project Area household and will be made available to the public for the mandatory 30-day review period. Public comments to this Draft Statement will be included in an Addendum of the Final Statement for submission for approval before the San Jose City Council.

**Governing Regulations**

The relocation assistance payments are being funded in part by local City funds. Therefore, the City will administer the Relocation Assistance Program in compliance with the statues and regulations established by California Relocation Assistance Law, California Government Code Section 7260 et seq. and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, Chapter 6, Section 6000 et seq.



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## EXHIBIT A



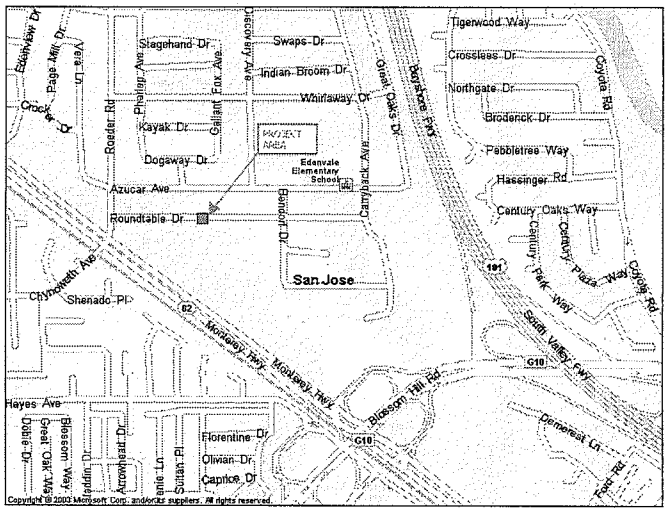
ARWS ASSOCIATED RIGHT OF WAY SERVICES, INC.

### Appendix

- Maps of Project Area
- Relocation Brochure – Assistance Available to Residential Displaced Persons

## EXHIBIT A

### Maps of Project Area



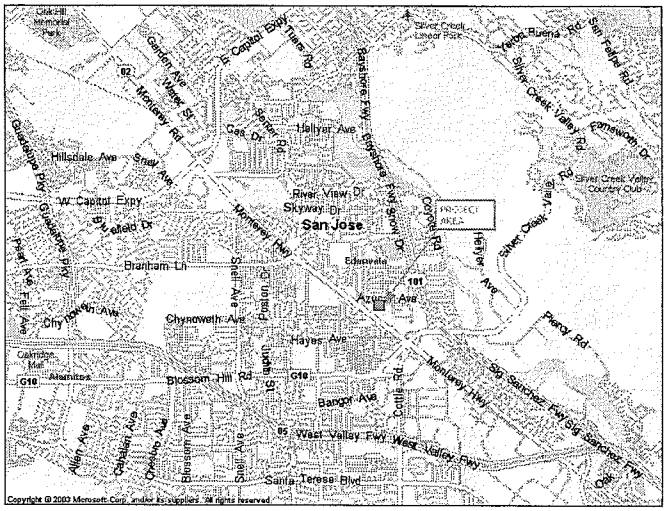




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**EXHIBIT A**

Relocation Brochure

Assistance Available To Residential Displaced Persons

PROVIDED TO YOU AS A COURTESY BY

ARWS ASSOCIATED RIGHT OF WAY SERVICES, INC.

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

**EXHIBIT A**

## Relocation Assistance for Residential Displaced Persons

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## Relocation Assistance Available to Residential Displaced Persons

### Introduction

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

Please review this brochure carefully and present any questions to your Relocation Advisor. Section 1 of this brochure provides information about Relocation Advisory Assistance. Section 2 contains information for payments that are available to displaced residential occupants. Section 3 provides additional information that is important to understand regarding the Relocation Assistance Program. Section 4 provides a summary.

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

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### Important Terms Used in This Brochure

**Agency**

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

**Displaced Person**

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

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

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

**Program or Project**

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

**Unlawful Occupancy**

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



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**Comparable Replacement Housing**

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

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

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

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

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





## Section 1 – Relocation Advisory Assistance

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

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

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

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

The goal is to achieve a successful relocation to comparable replacement housing that is decent, safe, and sanitary. Therefore, it is important that you work closely with your Relocation Advisor to evaluate and prepare for the move.

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



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## Section 2 – Available Relocation Payments

### Moving Expenses

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

**Actual Reasonable Moving Costs and Related Expenses**

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

a. Transportation of persons and property not to exceed a distance of 50 miles from the site from which displaced, except where relocation beyond such distance of 50 miles is justified.

b. Packing, crating, unpacking and uncrating personal property.

c. The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling personal property including connection charges imposed by public utilities for starting utility service (e.g., telephone and cable TV).

d. Such storage of personal property, for a period generally not to exceed 12 months, as determined by the City to be necessary in connection with relocation.

e. Insurance for the replacement value of personal property during the move and necessary storage.

f. The replacement value of property lost, stolen, or damaged in the move (but not through your neglect) if insurance is not reasonably available.

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

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

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





**Fixed Moving Cost Schedule**

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

| Occupant owns Furniture - Number of Rooms of Furniture | | | | | | | | | Occupant does not own furniture | |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 Room | 2 Rooms | 3 Rooms | 4 Rooms | 5 Rooms | 6 Rooms | 7 Rooms | 8 Rooms | Additional room | 1 room no furn. | Addt' room/ no furn. |
| $625 | $800 | $1,000 | $1,175 | $1,425 | $1,650 | $1,900 | $2,150 | $225 | $400 | $65 |

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

### Replacement Housing Payments for Tenants

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

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

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



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

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

To be eligible for this Replacement Housing Payment:

- You must have lived in the unit 90 consecutive days immediately before the City commenced negotiations with the owner for the purchase/sale of the property;
- You must rent and occupy a decent, safe, and sanitary replacement dwelling within 18 months from the date you vacate the displacement property or you must purchase and occupy a decent, safe, and sanitary replacement dwelling within one year from the date you vacate the displacement property.
- You are residing in a decent, safe, and sanitary private dwelling when the payment is made.
- Your claim for payment is submitted within 18 months of the date you move.

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

***Note:** See Last Resort Housing





## Section 3 – Important Information Regarding Relocation Assistance

### Filing of Claims for Payment

All claims filed with the City shall be submitted within 18 months of the later of the date on which the property is vacated. Most claims will be paid within three weeks of submission of a fully documented claim for payment.

### Relocation Payments are not Considered to be Income

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 (Title 26, U.S. Code) [49 CFR 24.209] or Personal Income Tax Law, Part 10 (commencing with § 17001) of Division 2 of the Revenue and Taxation Code [Gov. Code § 7269].

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

### Appeals and Other Rights

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

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

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



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## Last Resort Housing

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





## Section 4 – Summary

Relocation assistance benefits vary. Benefits are determined based on factors such as individual or family needs, acquisition costs, income status, family size, unit size and type and availability of comparable replacement housing.

Your Relocation Advisor is always available to help you. Please feel free to call whenever you have any questions. You will receive written information and your benefits will be explained to you. If you do locate a new home on your own, please notify your Relocation Advisor as soon as possible before you move.

## Important to Know!

- The City will advise you of your eligibility and the amounts you are eligible to receive.
- You must meet occupancy requirements to be eligible for replacement housing payments.
- For tenants, you must occupy your replacement dwelling no later than 18 months following the date you move from the residence.
- To receive payment you must submit a claim form which your Relocation Advisor will give you. Submit these forms no later than 18 months after the date you move from the residence.
- Your new dwelling must be inspected by a representative of the City before the City can make any payments other than for moving costs. Make sure that a DS&S housing inspection is made before you are obligated to buy or rent your replacement housing property.

## General Information

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



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**EXHIBIT A**

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

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