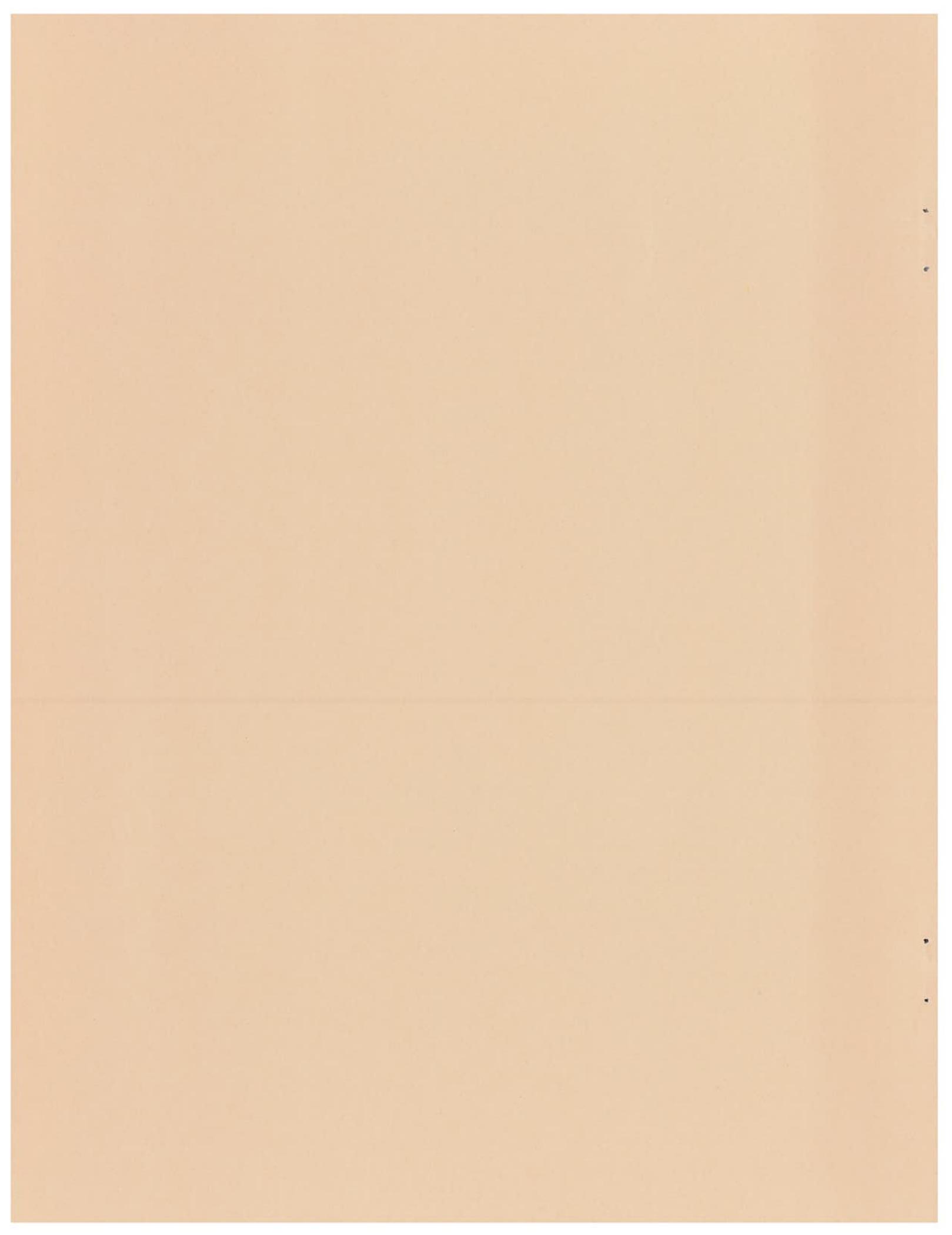


**“HOW AM I GOING TO DO THAT??.....”**



**ACQUISITION GUIDE  
FOR  
STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION GRANT PROGRAMS**

*November 1993*



***"HOW AM I GOING TO DO THAT??..."***

***YOUR  
ACQUISITION PROJECT  
UNDER***

**STATE OF CALIFORNIA  
DEPARTMENT OF PARKS AND RECREATION  
Planning, Acquisition, and Local Services Division  
P.O. Box 942896  
Sacramento, CA 94296-0001**

**November 1993**

# HOW TO FORM POLICE

BOOK

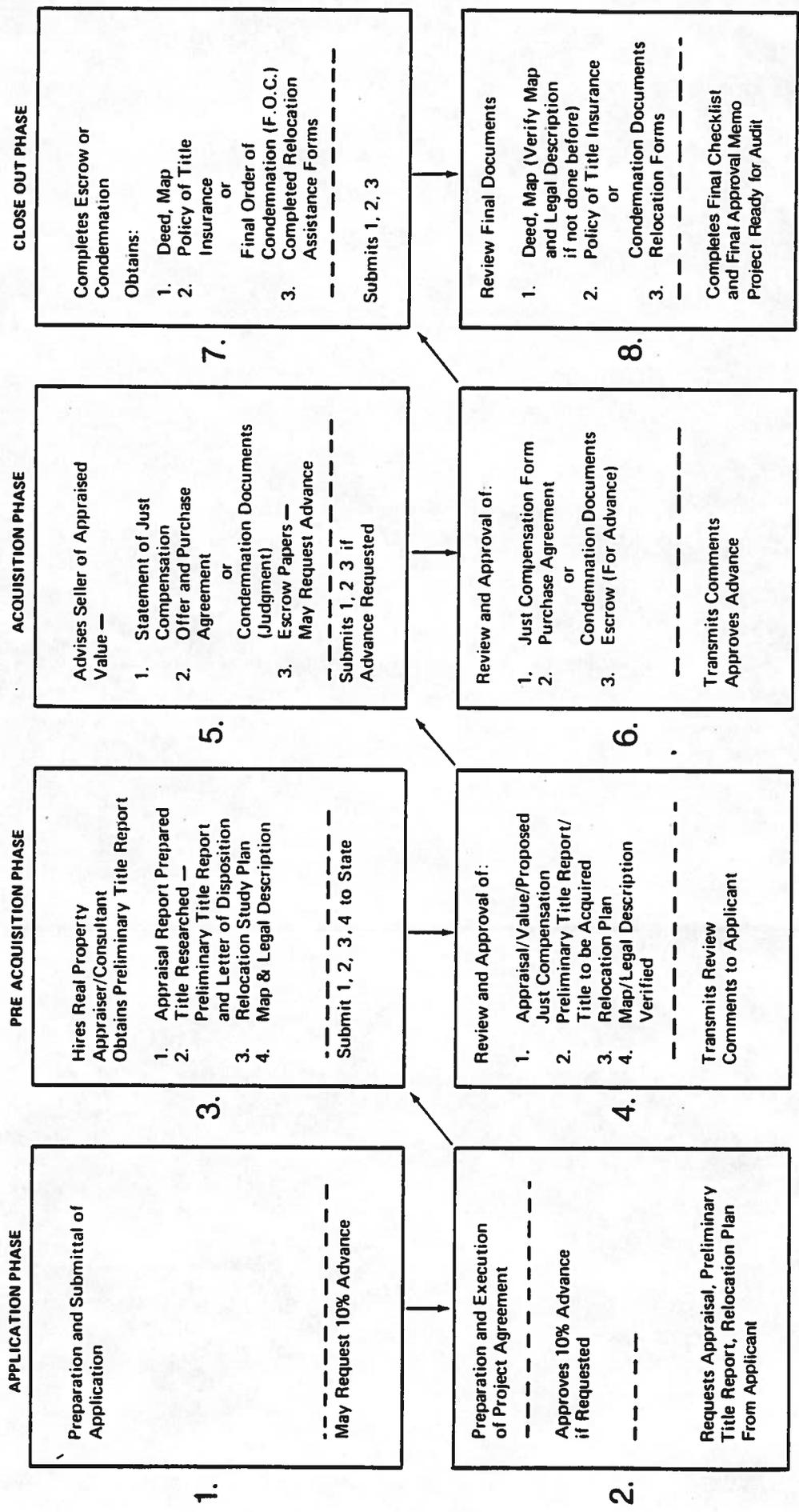
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1988

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1988

# IDEAL ACQUISITION PROCESS





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## **BACKGROUND**

The Local Services Section has been administering grant projects for many years - try more than 20! One thing we've discovered since we began was very few people want to read "procedures". Most people like the help, though, and we like to help!

## **THE LEGAL BASIS**

Back in 1970/71, the federal government passed a law called "The Uniform Relocation Assistance and Land Acquisition Policies Act of 1970". In 1972 the State of California passed its own version of that act, as Government Code Chapter 16, Relocation Assistance, Sections 7260 et seq.

Since that time, all public agencies in California, whether using federal or State funds, have been trying to comply with the provisions contained in either the federal or State statutes. In mid to late 1987, however, the federal government decided the law was not being uniformly applied; to correct this and other perceived weaknesses, a major revision was passed by Congress, known as the "Uniform Relocation Act Amendments of 1987, Title IV of the Surface Transportation and Uniform Relocation Assistance Act of 1987 (1987 Amendments) Pub. L. 100-17, 101 Stat. 246-256 (a real mouthful!). The State of California has passed similar amended law (see Attachment B).

## **INTRODUCTION TO THE PAPERWORK**

Your acquisition project must be: 1) legal; 2) necessary; and, 3) auditable.

Starting backwards - it must be auditable. It has to lend itself to a file that's complete and understandable, even to an unfamiliar audit reviewer. In this office, we realize how tough it is to paper-trail a project. That's why we give you all the forms and all the phone calls and visits we can.

Start with the property. You'll need a map - a good one that shows boundaries, location on streets, dimensions, any sort of easements on the land you are acquiring. For a good plat map, you will need a...

### **Preliminary Title Report (PTR)**

The PTR is not a mysterious document or a restored dead sea scroll. It's simply a description of the property you want to buy and a listing of any outside interests that might affect the property, and hence your project. The first thing you need to send us then is:

- a) A Preliminary Title Report - also known as a Litigation Guarantee (if the seller is unfriendly).
- b) A map of the site, with location.
- c) An acquisition schedule - this will tell us what you are buying, i.e. vacant land, land with improvements, when you are buying it, how you are buying it, how big it is and how much it costs. The format is up to you. Is it a fee simple purchase or an easement only? Is there a life estate? Are you leasing? Are there tenants? Many items could appear on this schedule. See a sample (Attachment C).

- d) A listing of the title exceptions and detail of your intended disposition of any exceptions which may have an impact on the project. Some exceptions are routinely acceptable, like utility easements or existing road easements. Others could affect future use, like mineral extraction rights or restrictions on use.

When we receive those items, we guarantee to review them and to make comments, good, bad or indifferent. You will, by then, probably have hired an appraiser. It would also be a good idea to provide your appraiser with a copy of the PTR; he/she will also want to know what to do about any title exceptions.

### **THE APPRAISAL**

Unless someone is giving you the property for nothing, the law requires not only that you get an appraisal, but also that: 1) the property owner must be invited to accompany the appraiser on the inspection of the property; and, 2) you must not try to pay less than the appraised value for the property. You've got to play by the rules. There are exceptions, but you don't make them - the owner does. That's called a voluntary sale and the criteria for that is in Government Code 7267.2(b) and (c) and 7277 (Attachment B).

A quality appraisal report is a must. Hire someone with a professional designation if you can. If you are a bureaucracy, then you might have staff appraisers. That's ok.

Unless the project has federal funds involved, this office will not dictate specifications and formats to you. In most cases, if the value is probably going to exceed \$25,000, we'd like you to get a narrative-type appraisal report. A suggested format is the same one as is used for federal projects (see Attachment D). If the project is less than \$25,000, you can get by with an abbreviated appraisal. If it's really nominal - say less than \$5,000, a letter-type appraisal is fine.

The abbreviated report should have sales data and analysis, appropriate maps for subject and sales, qualifications of the appraiser, certification page and signature and, of course, a date of value. Be suspicious of any appraiser who doesn't routinely include the above items.

The letter report should simply explain how the value was concluded and be signed by a "qualified" appraiser. It's pretty safe if the appraiser is an M.A.I. or S.R.E.A. Remember, too, that experienced, but non-designated staff may also be "qualified".

Send the appropriate appraisal to us. We promise to review and comment promptly, and hopefully, to approve it. **WE DO NOT ENCOURAGE THE USE OF LOAN-TYPE (FORM APPRAISALS) FOR HIGH VALUED PROPERTY - DON'T BE SURPRISED WHEN ONE IS REJECTED AND A NARRATIVE REPORT IS REQUESTED.**

In all cases, the fair market value shall not include any increase or decrease in the value of the property attributable to the project for which it is purchased.

## NEGOTIATIONS

The funding agency, of course, always assumes the negotiations go by the book, and if necessary, you can acquire the property by eminent domain (condemnation) if you have an unwilling seller. In the real world of park acquisitions, particularly with grant projects, we know we hardly ever condemn. We have either happy sellers who love to see parks on their property, or we have sellers with whom there is no deal! So sometimes you change sites. That's what makes us different from condemners like Caltrans. They must have specific sites. If your agency doesn't have a real property staff, you ought to consider hiring a real estate consultant or agency to negotiate the purchase. Our experience shows a pro gets the job done best; besides, it's an eligible cost.

The first thing you or your agent need to do is tell the seller the appraisal was approved, and you have some information for him/her - which, of course, is required by law. You must present the seller (all the time unless it's an out-and-out donation) with a...

### Statement of Just Compensation

It's pretty straightforward - you have to tell the owner what the property is worth (not to you - but in the market place) (see the Government Code Section 7267.2) (Attachment E is a sample). You also need to be sure he/she knows they are entitled to receive that amount if you buy the property. If you were building a highway and absolutely had to have a particular parcel, you would be willing or even be forced to condemn it if the seller refused your offer. That situation, however, is not commonplace in park acquisition. The law does provide for latitude in non-condemnation purchases. This is called a "voluntary sale." The following conditions are necessary for a "voluntary sale":

1. No specific site needs to be acquired, although the agency may limit the search for alternate sites to a general geographic area. When an agency seeks more than one site in the area, all owners are to be treated similarly.
2. The property to be acquired must not be part of an intended, planned or designated project area (such as a freeway corridor) where all or substantially all of the property in the area is to be acquired.
3. The agency will not require the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed.

Finally, on this point, keep in mind the code 7267.2(b). A voluntary sale is when the owner offers the property to you at a listed price, even if less than the appraisal. In such cases, you can acquire it for the lower price. Just advise us what you are doing. Remember, we want to be auditable.

We also want the project to be necessary and legal. Necessary is your task. Legal is both the State's and yours. To be legal, you need to negotiate within the confines of the Government Code sections. This means:

1. Give the owners all the notices they are entitled to and don't force them to seek legal help to be sure of fair treatment (Government Code 7267.6).

2. Don't confuse the seller with relocation payments as part of the price. Relocation assistance is a separate benefit. More later. (Government Code 7260 et. seq.).
3. Don't use an ancient appraisal document on the seller. You wouldn't use last year's value selling your house. Don't expect to buy a project with yesterday's values. Get an update if it's necessary. (Government Code 7267.1.)
4. Make your offer timely. Don't sit on an appraisal hoping for a decline in the market. (Government Code 7267.5)
5. If you're only interested in part of an owner's property, and what's left isn't economic, then offer to buy the whole thing. You can sell the surplus before the project closes if you like. (Government Code 7267.7)
6. Be concerned about adjacent areas. If your purchase tends to impact adjoining areas, you should take that into account in setting project boundaries.
7. If your seller is caused incidental costs of acquisition, you should pay those. If they are legitimate, we'll reimburse you (within grant limits, of course). (Government Code 7265.4)
8. Be familiar with the code.

### **PROBLEM PURCHASES**

Sometimes you and the owner can't see eye-to-eye. Usually, the seller thinks you are too low in your price. Maybe you are. Take a second look. If the owner has data which supports a higher price, you should check it out. Perhaps you can legally pay more than the appraisal. We call that...

#### **Administrative Settlement**

We recognize negotiations, especially if justifiably delayed, can result in higher payments. Those payments may be eligible. But get our approval first, for your own protection. Usually, we agree. Otherwise, even though you pay more, we might decide more than the appraisal was not justified. Minor increases are not a problem if they are less than the cost of additional appraisal work, or less than the cost of filing condemnation. It depends on circumstances, and it needs to be prudent and reasonable. Examples of the kind of support you need for higher payments:

- a) New sales data since the date of value which support a higher price.
- b) Inflationary evidence supported by professional opinion, i.e. an appraiser reports it to you in a letter concerning the type of property - usually, this is not enough all by itself.
- c) Evidence of similar property court settlements.
- d) The owner's own appraisal, which proves to be reasonable.

Now and then we fund a condemnation. Often, these are settled amicably short of a Final Order of Condemnation. That's called .....

### Legal Settlement

When acquisition is accomplished through judicial proceedings, the price determined by the court will be accepted in lieu of the approved appraisal. That's automatic. We will reimburse within grant ceilings. At times, however, a legal settlement will be by stipulation. In this case, we may want to see justification before we'll reimburse grant funds over the approved appraisal. Good support is:

- a) Testimony supporting higher payment.
- b) Appraisal information used for arriving at the stipulated price.
- c) Evidence regarding compensability of elements which may not have been covered in the appraisal.
- d) Legal counsel's opinion.

### **BARGAIN PURCHASES**

This is something like the voluntary sale, and it's most common when the seller wants to see the land preserved. Nothing in these regulations should be construed to prevent or deter a property owner from making a full or partial donation of property. It is to be a partial donation, documentation should include evidence the owner has been provided with a statement of just compensation. In simpler terms, the owner was told, in writing, what the property is worth, and still wants to donate the difference. Actually, this type of acquisition is not uncommon.

If the donation is a full donation, there is no need for offers. The legal act of donation precludes the necessity for such action.

### **THE FINAL DOCUMENTS**

Assuming you've succeeded and now can buy the property, you'll need to go through the escrow process and get title transferred, pay for it, and get reimbursed. Before we will honor your final billing to us, we will want a copy of:

1. The deed to the property - a recorded copy. If condemned, then copies of condemnation documents.
2. A map sufficient to verify the description of the property.
3. A policy of title insurance - this will report on the condition of title at the time of acquisition.

That's it - unless, of course, the property was not vacant. In that case, the real headaches start because now you need to know about Relocation Assistance.

## **RELOCATION ASSISTANCE**

Federal and State law require an acquiring agency to furnish relocation assistance to persons or businesses displaced by the acquisition of property for public purposes. Not only that; you will pay benefits for moving and for replacement as needed.

You should not proceed with your project if there is any relocation involved until it has been determined "decent, safe and sanitary" housing will be available prior to displacement.

The following guidelines, forms, exhibits, etc. are meant to assist you in complying with Chapter 16, Government Code.

### **Information Brochure**

**If the property owners and/or tenants are eligible for relocation assistance, they must be kept informed of their rights and benefits.** To assist in fulfilling this requirement, a brochure "Relocation Assistance Information for Landowners, Tenants, Farmers and Businesses", Attachment F, **or similar brochure(s)**, should be made available to landowners or tenants when the Statement of Just Compensation is delivered. (Use our brochure as a source, and develop your own simpler one to better meet the needs of the project.

### **Notifications**

Notification of benefits should be done in a timely manner.

- a) **General Information Notice** - As soon as feasible, persons scheduled to be displaced shall be furnished with a general written description of the agency's relocation program which does at least the following:
  - 1) **Informs persons of the payments, eligibility conditions and procedures for obtaining payment.**
  - 2) **Informs persons of advisory assistance services available, including referrals to replacement properties, help in filing payment claims and other necessary assistance to achieve successful relocation.**
  - 3) **Informs persons of the 90-day advance written notice and informs any persons to be displaced that they cannot be required to move permanently unless replacement housing has been made available.**
  - 4) **Informs persons of the right of appeal.**
- b) **Eligibility for relocation assistance shall begin on the date of initiation of negotiations. Upon initiation of negotiations, the agency shall promptly notify all occupants in writing of their eligibility.**

## Relocation Documentation

The Department of Housing and Community Development sometimes develops new regulations. The new regulations may cause changes in claims forms and in other documentation. The participant may be required to submit completed forms identified as Exhibits 1 through 7 of Attachment G, whenever relocation is involved. ***IT IS PERMISSIBLE FOR PARTICIPANT TO USE DIFFERENT FORMS PROVIDING THEY ARE EQUIVALENT.*** Contact the Local Services Section Land Agent at (916) 653-8744 for assistance. If federal Land and Water Conservation Funds (LWCF) are involved, refer also to the LWCF acquisition instructions. **(Note - forms may be outdated; if so, use as source information.)**

## Voluntary Sale - Owner Occupant

Relocation assistance provisions do not apply to a voluntary sale (property offered by the owner); to property being sold at execution or foreclosure sale; to property being sold pursuant to court order or under court supervision if any of the foregoing situations is owner occupied and if the offer for sale is not induced by public entity disposition, planned condemnation or redevelopment of surrounding lands, if the sales price is fair market value or less, and if no federal funds are involved (Federal rules will apply). See Government Code Section 7277.

When making an offer under the above conditions, the agency should notify the owner in writing of the agency's plans for developing the property, and of any relocation assistance benefits which the owner may be foregoing.

## Last Resort Housing

Occupants are entitled to have Last Resort Housing made available when comparable replacement housing is not available within their financial means or when it exceeds statutory limits. This rarely occurs on our grant projects. When it does, you will need to consult with the lead agency. Contact this office for assistance.

## The Appeals Process

The local agency is the first level of appeal. If needed, the Local Assistance Section will become involved. See Government Codes section 7266.

The laws, rules and manuals governing relocation assistance cannot reasonably be reproduced here. Typically, our projects do not often involve relocation. When a project does, however, it is your responsibility to comply with Government Code provisions. If you are aware of changes or different requirements than are presented on this brief outline then you need to comply with those.

If your agency does not have a Relocation Assistance staff, there are advisory consultant services available.

## TECHNICAL ASSISTANCE

The Local Assistance Section Land Agent is here for your assistance. Please don't hesitate to call with questions, suggestions or comments. He can be reached at (916) 653-8744.

### SUMMARY OF REQUIRED DOCUMENTATION

1. The following documentation should be submitted to the State for review before acquisition:

- a) Acquisition schedule
- b) Preliminary Title Document, including explanations of your intended disposition of title exceptions - 1 copy
- c) Appraisal Report - 1 copy
- d) Relocation Notification form if property is occupied - 1 copy
- e) Statement of Just Compensation - 1 copy
- f) Copy of offer or purchase agreement - 1 copy
- g) Parcel maps - 1 copy

2. The following documents are required after the acquisition project is completed:

- a) Recorded Grant Deed - 1 copy
- b) Policy of Title Insurance or Title Abstract - 1 copy
- c) Relocation Forms as appropriate - 1 copy
- d) Administrative Settlement Summary or Legal Settlement (if necessary) - 1 copy
- e) Statement of Partial Donation (if necessary) - 1 copy

If acquisition is by eminent domain (condemnation) action:

- a) Judgement in Condemnation - 1 copy
- b) Final Order of Condemnation - 1 copy

**ATTACHMENT A**  
**DEFINITIONS**

## DEFINITIONS

**Appraisal** - A written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date supported by the presentation and analysis of relevant market information.

**Comparable Replacement Housing** - A dwelling (1) which is decent, safe and sanitary; (2) functionally equivalent to the displaced dwelling; (3) adequate in size; (4) in an area not subject to unreasonable adverse environmental conditions; (5) in a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment; (6) on a site that is typical in size for residential development with normal site improvements; (7) currently available on the private market; and, (8) within the financial means of the displaced persons.

**Condition** - A qualification or restriction annexed to a conveyance of lands, whereby it is provided that upon a happening of a particular event an estate shall commence, be enlarged or be defeated.

**Condition Precedent** - A condition that must be fulfilled before a right accrues or an estate vests.

**Condition Subsequent** - A condition that defeats a previously accrued right or vested estate.

**Conservation Easement** - Any limitation in a deed, will or other instrument in the form of an easement, restriction, covenant or condition which is or has been executed by or on behalf of the owner of the land subject to such easement and is binding upon the successive owners of such land, and the purpose of which is to retain land predominantly in its natural, scenic, historical, agricultural, forested or open-space condition. (Civil Code Section 815.1)

**Constructive Notice** - Notice given by public records.

**Conveyance** - A written instrument transferring title to or an interest in land.

**Covenant** - An agreement or a promise.

**Deed** - Written document transferring ownership of land from one person to another.

**Displaced Person** - Means any person who moves from real property, or who moves his personal property from real property, as a result of the acquisition of such property, in whole or in part, by a public entity or by any person having an agreement with or acting on behalf of a public entity or as the result of the written order from a public entity to vacate the real property for a public use (see Government Code Attachment B).

**Easement** - An interest in the land of another entitling the holder thereof to a limited use or enjoyment of the land in which the interest exists.

**Eminent Domain** - The right by which a sovereign government, or some person acting in its name and under its authority, may acquire private property for public use upon payment of just compensation and without consent of the owner.

**Encumbrance** - An interest or right in real property which diminishes the value of the fee, but does not prevent conveyance of the fee by the owner.

**Fair Market Value** - The amount in cash, or on terms reasonably equivalent to cash, for which, in all probability, the property would be sold by a knowledgeable owner willing, but not obligated to sell to a knowledgeable purchaser who desired, but is not obligated to buy. It is the basis for "just compensation".

**Fee** - An estate of real property.

**Fee Simple** - Absolute ownership; an estate without limitations or restrictions.

**Grant Deed** - A written instrument transferring title to real property. Normally implies no previous conveyance of the same estate by the grantor and freedom of the estate conveyed from any encumbrance placed thereon by the grantor.

**Leased Fee** - A property held in fee with the right of use and occupancy conveyed under lease to others.

**Leasehold** - A property held under tenure of lease. A property consisting of the right of use and occupancy of real property by virtue of lease agreement.

**Life Estate** - Estate measured in time by the uncertain duration of a person's lifetime. The owner of the estate is called the life tenant. The remainder is the fee title subject to the life estate.

**Natural Lands** - An area of relatively undeveloped land which (1) has substantially retained its characteristics as provided by nature or has been substantially restored or which can be feasibly restored, to a near-natural condition and which has outstanding wildlife, scenic, open-space or park resources or a combination thereof; or, (2) meets the definition of open-space land in Section 65560 of the Government Code.

**Park** - Means a tract of land with scenic, natural, open-space or recreational values, set apart to conserve natural, scenic, cultural, historical, or ecological resources for present and future generations and to be used by the public as a place for rest, recreation, education, exercise, inspiration or enjoyment.

**Quitclaim Deed** - Transfers the present right, title or interest of the grantor in the real property as distinguished from a conveyance of the real property itself. Normally used for less than fee conveyances or to release special interests.

**Real Estate** - The physical land and appurtenances, including structures affixed thereto.

**Real Property** - The interests, benefits and rights inherent in the ownership of the physical real estate.

**Riparian Habitat** - Means lands that contain habitat which grows close to and which depends upon soil moisture from a nearby freshwater source.

**Scenic Easement** - A restriction imposed upon the use of the property of the grantor for the purpose of preserving the natural state of scenic and historical attractiveness of adjacent lands of the grantee.

**Surface Easement** - The right to use only the surface of the land.

**Title Policy** - A contract indemnifying against loss resulting from a defect in title to the interest or lien in real property insured.

**Wetlands** - Means lands which may be covered periodically or permanently with shallow water and which include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, fens and vernal pools.

**ATTACHMENT B**

**GOVERNMENT CODE**

## GOVERNMENT CODE

### CHAPTER 16 - RELOCATION ASSISTANCE\*

#### Section

- 7260. Definitions
- 7260.5 Legislative findings and intent
- 7260.7 Rent Restrictions; subsidized nonprofit facilities for low income families
- 7261. Program planning; relocation advisory assistance; local offices; eligible persons
- 7261.5 Contracts with private entity for services; use of other governmental entities
- 7262. Eligible expenses; payment; scheduled dislocation allowance; business or farm relocation payment; regulation by public utilities commission
- 7263. Additional payment to displaced dwelling owner; amount; seniors
- 7263.5 Lease of condominium deemed purchase
- 7264. Additional payment; persons ineligible for payment under 7263; seniors
- 7264.5 Replacement housing unavailable; use of project funds; exceeding maximum payable amounts; comparable housing requirement; waiver; tax assessment information
- 7265. Airport property acquisition; contiguous property; additional payment
- 7265.3 Payments and advise to person who moves as result of rehabilitation or demolition program
- 7265.4 Expenses of owner; reimbursement
- 7266. Review by public entity or relocation appeals board
- 7267. Guidelines for public entities
- 7267.1 Acquisition by negotiation; appraisal
- 7267.2 Just compensation; property offered for sale by owner; offer for sale defined
- 7267.3 Scheduling construction or development; written notice; time
- 7267.4 Fair rental value; short-term occupier
- 7267.5 Coercion to compel agreement on price
- 7267.6 Condemnation proceedings; institution by public entity instead of by owner
- 7267.7 Acquisition of entire property; avoidance of uneconomic remnant; donation of property
- 7267.8 Rules and regulations of public entities; priority of federal law
- 7267.9 Nonprofit, special use property; acquisition procedures
- 7269. Status of payments; income tax and public assistance
- 7269.1 Status of payments; general assistance recipients; rent schedules
- 7270. Existence of damages on date of enactment of chapter
- 7271. Severability
- 7272. Protection of owner or occupant; law governing
- 7272.3 Legislative intent; minimum requirements; federal funds
- 7272.5 Existent elements of damage
- 7273. Relocation assistance for displaced persons
- 7274. Construction of sections 7267 to 7267.7
- 7275. Acquisition by eminent domain, purchase or exchange; purchase price and other consideration paid; public record
- 7276. Quasi-public entity; compliance with chapter; exemptions
- 7277. Application of chapter; "offered for sale," defined; notice in writing

\*Please note this Chapter applies to acquisition projects even where there is no relocation required.

**Sec. 7260. Definitions**

As used in this chapter:

- (a) "Public entity" includes the State, the Regents of the University of California, a county, city, city and county, district, public authority, public agency and any other political subdivision or public corporation in the state or any entity acting on behalf of these agencies when acquiring real property, or any interest therein, in any city or county for public use and any person who has the authority to acquire property by eminent domain under State law.
- (b) "Person" means any individual, partnership, corporation or association.
- (c) "Displaced person" means both of the following:
  - (1) Any person who moves from real property, or who moves his or her personal property from real property, either:
    - (A) As a direct result of a written notice or intent to acquire or the acquisition of the real property, in whole or in part, for a program or project undertaken by a public entity or by any person having an agreement with or acting on behalf of a public entity.
    - (B) As a direct result of the rehabilitation, demolition or other displacing activity as the public entity may prescribe under a program or project undertaken by a public entity, of real property on which the person is a residential tenant or conducts a business or farm operation, in any case in which the public entity determines the displacement is permanent.
  - (2) Solely for the purposes of Sections 7261 and 7262, any person who moves from real property, or who moves his or her personal property from real property, either:
    - (A) As a direct result of a written notice of intent to acquire or the acquisition of other real property, in whole or in part, on which the person conducts a business or farm operation, for a program or project undertaken by a public entity.
    - (B) As a direct result of the rehabilitation, demolition or other displacing activity as the public entity may prescribe under a program or project undertaken by a public entity, of other real property on which the person conducts a business or farm operation, in any case in which the public entity determines the displacement is permanent.

This definition shall be construed so that persons displaced as a result of public action receive relocation benefits in cases 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 entity is otherwise empowered to acquire the property to carry out the public use. Except persons or families of low and moderate income, as defined in Section 50093 of the Health and Safety Code, who are occupants of housing which was made available to them on a permanent basis by a public agency and who are required to move from the housing, a "displaced" person shall not include any of the following:

- (1) Any person who has been determined to be in unlawful occupancy of the displacement dwellings.
  - (2) Any person whose right of possession at the time of moving arose after the date of the public entity's acquisition of the real property.
  - (3) Any person who has occupied the real property for the purpose of obtaining assistance under this chapter.
  - (4) In any case in which the public entity acquires property for a program or project (other than a person who was an occupant of the property at the time it was acquired), any person who occupies the property for a period subject to termination when the property is needed for the program or project.
- (d) "Business" means any lawful activity, except a farm operation, conducted for any of the following:
- (1) Primarily for the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing or marketing of products, commodities or any other personal property.
  - (2) Primarily for the sale of services to the public.
  - (3) Primarily by a non-profit organization.
  - (4) Solely for the purpose of Section 7262 for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property or services by the erection and maintenance of an outdoor advertising display, whether or not the display is located on the premises on which any of the above activities are conducted.
- (e) "Farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing these products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.
- (f) "Affected property" means any real property which actually declines in fair market value because of acquisition by a public entity for public use of other real property and a change in the use of the real property acquired by the public entity.
- (g) "Public use" means a use for which real property may be acquired by eminent domain.
- (h) "Mortgage" means classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

- (i) "Comparable replacement dwelling" means any dwelling that is all of the following:
- (1) Decent, safe and sanitary.
  - (2) Adequate in size to accommodate the occupants.
  - (3) In the case of a displaced person who is a renter, within the financial means of the displaced person. A comparable replacement dwelling is within the financial means of a displaced person if the monthly rental cost of the dwelling minus any replacement housing payment available to the person does not exceed 25 percent of the person's average monthly income.
  - (4) Comparable with respect to the number of rooms, habitable space and type and quality of construction. Comparability under this paragraph shall not require strict adherence to a detailed, feature-by-feature comparison. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features shall be present.
  - (5) In an area not subject to unreasonable adverse environmental conditions.
  - (6) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities, facilities, services and the displaced person's place of employment.
- (j) "Displacing agency" means any public entity or person carrying out a program or project which causes a person to be a displaced person for a public project.
- (k) "Appraisal" means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.
- (l) "Small business" means a business as defined in Part 24 of Title 49 of the Code of Federal Regulations.
- (m) "Lead agency" means the Department of Housing and Community Development.

**Sec. 7260.5 Legislative findings and intent**

- (a) The Legislature finds and declares the following:
- (1) Displacement as a direct result of programs or projects undertaken by a public entity is caused by a number of activities, including rehabilitation, demolition, code enforcement and acquisition.
  - (2) Relocation assistance policies must provide fair, uniform and equitable treatment of all affected persons.
  - (3) The displacement of businesses often results in their closure.

- (4) Minimizing the adverse impact of displacement is essential to maintaining the economic and social well-being of communities.
  - (5) Implementation of this chapter has resulted in burdensome, inefficient and inconsistent compliance requirements and procedures which may be improved by establishing a lead agency.
- (b) This chapter establishes a uniform policy for the fair and equitable treatment of persons displaced as a direct result of programs or projects undertaken by a public entity. The primary purpose of this chapter is to ensure these persons shall not suffer disproportionate injuries as a result of programs and projects designed for the benefit of the public as a whole and to minimize the hardship of displacement on these persons.
- (c) The Legislature intends all of the following:
- (1) Public entities shall carry out this chapter in a manner which minimizes waste, fraud and mismanagement and reduces unnecessary administrative costs.
  - (2) Uniform procedures for the administration of relocation assistance shall, to the maximum extent feasible, assure the unique circumstances of any displaced person are taken into account and that persons in essentially similar circumstances are accorded equal treatment under this chapter.
  - (3) The improvement of housing conditions of economically disadvantaged persons under this chapter shall be undertaken to the maximum extent feasible, in coordination with existing federal, State, and local government programs for accomplishing these goals.
  - (4) The policies and procedures of this chapter shall be administered in a manner which is consistent with fair housing requirements and which assures all persons their rights under Title VIII of that Act of April 11, 1968 (Public Law 90-284), commonly known as the Civil Rights Act of 1968 and Title VI of the Civil Rights Act of 1964.

**Sec. 7260.7 Rent restrictions: subsidized nonprofit facilities for low-income tenants**

Notwithstanding any other provision of law, in furtherance of the goal set forth in paragraph (3) of subdivision (c) of Section 7260.5, nonprofit facilities subsidized pursuant to any federal or state program for the benefit of low-income tenants that restrict rent increases based on operating cost increases, and that also receive state funds for renovation and rehabilitation involving the temporary relocation of those tenants, shall be exempt from any restrictions on rents imposed pursuant to this chapter.

**Sec. 7261. Program Planning; relocation advisory assistance; local offices; eligible persons**

- (a) Programs or projects undertaken by a public entity shall be planned in a manner that: (1) recognizes, at an early stage in the planning of the programs or projects and before the commencement of any actions which will cause displacements, the problems associated with the displacement of individuals, families, businesses and farm operations; and, (2) provides for the resolution of these problems in order to minimize adverse impacts on displaced

persons and to expedite program or project advancement and completion. The head of the displacing agency shall ensure the relocation assistance advisory services described in subdivision (c) are made available to all persons displaced by the public entity. If the agency determines that any person occupying property immediately adjacent to the property where the displacing activity occurs is caused substantial economic injury as a result thereof, the agency may make the advisory services available to the person.

- (b) In giving this assistance, the public entity may establish local relocation advisory assistance offices to assist in obtaining replacement facilities for persons, business and farm operations which find it is necessary to relocate because of the acquisition of real property by the public entity.
- (c) This advisory assistance shall include those measures, facilities or services which are necessary or appropriate to do all of the following:
  - (1) Determine and make timely recommendations on the needs and preferences, if any, of displaced persons for relocation assistance.
  - (2) Provide current and continuing information on the availability, sales prices and rentals of comparable replacement dwellings for displaced homeowners and tenants and suitable locations for businesses and farm operations.
  - (3) Assure that, within a reasonable time period prior to displacement, to the extent it can be reasonably accomplished, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of displaced families and individuals, decent, safe and sanitary dwellings, sufficient in number to meet the needs of, and available to, those displaced persons requiring those dwellings and reasonably accessible to their places of employment, except that, in the case of a federally funded project, a waiver may be obtained from the federal government.
  - (4) Assure that a person shall not be required to move from a dwelling unless the person has had a reasonable opportunity to relocate to a comparable replacement dwelling, except in the case of any of the following:
    - (A) A major disaster as defined in Section 102(2) of the federal Disaster Relief Act of 1974.
    - (B) A state of emergency declared by the President or Governor.
    - (C) Any other emergency which requires the person to move immediately from the dwelling because continued occupancy of the dwelling by the person constitutes a substantial danger to the health or safety of the person.
  - (5) Assist a person displaced from a business or farm operation in obtaining and becoming established in a suitable replacement location.
  - (6) Supply information concerning other federal and State programs which may be of assistance to those persons in applying for assistance under the program.

- (7) Provide other advisory services to displaced persons in order to minimize hardships to those persons.
- (d) The head of the displacing agency shall coordinate its relocation assistance program with the project work necessitating the displacement and with other planned or proposed activities of other public entities in the community or nearby areas which may affect the implementation of its relocation assistance program.
- (e) Notwithstanding subdivision (c) of Section 7260, in any case in which a displacing agency acquires property for a program or project, any person who occupies the property on a rental basis for a short term or a period subject to termination when the property is needed for the program or project, shall be eligible for advisory services to the extent determined by the displacing agency.

**Sec. 7261.5 Contracts with private entity for services; use of other governmental entities**

In order to prevent unnecessary expenses and duplications of functions, and to promote uniform and effective administration of relocation assistance programs for displaced persons under this chapter, a public entity may enter into a contract with any individual, firm, association or corporation for services in connection with such program, or may carry out its functions under this chapter through any federal, State or local governmental agency having an established organization for conducting relocation assistance programs. Any public entity may, in carrying out its relocation assistance activities, utilize the services of State or local housing agencies or other agencies having experience in the administration or conduct of similar housing assistance activities.

**Sec. 7262. Eligible expenses; payment; scheduled dislocation allowance; business or farm relocation payment; regulation by public utilities commission**

- (a) Whenever a program or project to be undertaken by a public entity will result in the displacement of any person, the displaced person is entitled to payment for actual moving and related expenses as the public entity determines to be reasonable and necessary, including expenses for all of the following:
  - (1) Actual and reasonable expenses in moving himself or herself, his or her family, business or farm operation, or his or her, or his or her family's, personal property.
  - (2) Actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the public entity.
  - (3) Actual and reasonable expenses in searching for a replacement business or farm, not to exceed one thousand dollars (\$1,000).
  - (4) Actual and reasonable expenses necessary to re-establish a displaced farm, non-profit organization or small business at its new site, but not to exceed ten thousand dollars (\$10,000).

- (b) Any displaced person eligible for payments under subdivision (a) who is displaced from a dwelling and who elects to accept the payments authorized by this subdivision in lieu of the payments authorized by subdivision (a) shall receive a moving expense and dislocation allowance which shall be determined according to a schedule established by the head of the lead agency. The schedule shall be consistent with the Residential Moving Expense and Dislocation Allowance Payment Schedule established by Part 24 of Title 49 of the Code of Federal Regulations.
- (c) Any displaced person who moves or discontinues his or her business or farm operation and elects to accept the payment authorized by this subdivision in lieu of the payment authorized by subdivision (a), shall receive a fixed relocation payment in an amount equal to the average annual net earnings of the business or farm operation, except that the payment shall not be less than one thousand dollars (\$1,000) nor more than twenty thousand dollars (\$20,000). In the case of a business, no payment shall be made under this subdivision, unless the public entity is satisfied that the business cannot be relocated without substantial loss of patronage and is not part of a commercial enterprise having at least one other establishment not being acquired, engaged in the same or similar business. For purposes of this subdivision, the term "average annual net earnings" means one-half of any net earnings of the business or farm operation before federal, State and local income taxes during the two taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property being acquired, or during any other period as the public entity determines to be more equitable for establishing earnings, and includes any compensation paid by the business or farm operation to the owner, his or her spouse or his or her dependents during the two-year or other period. To be eligible for the payment authorized by this subdivision, the business or farm operation shall make available its State income tax records, financial statements and accounting records, for confidential use pursuant to an audit to determine the payment pursuant to this subdivision. In regard to an outdoor advertising display, payment pursuant to this subdivision shall be limited to the amount necessary to physically move or replace that display. Any displaced person eligible for payments under subdivision (a) who is displaced from the person's place of business or farm operation and who is eligible under criteria established by the public entity, may elect to accept a fixed payment in lieu of the payment authorized by subdivision (a). The fixed payment shall not be less than one thousand dollars (\$1,000) nor more than twenty thousand dollars (\$20,000). A person whose sole business at the displacement dwelling is the rental of the property to others shall not qualify for a payment under this subdivision.
- (d) Whenever the acquisition of real property used for a business or farm operation causes the person conducting the business or farm operation to move from other real property, or to move his or her personal property from other real property, the person shall receive payments for moving and related expenses under subdivision (a) or (b) and relocation advisory assistance under Section 7261 for moving from the other property.
- (e) Whenever a public entity must pay the cost of moving a displaced person under paragraph (a) of subdivision (a) or subdivision (d):
- (1) The costs of the move shall be exempt from regulation by the Public Utilities Commission.

- (2) The public entity may solicit competitive bids from qualified bidders for performance of the work. Bids submitted in response to the solicitations shall be exempt from regulation by the Public Utilities Commission.

**Sec. 7263. Additional payments to displaced dwelling owner; amount; seniors**

- (a) In addition to the payments required by Section 7262, the public entity, as a part of the cost of acquisition, shall make a payment to the owner of real property acquired for public use which is improved with a dwelling actually owned and occupied by the owner as a permanent or customary and usual place of abode for not less than 180 days prior to the initiation of negotiation for the acquisition of that property.
- (b) The payment, not to exceed twenty-two thousand five hundred dollars (\$22,500) shall be based on the following factors:
- (1) The amount, if any, which, when added to the acquisition cost of the dwelling acquired by the public entity equals the reasonable cost of a comparable replacement dwelling.
  - (2) The amount, if any, which will compensate the displaced owner for any increased interest costs which the owner is required to pay for financing the acquisition of a comparable replacement dwelling. The amount shall be paid only if the dwelling acquired by the displacing agency was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days immediately prior to the initiation of negotiations for the acquisition of the dwelling. All of the mortgages on the acquired dwelling shall be used to compute the payment. The amount shall be computed using the lesser of the principal balance of the mortgage on the replacement dwelling or the outstanding principal balance of the mortgage on the acquired dwelling and the lesser of the remaining term on the acquired dwelling or the actual term of the new mortgage. The present value of the increased interest costs shall be computed based on the lesser of the prevailing interest rate or the actual interest rate on the replacement property. The amount shall also include other reasonable debt service costs incurred by the displaced owner.
- For the purposes of this subdivision, if the replacement dwelling is a mobilehome, the term "mortgage", as defined in subdivision (h) of Section 7260, shall include those liens as are commonly given to secure advances on, or the unpaid purchase price of, mobilehomes, together with the credit instruments, if any, secured thereby.
- (3) Reasonable expenses incurred by the displaced owner for evidence of title, recording fees and other closing costs incident to the purchase of the replacement dwelling, but not including prepaid expenses.
- (c) The additional payment authorized by this section shall be made only to a displaced owner who purchases and occupies a decent, safe and sanitary replacement dwelling within one year from the later of the following:

- (1) The date the displaced person receives final payment for the displacement dwelling, or in the case of condemnation, the date the full amount of estimated just compensation is deposited in court.
- (2) The date the displacing agency fulfills its obligation to make available at least one comparable replacement dwelling to the displaced person.

However, the displacing agency may extend the period for good cause. Also, the displaced owner and the public entity may agree in writing that the displaced owner may remain in occupancy of the acquired dwelling as a tenant of the public entity on the conditions that the displaced owner shall only be entitled to the payment authorized by this section on the date on which the owner moves from the acquired dwelling and that the payment shall be in an amount equal to that to which the owner would have been entitled if the owner had purchased and occupied a replacement dwelling one year subsequent to the date on which final payment was received for the acquired dwelling from the public entity.

- (d) In implementing this chapter, it is the intent of the Legislature that special consideration be given to the financing and location of a comparable replacement dwelling for displaced persons 62 years of age or older.

**Sec. 7263.5 Lease of condominium deemed purchase**

For the purposes of Section 7263, the leasing of a condominium for a 99-year period, or for a term which exceeds the life expectancy of the displaced person as determined from the most recent life tables in Vital Statistics of the United States, as published by the Public Health Service of the Department of Health, Education and Welfare, shall be deemed a purchase of the condominium.

**Sec. 7264. Additional payment: persons ineligible for payment under Sec. 7263; seniors**

- (a) In addition to the payments required by Section 7262, as a part of the cost of acquisition, the public entity shall make a payment to any displaced person displaced from any dwelling not eligible to receive a payment under Section 7263 which was actually and lawfully occupied by the person as a permanent or customary and usual place of abode for not less than 90 days prior to the initiation of negotiation by the public entity for the acquisition of the dwelling, or in any case in which displacement is not a direct result of acquisition, or any other event which the public entity shall prescribe.
- (b) The payment, not to exceed five thousand two hundred fifty dollars (\$5,250), shall be the additional amount which is necessary to enable the person to lease or rent a comparable replacement dwelling for a period not to exceed 48 months. However, publicly funded transportation projects shall make payments enabling the person to lease or rent a comparable replacement dwelling for a period not to exceed 42 months, including compensation for utilities, as provided in subdivision (b) of Section 24.402 of Part 24 of Title 49 of the Code of Federal Regulations. Payments up to the maximum of five thousand two hundred fifty dollars (\$5,250) shall be made in a lump sum. Should an agency pay pursuant to Section 7264.5 an amount exceeding the maximum amount, payment may be made periodically.

Computation of a payment under this subdivision to a low-income displaced person for a comparable replacement dwelling shall take into account the person's income.

- (c) Any person eligible for a payment under subdivision (a) may elect to apply the payment to a down payment on, and other incidental expenses pursuant to, the purchase of a decent, safe and sanitary replacement dwelling. The person may, at the discretion of the public entity, be eligible under this subdivision for the maximum payment allowed under subdivision (b), except that, in the case of a displaced homeowner who has owned and occupied the displacement dwelling for at least 90 days, but not more than 180 days immediately prior to the initiation of negotiations for the acquisition of the dwelling, the payment shall not exceed the payment which the person would otherwise have received under subdivision (b) of Section 7263 had the person owned and occupied the displacement dwelling 180 days immediately prior to the initiation of the negotiations.
- (d) In implementing this chapter, it is the intent of the Legislature that special consideration shall be given to assisting any displaced person 62 years of age or older to locate or lease or rent a comparable replacement dwelling.

**Sec. 7264.5 Replacement housing unavailable; use of project funds; exceeding maximum payable amounts; comparable housing requirement; waiver; tax assessment information**

- (a) If a program or project undertaken by the public entity cannot proceed on a timely basis because comparable replacement housing is not available and the public entity determines that comparable replacement housing cannot otherwise be made available, the public entity shall take any action necessary or appropriate to provide the dwellings by use of funds authorized for the project. This section shall be construed to authorize the public entity to exceed the maximum amounts which may be paid under Sections 7263 and 7264 on a case-by-case basis for good cause as determined in accordance with rules and regulations adopted by the public entity. Where a displacing agency is undertaking a project with funds administered by a State agency or board, and where the displacing agency has adopted rules and regulations in accordance with Section 7267.8 for the implementation of this chapter, the determination of payments to be made pursuant to this subdivision shall be pursuant to those rules and regulations.
- (b) No person shall be required to move from his or her dwelling because of its acquisition by a public entity, unless comparable replacement housing is available to the person.
- (c) For purposes of determining the applicability of subdivision (a), the public entity is hereby designated as a duly authorized administrative body of the State for the purposes of subdivision (c) of Section 408 of the Revenue and Taxation Code.
- (d) Subdivision (b) shall not apply to a displaced owner who agrees in writing with the public entity to remain in occupancy of the acquired dwelling as provided in subdivision (c) of Section 7263.

**Sec. 7265. Airport property acquisition; contiguous property; additional payment**

- (a) In addition to the payments required by Section 7262, as a cost of acquisition, the public entity shall make a payment to any affected property owner meeting the requirements of this section.
- (b) The affected property shall be immediately contiguous to property acquired for airport purposes and the owner shall have owned the property affected by acquisition by the public entity not less than 180 days prior to the initiation of negotiation for acquisition of the acquired property.
- (c) The payment, not to exceed twenty-two thousand five hundred dollars (\$22,500), shall be the amount, if any, which equals the actual decline in the fair market value of the property of the affected property owner caused by the acquisition by the public entity for airport purposes of other real property and a change in the use of the property.
- (d) The amount, if any, of actual decline in fair market value of affected property shall be determined according to rules and regulations adopted by the public entity pursuant to this chapter. The rules and regulations shall limit payment under this section only to those circumstances in which the decline in fair market value of affected property is reasonably related to objective physical change in the use of acquired property.

**Sec. 7265.3 Payments and advise to person who moves as result of rehabilitation or demolition program**

- (a) A public entity may make payments in the amounts it deems appropriate and may provide advisory assistance under this chapter, to a person who moves from a dwelling, or who moves or discontinues his business, as a result of impending rehabilitation or demolition of a residential or commercial structure, or enforcement of building, housing or health code by a public entity, or because of systematic enforcement pursuant to Section 37924.5 of the Health and Safety Code, or who moves from a dwelling or who moves or discontinues a business as a result of a rehabilitation or demolition program or enforcement of building codes by the public entity, or because of increased rents to result from such rehabilitation or code enforcement. Payments prescribed by subdivision (b) of Section 7264 may also be made to persons who remain in a dwelling during rehabilitation. Payments authorized by this section and made pursuant to subdivision (b) of Section 7264 may, at the option of the public entity, be computed and reviewed annually based on actual rental increases, and may be paid monthly or annually. A public entity may also give priority to a person who moves from a dwelling, or who remains in a dwelling during rehabilitation, in utilization of local, State or federal rental assistance programs, either to enable the person to pay increased rents or to move to other suitable housing.

A public entity assisting in the financing of rehabilitation may provide some or all of the payments authorized by this section as part of the loan for rehabilitation costs, provided that the public entity makes payments directly to the person who moves or who remains in the dwelling during rehabilitation.

- (b) A public entity shall make payments in the amounts prescribed by this chapter and shall provide advisory assistance under this chapter, to persons and families of low or moderate income, as defined in Section 50093 or the Health and Safety Code, whose rent, within one year after the rehabilitation of their dwelling is completed, is increased to an amount exceeding 25 percent of their gross income, or who move from their dwelling, as the result of a rehabilitation program in which the rehabilitation work is wholly or partially financed or assisted with public funds provided by or through the public entity.
- (c) A public entity shall provide temporary housing for up to 90 days to persons displaced by rehabilitation work which is wholly or partially financed or assisted with public funds provided by or through the public entity.
- (d) A person displaced by rehabilitation work which is wholly or partially financed or assisted with public funds provided by or through the public entity shall, as a condition of the financing or assistance, be given the option of relocating, after rehabilitation, in the dwelling from which the person was displaced.
- (e) A public entity may limit the amounts of payments made pursuant to subdivision (b), otherwise calculated pursuant to subdivision (b) of Section 7264, to the lesser of: (i) the difference between the increased rent and 25 percent of gross income; or (ii) the difference between the increased rent and the rent immediately before the rehabilitation which was greater than 25 percent of gross income.
- (f) The payments and advisory assistance as required in this section shall be mandatory only if federal or State funds are available. However, nothing shall preclude the public entity from using local funds.

**Sec. 7265.4 Expenses of owner: reimbursement**

In addition to the payments required by Section 7262, as a cost of acquisition, the public entity, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is the earlier, shall reimburse the owner, to the extent the public entity deems fair and reasonable, for expenses the owner necessarily incurred for recording fees, transfer taxes and similar expenses incidental to conveying such real property to the public entity.

**Sec. 7266. Review by public entity or relocation appeals board**

- (a) If a relocation appeals board has been established pursuant to Section 33417.5 of the Health and Safety Code, a city by ordinance may designate the board to hear appeals from all public entities, except those State agencies which have an appeal process, on the eligibility for, or the amount of, a payment authorized by this chapter.
- (b) Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by this chapter may have the application reviewed by the public entity or by the relocation appeals board if authorized under subdivision (a). The review of a determination by a community redevelopment agency may only be made by a relocation appeals board established pursuant to Section 33417.5 of the Health and Safety Code.

**Sec. 7267. Guidelines for public entities**

In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the public programs, and to promote public confidence in public land acquisition practices, public entities shall, to the greatest extent practicable, be guided by the provisions of Sections 7267.1 to 7267.7, inclusive, except that the provisions of subdivision (b) of Section 7267.1 and Section 7267.2 shall not apply to the acquisition of any easement, right-of-way, covenant or other non-possessory interest in real property to be acquired for the construction, reconstruction, alteration, enlargement, maintenance, renewal, repair or replacement of subsurface sewers, waterlines or appurtenances, drains, septic tanks or storm water drains.

**Sec. 7267.1 Acquisition by negotiation; appraisal**

- (a) The public entity shall make every reasonable effort to acquire expeditiously real property by negotiation.
- (b) Real property shall be appraised before the initiation of negotiations, and the owner or the owner's designated representative, shall be given an opportunity to accompany the appraiser during his or her inspection of the property. However, the public entity may prescribe a procedure to waive the appraisal in cases involving the acquisition by sale or donation of property with a low fair market value.

**Sec. 7267.2 Just compensation; property offered for sale by owner; offer for sale defined**

- (a) Prior to adopting a resolution of necessity pursuant to Section 1245.230 (Code of Civil Procedure) and initiating negotiations for the acquisition of real property, the public entity shall establish an amount which it believes to be just compensation therefor, and shall make an offer to the owner or owners of record to acquire the property for the full amount so established, unless the owner cannot be located with reasonable diligence. The offer may be conditioned upon the legislative body's ratification of the offer by execution of a contract of acquisition or adoption of a resolution of necessity or both. In no event shall the amount be less than the public entity's approved appraisal of the fair market value of the property. Any decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which the property is acquired, or by the likelihood that the property would be acquired for the improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, shall be disregarded in determining the compensation for the property. The public entity shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where the property involved is owner occupied residential property and contains no more than four residential units, the homeowner shall, upon request, be allowed to review a copy of the appraisal upon which the offer is based. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.
- (b) Notwithstanding subdivision (a), a public entity may make an offer to the owner or owners of record to acquire real property for less than an amount which it believes to be just compensation therefor if (1) the real property is offered for sale by the owner at a specified

price less than the amount the public entity believes to be just compensation therefor, (2) the public entity offers a price which is equal to the specified price for which the property is being offered by the landowner, and (3) no federal funds are involved in the acquisition, construction or project development.

(c) As used in subdivision (b), "offered for sale" means any of the following:

- (1) Directly offered by the landowner to the public entity for a specified price in advance of negotiations by the public entity.
- (2) Offered for sale to the general public at an advertised or published, specified price set no more than six months prior to and still available at the time the public entity initiates contact with the landowner regarding the public entity's possible acquisition of the property.

**Sec. 7267.3 Scheduling construction or development; written notice; time**

The construction or development of a public improvement shall be so scheduled that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, assuming a replacement dwelling will be available, or to move his business or farm operation, without at least 90-days written notice from the public entity of the date by which such move is required.

**Sec. 7267.4 Fair rental value; short-term occupier**

If the public entity permits an owner or tenant to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the public entity on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.

**Sec. 7267.5 Coercion to compel agreement on price**

In no event shall the public entity either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

**Sec. 7267.6 Condemnation proceedings; institution by public entity instead of by owner**

If any interest in real property is to be acquired by exercise of the power of eminent domain, the public entity shall institute formal condemnation proceedings. No public entity shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

**Sec. 7267.7 Acquisition of entire property; avoidance of uneconomic remnant; donation of property**

- (a) If the acquisition of only a portion of a property would leave the remaining portion in such a shape or condition as to constitute an uneconomic remnant, the public entity shall offer to acquire the entire property if the owner so desires.
- (b) A person whose real property is being acquired in accordance with this chapter may, after the person has been fully informed of his or her right to receive just compensation for the property, donate the property, any part thereof, any interest therein, or any compensation paid therefor to a public entity determined by the person.

**Sec. 7267.8 Rules and regulations of public entities; priority of federal law**

- (a) All public entities shall adopt rules and regulations to implement payments and to administer relocation assistance under this chapter. These rules and regulations shall be in accordance with the rules and regulations adopted by the Department of Housing and Community Development.
- (b) Notwithstanding subdivision (a), with respect to a federally funded project, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

**Sec. 7267.9 Nonprofit, special use property; acquisition procedures**

- (a) Prior to the initiation of negotiations for acquisition by a public entity or public utility of nonprofit, special use property, as defined by Section 1235.155 of the Code of Civil Procedure, the acquiring public entity or public utility shall make every reasonable effort to seek alternative property which is other than nonprofit, special use property. However, this requirement shall not apply to properties acquired by public entities for transportation purposes, including, but not limited to, the construction, expansion, or improvement of streets, highways, or railways.
- (b) This section does not apply to actions or proceedings commenced by a public entity or public utility to acquire real property for the use of water, sewer, electricity, telephone, antural gas, or flood control facilities or rights-of-way where those acquisitions neither require removal or destruction of existing improvements, nor render the property unfit for the owner's present or proposed use.

**Sec. 7269. Status of payments: income tax and public assistance**

- (a) No payment received by any person under this chapter or as tenant relocation assistance required by any State statute or local ordinance shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 17001) or Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.
- (b) No payment received by any person under this chapter shall be considered as 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.

**Sec. 7269.1 Status of payments: general assistance recipients: rent schedules**

Where a recipient of relocation benefits payments under federal or State law is also a general assistance recipient under Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code and two or more rent schedules apply to the recipient, the highest shall prevail and any excess amount over lower rent schedule shall not be counted as income or resources for general assistance purposes under Part 5 (commencing with Section 17000) of Division 9 of the Welfare and Institutions Code.

**Sec. 7270. Existence of damages on date of enactment of chapter**

Nothing contained in this chapter shall be construed as creating in any condemnation proceedings brought under the power of eminent domain any element of damages not in existence on the date of enactment of this chapter.

**Sec. 7271. Severability**

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

**Sec. 7272. Protection of owner or occupant: law governing**

If under any other provision of law of this State the owner or occupant of real property acquired by a public entity for public use is given greater protection than is provided by Sections 7265.3 to 7267.8, inclusive, the public entity shall also comply with such other provision of law.

**Sec. 7272.3 Legislative intent: minimum requirements: federal funds**

It is the intent of the Legislature, by this chapter, to establish minimum requirements for relocation assistance payments by public entities. This chapter shall not be construed to limit any other authority which a public entity may have to make other relocation assistance payments, or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter.

Any public entity may, also, make any other relocation assistance payment, or may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter, if the making of such payment, or the payment in such amount, is required under federal law to secure federal funds.

**Sec. 7272.5 Existing elements of damage**

Nothing contained in this article shall be construed as creating in any condemnation proceeding brought under the power of eminent domain, any element of damages not in existence on the date the public entity commences to make payments under the provisions of this article as amended by the act which enacted this section at the 1971 Regular Session of the Legislature.

**Sec. 7273. Relocation assistance for displaced persons**

Funds received pursuant to Sections 2106 and 2107 of the Streets and Highways Code may be expended by any city to provide relocation advisory assistance, and to make relocation assistance payments, to displaced persons displaced because of the construction of city highways or streets.

**Sec. 7274. Construction of Sections 7267 to 7267.7**

Sections 7267 to 7267.7 inclusive, create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

**Sec. 7275. Acquisition by eminent domain, purchase or exchange; purchase price and other consideration paid, public record**

Whenever any public entity acquires real property by eminent domain, purchase or exchange, the purchase price and other consideration paid by such entity is public information and shall be made available upon request from the entity concerned.

**Sec. 7276. Quasi-public entity; compliance with chapter; exemptions**

- (a) If a resolution is adopted under Section 1245.330 of the Code of Civil Procedure consenting to the acquisition of property by eminent domain and the person authorized by the resolution to acquire the property by eminent domain acquires the property by purchase, eminent domain, or otherwise, that person shall provide relocation advisory assistance and shall make any of the payments required to be made by public entities pursuant to the provisions of this chapter in conformity with this chapter and the guidelines adopted by the Commission of Housing and Community Development pursuant to Section 7268.
- (b) This section does not apply to public utilities which are subject to the provisions of Article 6 (commencing with Section 600) of Chapter 3 of Part 1 of Division 1 of the Public Utilities Code or to public entities which are subject to this chapter.

**Sec. 7277. Application of chapter: "offered for sale", defined: notice in writing**

- (a) The requirement to provide relocation assistance and benefits imposed by this chapter shall not apply to a purchase of property which is offered for sale by the owner, property being sold at execution or foreclosure sale, or property being sold pursuant to court order or under court supervision if the property in any of the foregoing situations is either occupied by the owner or is unoccupied, and if the offer for sale is not induced by public entity disposition, planned condemnation, or redevelopment of surrounding lands, and if the sales price is fair market value or less, as determined by a qualified appraiser, and if no federal funds are involved in the acquisition, construction or project development. "Offered for sale" means either advertised for sale in a publication of general circulation published at least once a week or listed with a licensed real estate broker and published in a multiple listing, pursuant to Section 1087 of the Civil Code.
- (b) At the time of making an offer to acquire property under subdivision (a), public entities shall notify the property owner in writing, of the following:
- (1) The public entity's plans for developing the property to be acquired or the surrounding property.
  - (2) Any relocation assistance and benefits provided pursuant to State law which the property owner may be forgoing.

***ATTACHMENT C***  
***ACQUISITION SCHEDULE (SAMPLE)***

**Acquisition Schedule  
(Sample)**

<u>Code*</u>	<u>Parcel No.</u>	<u>Acreage</u>	<u>Est. Date of Acq.</u>	<u>Est. Value of land to be acquired</u>	<u>Est. Value of imp. to be acquired</u>	<u>Relocation</u>	<u>Total estimated Cost</u>	
1	1	25.20	2/89	\$ 102,000	-----	-----	\$102,000	
2	2	2.97	1/90	19,000	\$4,500	\$7,000	30,500	
1	3	6.00	2/89	31,000	-----	-----	31,000	
1	4	37.13	3/89	76,500	-----	-----	76,500	
<b>Administration of Relocation Program</b>								<b>1,000</b>
<b>Total Acreage 71.30</b>							<b>Total</b>	<b>\$241,000</b>

\*Code: 1: Negotiated purchase; 2: Condemnation

***ATTACHMENT D***

***FEDERAL SPECIFICATIONS FOR  
NARRATIVE APPRAISAL REPORTS***

## FEDERAL SPECIFICATIONS FOR NARRATIVE APPRAISAL REPORTS

The participant and his contract appraiser or staff appraiser must realize that all appraisals submitted will be reviewed by the State Department of Parks and Recreation and, in the case of federally-assisted projects, may be subject to final review and analysis by one or more federal agencies. Appraisers should be issued a copy of these instructions and be informed of the requirements for appraisals prior to contracting with the participants. The format of the appraisals report should comply with the appraisal requirements set forth in the attached pages. After review, the participant will be notified what action, if any, must be taken to make the appraisal report and/or the title acceptable to the State.

It may be desirable to obtain a copy of "Uniform Appraisal Standards for Federal Land Acquisition" from the U.S. Government Printing Office, if federal funds are involved. If no federal funds are involved, the professional standards of the Institute (MAI) or Society (SREA) or other recognized appraisal groups are acceptable alternate specifications.

It is the responsibility of the acquiring agency and is a requirement of law to see that the property owner or his agent is given the opportunity to accompany the appraiser in his inspection of the property. A letter or written statement should be included in the appraisal indicating compliance with this provision.

### GENERAL:

In the preparation of his report, the appraiser shall follow professional appraisal practices, giving consideration to three approaches to value, namely: The Cost - Less Depreciation, the Income and the Comparative (or Market) approaches unless otherwise specified. Should certain approaches or requirements covered in these specifications not be applicable to the assignment, identify that approach or requirement together with a brief explanation of its omission (i.e., an appraisal involving land valuation only).

## **CONTENTS OF APPRAISAL REPORT:**

### ***PART I - INTRODUCTION***

1. **TITLE PAGE.** This includes (a) the name and street address of the property, (b) the name of the individual making the report, and (c) the effective date of the appraisal.
2. **TABLE OF CONTENTS.**
3. **LETTER OF TRANSMITTAL.**
4. **PHOTOGRAPHS.** Pictures should show at least the front elevation of the major improvements, plus any unusual features. There should also be views of the abutting properties on either side and that property directly opposite. When a large number of buildings are involved, including duplicates, one picture may be used for each type. Views of the best comparables should be included whenever possible. Except for the overall view, photographs may be bound as pages facing the discussion or description which the photographs concern. All graphic material should include captions.
5. **STATEMENT OF LIMITING CONDITIONS AND ASSUMPTIONS.**
6. **REFERENCES.** If preferred, may be shown with applicable approach.

### ***PART II - FACTUAL DATA***

7. **PURPOSE OF THE APPRAISAL.** This shall include the reason for the appraisal, and a definition of all values required, and property rights appraised.
8. **LEGAL DESCRIPTION.** This description shall be so complete as to properly identify the property appraised. If lengthy, it should be referenced and included in Part IV. If furnished by the Government and would require lengthy reproduction, incorporate by reference only. If a partial taking, identify the larger parcel.
9. **AREA, CITY AND NEIGHBORHOOD DATA.** This data (mostly social and economic) should be kept to a minimum, but should include such information as directly affects the appraised property together with the appraiser's conclusions as to significant trends.

## 10. PROPERTY DATA:

- a. **Site.** Describe the soil, topography, mineral deposits, easements, etc. A statement must be made concerning the existence or non-existence of mineral deposits having a commercial value. In case of a partial taking, discuss access both before and after to remaining tract. Also, discuss the detrimental and hazardous factors inherent in the location of the property.
- b. **Improvements and Equipment.** This description may be by narrative or schedule form and shall include dimensions, cubic and/or square foot measurements and where appropriate, a statement of the method of measurement used in determining rentable areas such as full floor, multi-tenancy, etc. Major improvements should be diagrammed with rooms identified and measurements shown.

State briefly the purpose for which the improvements were designed, dates of original construction and major renovation and/or additions.

Include a statement of the type and purpose of any equipment. The current physical condition and relative use and obsolescence shall be stated for each item or group appraised, and, whenever applicable, the repair or replacement requirements to bring the property to usable condition.

Any related personal property or equipment, such as tenant trade fixtures, which are not attached or considered part of the realty, shall be separately inventoried. Where applicable, these detachable or individually owned items shall be separately valued.

- c. **History of Conveyances.** For privately-owned property, include a five-year record as to each parcel, of all sales and, if possible, offers to buy or sell, and recent lease(s); if no sale in the past five years, include a report of the last sale (Federal funded projects only.)
- d. **Assessed Value and Annual Tax Load.** Include the current assessment and dollar amount of real estate taxes. If the property is not taxed, the appraiser shall estimate the assessment in case it is placed upon the tax roll, state the rate, and give the dollar amount of the tax estimate.
- e. **Zoning.** Describe the zoning for subject and comparable properties (where Government owned, state what the zoning probably will be under private ownership), and if rezoning is imminent, discuss further under Item 11.

## PART III - ANALYSES AND CONCLUSIONS

11. **ANALYSIS OF HIGHEST AND BEST USE.** The report shall state the highest and best use that can be made of the property (land and improvements, and where applicable, machinery and equipment) for which there is a market. Highest and best use is defined as the most profitable likely use of a property.

Elements affecting value which depend upon events or a combination of occurrences which, while in the realm of possibility, are not clearly shown to be reasonably probable, should be excluded from consideration. If the intended use is dependent upon an uncertain act of another person, the intention cannot be considered.

Assumptions and generalizations by the appraiser relating to the existence of utilities, access and an estimated highest and best use which differs from the present use and present zoning are unsatisfactory in reports to be submitted for eventual review. These items must be confirmed or justified by patterns of growth and demand, trends as indicated in the area, city and neighborhood analysis. The impact of the proposed project upon the highest and best must be ignored. Any increase or decrease in value caused by the project must be disregarded in arriving at fair market value.

12. **LAND VALUE.** The appraiser's opinion of the value of the land shall be supported by confirmed sales of comparable, or nearly comparable, lands having like optimum uses. Differences shall be weighed and explained to show how they indicate the value of the land being appraised. The appraisal shall state the value of the land as if vacant and shall report the method used to arrive at such value; i.e., comparative, anticipated use, abstractive or residual with such documentation as needed.
13. **VALUE ESTIMATE BY COMPARATIVE (MARKET) APPROACH.** All comparable sales used shall be confirmed by the buyer, seller, broker, or other person having knowledge of the price, terms and conditions of sale. Each comparable should be weighed and explained in relation to the subject property to indicate the reasoning behind the appraiser's final value estimate from this approach.
14. **VALUE ESTIMATE BY COST APPROACH, IF APPLICABLE.** This section shall be in the form of computative data, arranged in sequence beginning with reproduction or replacement cost, and shall state the source (book and page if a national service) of all figures used. The dollar amounts of physical deterioration and functional and economic obsolescence, or the omission of same, shall be explained in narrative form. This procedure may be omitted on improvements, both real and personal, for which only a salvage or scrap value is estimated.
15. **VALUE ESTIMATE BY INCOME APPROACH, IF APPLICABLE.** This shall include adequate factual data to support each figure and factor used and shall be arranged in detailed form to show at least (a) estimated gross economic rent or income; (b) allowance for vacancy and credit losses; (c) an itemized estimate of total expenses including reserves for replacements.

Capitalization of net income shall be at the rate prevailing for this type of property and location. The capitalization technique, method and rate used shall be explained in narrative form supported by a statement of sources of rates and factors.

16. **INTERPRETATION AND RECONCILIATION OF ESTIMATES.** The appraiser shall interpret the foregoing estimates and shall state his reasons why one or more of the conclusions reached in Items (13), (14) and (15) are indicative of the market value of the property.

17. **BEFORE AND AFTER STUDIES.** In the case of partial taking, the after value shall be supported to the same extent as the before value of the whole and the part taken. This support shall include comparable sales, any change in highest and best use and any other appraisal methods as needed to support such after value of the remainder. To assist the review appraiser, the appraiser shall, in the appraisal or separately, analyze and tabulate the difference showing a reasonable allocation to land, improvements, damages and benefits.
18. **CERTIFICATION.** This shall include statement that appraiser has no undisclosed interest in the property, that he has personally inspected the premises, date and amount of value estimate, etc. The appraiser must certify that the property owner or his designated representative was invited to accompany the appraiser during his inspection of the property.

#### **PART IV - EXHIBITS AND ADDENDA**

19. **LOCATION MAP.** (Within the city or area.)
20. **COMPARATIVE MAP DATA.** Show geographic location of the appraised property and the comparative parcels analyzed.
21. **DETAIL OF THE COMPARATIVE DATA.**
22. **PLOT PLAN.**
23. **FLOOR PLANS.** (When needed to explain the value estimate.)
24. **OTHER PERTINENT EXHIBITS.**
25. **QUALIFICATIONS.** (Of all Appraisers and/or Technicians contributing to the report.)

**ATTACHMENT E**

**STATEMENT OF JUST COMPENSATION**

**STATEMENT OF JUST COMPENSATION**

Pursuant to \_\_\_\_\_  
(Authority)

\_\_\_\_\_ is now in the process  
(Acquiring Agency).  
of acquiring private property necessary for \_\_\_\_\_.  
It is necessary to acquire your property, since it is within the project area.

We are prepared to commence negotiations with you for the purchase of your property subject to any existing Easements or Restrictions of record and excepting and reserving the following interests which will not be acquired and for which no value is included in our estimate of just compensation: \_\_\_\_\_

In compliance with Section 301 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, and/or Chapter 16 of Division 7 of Title 1 of the Government Code, an estimate of just compensation in the amount of \$ \_\_\_\_\_ has been made for the interest to be acquired in your property (See "Legal Description"). This amount is based upon an approved appraisal and is not less than the appraiser's opinion of fair market value which he determined after a personal inspection of your property, at which time, you or your representative were given the opportunity to accompany him.

The appraisal takes into consideration the location of your property, its highest and best use, current land sales of properties similar to your property and other indicators of values, i.e., \_\_\_\_\_

Just compensation includes amounts for the land, improvements, severance, if any, and other elements as follows:

LAND	\$ _____	
IMPROVEMENTS:		
Buildings	\$ _____	
Structures	\$ _____	
DAMAGE TO THE REMAINDER	\$ _____	
OTHER	\$ _____	
TOTAL		\$ _____

Any increase or decrease in the market valuation caused by the public improvement or project for which the property is to be acquired, or by the likelihood that the project would be acquired for such improvement or project, other than that due to physical deterioration within the reasonable control of the owner, has been disregarded in making the determination of just compensation.

Attached is a brochure entitled "Relocation Assistance Information for Landowners, Tenants, Farmers and Businesses." This brochure provides information about relocation benefits that you may be eligible for under Public Law 91-646 and State statutes.

**STATEMENT OF OWNER**

I have been informed of my rights under Public Law 91-646 and State statutes.  
I have read and understand the Statement of Just Compensation.  
**There are persons living on the property.**  
**There are businesses being conducted on the property by others.**

(Initials) \_\_\_\_\_  
(Initials) \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_  
Yes \_\_\_\_\_ No \_\_\_\_\_



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***ATTACHMENT F***  
***RELOCATION ASSISTANCE INFORMATION***

**State of California  
Resources Agency  
Department of Parks and Recreation  
Local Services  
P. O. Box 942896  
1416 Ninth Street  
Sacramento, CA 94296-0001**

**Relocation Assistance Information\***

**January 1977  
(Rev. September 1993)**

**\*This brochure is provided to grant applicants as an example of brochures in use. This brochure may not contain all the regulations under the law, but provides basic information only.**

## RELOCATION ASSISTANCE INFORMATION FOR HOME-OWNERS AND TENANTS

### GENERAL

**Relocation Assistance:  
What is it?**

In order to help people who qualify for assistance when they must move because their property is required for a public project, the Congress of the United States passed the Uniform Relocation Assistance and Real Property Acquisition Act of 1970 as amended (42U.S.C. 4601 et seq) and amended legislation in 1987. California State Legislature also passed appropriate legislation (Chapter 16 Government Code). The legislation provides for both payments and relocation services. The payments will help pay your moving costs and the increased buying or renting cost of replacement housing. In addition to these payments, relocation services are provided to help you find a replacement house or apartment.

### PAYMENTS

**Moving Expense Payments:  
Who is eligible?**

Any "displaced person" is eligible to receive payment for moving expenses. Generally a displaced person is one who moves as the result of the acquisition or as the result of a written order of the acquiring agency to vacate. You will be contacted and advised of your eligibility within a reasonable period of time after the contact with the owner is made. Please look at the section under "Moving Expenses" for payments and necessary qualifying procedures.

**Replacement Housing Payments:  
Who is eligible?**

If you owned and occupied or rented the property at least 90 days before the first contact with the owner of the property where price was discussed, then you may be eligible for payment to assist you in securing replacement housing. You will be contacted and advised of your eligibility. Please refer to the section under "Replacement Housing Payments" for information.

**MOVING EXPENSES;  
INDIVIDUALS OR FAMILIES:**

**What are they?**

A moving expense payment is the payment for the cost of moving personal property and may include the cost of dismantling, disconnecting, crating, loading, insuring, temporary storing, transporting, unloading and reinstalling the personal property.

**Method of Payment**

**Room Count:**

The "Room Count" Method of payment provides for a flat payment based on the number of rooms of furniture and personal belongings in the dwelling which must be moved. If the Room Count Method is chosen, the following schedule applies where the household furniture or equipment is owned by the displaced person or family:

Number of Rooms	Payment
1	\$250
2	\$400
3	\$550
4	\$650
Each additional	\$100

Where the personal household furniture or equipment is owned by the landlord or where the displaced person or family furnishes none or only a minimum amount of his own household equipment, payment will be as follows:

1 Room	\$225
Each additional	\$35

The above schedules include a dislocation allowance of \$200.

**Actual Cost Moves:**

If a displaced individual or family does not use the Room Count Method of payment, they may elect to be reimbursed for actual cost and related expenses. Contact your relocation advisor for full details and limitations. On actual cost moves, the \$200 dislocation allowance will not be paid.

## REPLACEMENT HOUSING PAYMENTS

### Who is eligible?

If you lived in the property 90 consecutive days prior to the time of the first contact with the owner of the property to be acquired where price was discussed, then you may be eligible for a replacement housing payment.

The Act provides that the acquiring agency shall verify the fact that adequate replacement housing is available. You will not be forced to move unless we are able to offer you decent, safe and sanitary housing which is available for your immediate occupancy.

### OWNER/OCCUPANT FOR 180 DAYS OR MORE WHO PURCHASES

### Payments:

A displaced owner/occupant of a dwelling may receive additional payments up to, but not exceeding \$22,500. These payments are for: (1) the additional cost to purchase replacement housing; (2) to compensate the owner for the loss of favorable financing on his existing mortgage; and, (3) to reimburse the owner for incidental expenses.

### Replacement Housing Differential:

The Replacement Housing Differential Payment is the amount which when added to the amount for which the agency purchased the property equals the (1) actual cost which the owner is required to pay for a decent, safe and sanitary dwelling or (2) the amount determined by the agency as necessary to purchase a comparable replacement dwelling, whichever is less. Your relocation advisor will inform you of the amount determined by the agency as necessary to purchase a comparable replacement dwelling. This amount may change, however, and you should keep in close contact with your relocation advisor.

### Interest Differential Payment:

Increased interest cost payments are provided to pay a displaced person for the increased interest cost he is required to pay for financing a replacement dwelling. In order to be eligible for this payment, the existing mortgage or deed of trust must be a valid lien on the acquired dwelling for not less than 180 days prior to the date of the first written offer and the mortgage on the replacement dwelling must bear a higher effective rate of interest than the stated rate on the deed of trust or mortgage encumbering the replacement dwelling. Your relocation advisor will can assist you regarding the interest differential payment.

**Incidental Expenses:** The incidental expenses payment is the amount necessary to reimburse the homeowner for the actual costs incurred by him incident to purchasing the replacement dwelling.

**Payment Limitation:** The combination of the housing differential, the interest differential and the incidental payments will not normally exceed \$22,500.

**OPTION:** OWNER/OCCUPANT FOR LESS THAN 180 DAYS BUT NOT LESS THAN 90 DAYS WHO PURCHASES

**Payments:** A displaced owner/occupant who has owned and occupied the dwelling for less than 180 consecutive days, but not less than 90 consecutive days and is in occupancy at the first time price is discussed, may receive a payment not to exceed \$5,250 to enable him to make a down payment on the purchase of a replacement dwelling and to reimburse him for actual expenses incident to such purchase, or to rent a replacement property.

**Expenses:** The down payment may also include the expenses incident to the purchase of replacement housing.

**OPTION:** OWNER/OCCUPANT WHO ELECTS TO RENT RATHER THAN PURCHASE REPLACEMENT HOUSING

**Who is eligible:** Owner/occupants who qualify for replacement housing but who elect to rent a replacement dwelling rather than purchase are eligible to receive rent supplements not to exceed \$5,250.

**Disbursement of payment:** The payment will be in a lump sum except when the displaced person requests installments.

**OPTION:**

**TENANT/OCCUPANT FOR NOT LESS THAN 90 DAYS WHO RENTS A REPLACEMENT DWELLING**

**Who is eligible?**

A displaced tenant is eligible for a rental replacement housing payment not to exceed \$5,250 if he is (1) in occupancy at the beginning of negotiations; and (2) such occupancy has been for at least 90 days.

**Disbursement of Payment:**

The payment will be in a lump sum except when the displaced person requests installments.

**OPTION:**

**TENANT/OCCUPANT FOR NOT LESS THAN 90 DAYS WHO PURCHASES A REPLACEMENT DWELLING**

**Who is eligible:**

A displaced tenant may be eligible for down payment assistance not to exceed \$5,250. Consult with your relocation advisor for eligibility

**Expenses:**

The down payment may also include the expenses incident to the purchase of replacement housing.

**Method of payment:**

The full amount of the down payment as determined by the agency is the amount required for the down payment on a comparable dwelling and the incidental expenses up to \$5,250.

**MOBILE HOMES**

Eligible owners or tenants of mobile homes are qualified for replacement housing payments in the same condition and same circumstances as the owners or tenants of any other dwelling. Because of the varied number of types of occupancies, please contact your relocation advisor for specific information.

## MOVING EXPENSES

**Eligibility:**

An individual or family owning or occupying a mobile home who moves or moves his personal property and the property is acquired, or the move is a direct result of a written order to vacate from the acquiring agency, is eligible for moving payments.

**Owners of Mobile Homes:**

The owner of a mobile home may be reimbursed for the actual cost of moving the mobile home or other personal property.

**Amount of Payment:**

Where the mobile home is not purchased but is to be relocated, payment for the move may be based on an actual cost or self-move. Where the mobile home is purchased and is not relocated displacees may be paid actual cost or from Moving Cost Schedules for the contents. Consult your relocation advisor.

**Mobile Home Tenants:**

Tenants who are displaced from a mobile home may elect to be reimbursed for moving their personal property on an actual reasonable moving cost basis or a room count basis. Please contact your relocation advisor for specific information. (See charts under "Moving Expenses Individuals or Families")

# RELOCATION ASSISTANCE INFORMATION FOR FARMERS AND BUSINESSES

## PAYMENTS

### **Who is eligible:**

The owner of a displaced business or farm operation who moves his personal property from real property as a result of the acquisition of such real property or as the result of a written notice to vacate from the acquiring agency, is eligible for the actual reasonable expenses in moving his business or other personal property.

### **Actual Cost Move Payment:**

The owner of a business or farm operation may be paid the actual reasonable cost of moving his business or farm equipment or other personal property based upon receipted bills from a commercial mover. A business may, however, perform the move itself and be paid a reasonable amount to be agreed upon in writing in advance of any such move by the agency and the displaced business. The amount agreed upon shall not exceed the lower of at least two firm bids or estimates obtained by the owner from qualified firms or estimators. Either the self-move or the actual cost by commercial mover requires the written authorization by the agency.

### **What are Moving Expense Payments:**

A moving expense payment is the payment for the cost of moving personal property and may include the cost of dismantling, disconnecting, crating, loading, insuring, temporarily storing, transporting, unloading and reinstalling the personal property.

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

The owner of a business or farm is entitled to receive a payment for the actual direct losses of tangible personal property in moving or discontinuing his business. Payments for the actual direct losses may be made only after a bona fide effort has been made by the owner to sell the particular item. In no event will the payment exceed the estimated cost of moving.

### **Actual Expenses in Searching for a Replacement Business or Farm:**

The owner of a displaced business or farm may be reimbursed for the actual reasonable expenses in searching for a replacement business or farm not to exceed \$1,000.

**What to do if you elect  
Actual Moving Costs:**

When you are ready to move, you should do the following things:

1. Secure moving cost estimates from two licensed moving companies.
2. Mail or deliver the estimates to your relocation advisor.
3. Your relocation advisor will give you a letter authorizing the move based on the lowest reasonable estimate received.
4. Move, pay the mover and get receipted bills.
5. Submit the receipted bills together with the Claim Form within 18 months of vacating the premises.

**FIXED PAYMENT OPTION**

**Fixed Payments:**

In lieu of actual moving expenses, an owner of a discontinued or relocated business or farm operation is eligible to receive a payment equal to the average annual net earnings of the business or farm except that such payment may not be less than \$1,000 nor more than \$20,000.

**Amount of Payment:**

The amount of the payment is determined by an audit of the income tax statements of the business or farm for the two taxable years in which the business or farm operation moves from the real property acquired.

**How are Average Annual Net Earnings  
Determined?**

The earnings will be established by voluntary submission of substantiating Federal or State Income Tax returns or by allowing audit of business accounts by a qualified public accountant.

**Entitlement Requirements for Fixed  
Payment:**

1. The business cannot be relocated without substantial loss of existing patronage.
2. The business is not part of a commercial enterprise having more than three other entities which are not being acquired and which are under the ownership and are engaged in the same or similar business activities.
3. The business contributes materially to the income of the displaced owner.

4. The business possesses personal property which must be moved in connection with such displacement; and the business vacates or relocates from its displacement site.
5. The business is not operated at a displacement site solely for the purpose of renting the site or dwelling to others.

**Non-Profit Organization:**

A displaced non-profit organization may choose a fixed payment of \$1,000 to \$20,000 in lieu of actual moving costs if the agency determines it cannot be relocated without substantial loss of patronage.

**RE-ESTABLISHMENT EXPENSES  
NON-RESIDENTIAL MOVES**

In addition to the payments for moving costs, a small business, farm or non-profit organization may be eligible to receive a payment, not to exceed \$10,000 for expenses actually incurred in relocating and re-establishing such operation at a replacement site.

**APPEALS**

**Who may appeal?**

All persons dislocated by a public project may appeal for a determination of their eligibility or the amount of their payment.

**How to Appeal:**

Ask your relocation advisor for an Appeals Form. He will help you fill it out and see that it is directed in the proper manner.

Unresolved appeals at the acquiring agency level can also be referred to the State Department of Parks and Recreation at the following address: Planning and Local Assistance Division, P. O. Box 942896, Sacramento, CA 94296-0001.

**When may appeals be made?**

Appeals may be made up to 24 months after the local agency has purchased your property or you have moved, whichever is later.

The following information is for your information only. It is not intended to be used as a substitute for professional advice. The information is based on the current laws and regulations in effect at the time of publication. It is subject to change without notice.

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## **ATTACHMENT G**

### **RELOCATION FORMS AND EXHIBITS**

## RELOCATION FORMS AND EXHIBITS

### 1. Exhibit 1:

This form is useful to demonstrate the manner of computing the amount of replacement housing payment made. Information from Exhibit 2 (Valuation Report) is essential for accurate completion of Exhibit 1. The displaced person will also need to furnish information. Block 6 of Exhibit 1 requires that certain appropriate attachments be completed depending on the nature of replacement. Complete only what is appropriate. For example, for a tenant who is re-renting, only Attachment 1-C would be required as support for Exhibit 1. (Block 6, Line F, may include one or more of Lines A-E. For example, a purchase differential claim might include A, D and E.)

(a) Exhibit 1-"A" is used when a displaced person is eligible for a purchase differential payment. For example, if the owner occupant received \$40,000 for his property, but replacement is expected to cost \$50,000, he may be entitled to a \$10,000 replacement benefit. Line 6(f) of Exhibit 1-"A" would also be entered on Block 6(A) of Exhibit 1.

(b) Exhibit 1-"C" is used when a displaced person chooses to re-rent.

### 2. Exhibit 2:

This form shows the availability and probable costs of adequate replacement housing. It is divided into two sections:

Section A is used when the claimant may be eligible for replacement housing on a purchase basis. Indicate the value of the subject and show the cost of three available comparables. The differences, if any, between the subject and the most probable selling price of replacement dwelling is the amount of purchase differential. The entry for the line showing "Probable Selling Price of Replacement Dwelling" is the same figure which should appear in Exhibit 1-"A" first line (a) (1).

Section B of Exhibit 2 is used for displaying the cost of available replacement rentals for tenants or owners choosing to rent. The actual rent of the subject should be used unless the economic rent is more appropriate (for example rent free caretaker). The difference between the rent paid and the most probable monthly rent is the amount of rental differential. This figure is used for Exhibit 1-"C".

### 3. Exhibit 3:

This form is a certification by the acquiring agency as to the adequacy of the replacement housing.

### 4. Exhibit 4:

This form is useful for complying with the informational requirements. This form should be completed at the time of contact by the relocation agent and serves to demonstrate that the informational brochure was received by the occupant. It also furnishes basic information helpful in determining claims. This form and Exhibit 5 relate to the notification requirements.

## 5. Exhibit 5:

The form would be useful for notification of owners and tenants. Page 1 applies to all occupants. The proper Page 2 depends upon the status of the occupant. Page 2A is for a tenant who has been in occupancy for at least 90 days prior to the offer to the owner. Page 2B is for an owner occupant who has occupied the property for more than 180 days preceding the offer. Page 2C is for an owner occupant of more than 90 days but less than 180.

If the dollar amounts on the form are uncertain at the time of notification, suitable language may be inserted in place of specified amounts such as "up to \$5,250" or whatever is appropriate.

Please remember these forms are to assist you. If you find them unworkable or not as appropriate as the forms you are in the habit of using, you may substitute your own forms so long as they comply with the law and the regulations. In addition to these 5 Exhibits, attached are certain other forms which may be of benefit.

Most importantly, make sure your acquisition and relocation agents have copies of these instructions.

**These exhibits were developed based upon Federal Highway forms used by Transportation Agencies. If your agency has its own forms, use them. The State Department of Housing and Community Development is revising regulations based on the new legislation. There may be changes affecting the forms used.**





**COMPUTATION AND CERTIFICATION OF REPLACEMENT HOUSING PAYMENT**

1. Project Number

2. Agency Name and Address (Include Zip Code)

3. Identification Number

1. Full Names of Claimants

2. OCCUPANCY COVERED BY THIS CLAIM

Home Owner	TENANT			DURATION		
	Home	Sleep Rm.	Trail. Pk.	Years	Months	Days

3. ACQUIRED PROPERTY

4. REPLACEMENT HOUSING

Address:

Address:

Date First Occupied

Date Inspected and Found DS & S

Date of First Offer

Date Claimant Moved In

Date of Escrow Close, FOC

Claimant Must Occupy Before

Date Claimant Vacated

Last Day to Claim Payment

5. PREVIOUS REPLACEMENT HOUSING PAYMENTS CLAIMED

6. REPLACEMENT HOUSING PAYMENTS BEING CLAIMED

(See Attachments for Computations as Appropriate)

Purchase Differential \$ \_\_\_\_\_  
 Down Payment \$ \_\_\_\_\_  
 Rental Payment \$ \_\_\_\_\_  
 Incidental Expense \$ \_\_\_\_\_  
 Interest Differential \$ \_\_\_\_\_  
 Total Previous Payments \$ \_\_\_\_\_

A. Purchase Differential (Use Exhibit 1-A) \$ \_\_\_\_\_  
 B. Down Payment (Use Exhibit 1-B) \$ \_\_\_\_\_  
 C. Rental Payment (Use Exhibit 1-C) \$ \_\_\_\_\_  
 D. Incidental Expense (Use Exhibit 1-D) \$ \_\_\_\_\_  
 E. Interest Differential (Use Exhibit 1-E) \$ \_\_\_\_\_  
 F. AMOUNT DUE UNDER THIS CLAIM \$ \_\_\_\_\_

TOTAL PAYMENTS (Incl. this claim) \$ \_\_\_\_\_

Payment of this claim in the amount shown in Box 6 is requested. Claimant acknowledges that CLAIMANTS CERTIFICATION on the reverse side hereof has been read and this claim is signed under said CERTIFICATION.

\_\_\_\_\_  
Date of Claim

\_\_\_\_\_  
Claimant's Signature

\_\_\_\_\_  
For the Agency (Authorized Signature)

### CLAIMANTS CERTIFICATION

In claiming payment of the amount shown in Box 6, I CERTIFY THAT:

1. I am eligible for the payment(s) requested and that all information submitted herewith or included is true and correct;
2. I now occupy the housing identified as replacement housing identified as Replacement Housing which is decent, safe, and sanitary within the meaning of P.L. 91-646 and Chapter 16 of Division 7 of Title 1 of the Government Code.
3. I have not submitted any other claim for, or received payment of, any compensation for the benefit claimed herein.

I understand that, in addition to the penalty provided for in Penal Code Section 72, falsification of any item in this claim as submitted herewith may result in forfeiture of the entire claim.

### LOCAL AGENCY CERTIFICATION

In approving this claim, I CERTIFY THAT:

1. The determination of the amount of the payment(s) shown in Box 6 is (are) correct;
2. To the best of my knowledge no official of the Acquiring Agency has a direct or indirect, present or contemplated, personal interest in this transaction or will derive any benefit from the payment.
3. I have examined this claim and the substantiating documentation and determined that:
  - a. The dwelling occupied by the claimant meets decent, safe, and sanitary standards.
  - b. This claim conforms in all respects to the applicable provisions and requirements of P.L. 91-646 and Chapter 16 of Division 7 of Title 1 of the Government Code.

Project No. \_\_\_\_\_  
 Claimants \_\_\_\_\_  
 \_\_\_\_\_

Controlling Date		Date Claimant Purchased Property	
---------------------	--	-------------------------------------	--

**6. COMPUTATION OF AMOUNT OF PURCHASE DIFFERENTIAL**

---

- (a) (1) Amount Necessary to Purchase a Replacement Dwelling      \$ \_\_\_\_\_
  - (a) (2) Actual Amount Paid for the Replacement Dwelling      \$ \_\_\_\_\_
  - (b) Enter (a) (1) or (a) (2), whichever is least      \$ \_\_\_\_\_
  - (c) Price Paid for Acquired Property or Segregated or Residential Value      \$ \_\_\_\_\_
  - (d) Subtract Item (c) from Item (b)      \$ \_\_\_\_\_
  - (e) **PURCHASE DIFFERENTIAL PAYMENT**      \$ \_\_\_\_\_  
 (enter on Line A, Block 6)
- 

**REMARKS:**

Project No. \_\_\_\_\_  
 Claimant \_\_\_\_\_

**6. COMPUTATION OF REPLACEMENT RENTAL PAYMENT**

**(1) Replacement Property**

(a) Monthly rent required and average monthly utility costs to rent replacement unit = \$ \_\_\_\_\_

OR

(b) Amount of rent and average monthly utility costs for replacement property = \$ \_\_\_\_\_

(c) Lesser of Item 1(a) or Item 1(b) = \$ \_\_\_\_\_

**(2) Displacement Property**

(a) Last three months average monthly rental rate and average utility costs = \$ \_\_\_\_\_

(b) If applicable, 30% of gross monthly income = \$ \_\_\_\_\_

(c) If used, Item 2(a) or Item 2(b) = \$ \_\_\_\_\_

(3) Rental Assistance Difference Item 1(c) minus Item 2(c) = \$ \_\_\_\_\_

(4) Rental Assistance Payment Item 3 x 42 months = \$ \_\_\_\_\_

(Enter amount on Line C, Block 6, Exhibit 1 For Rental) OR

(Enter on Line B, Block 6, Exhibit 1 For Down Payment)

**REMARKS:**

**Installments**

<b>Installment</b>	<b>Date</b>	<b>To</b>	<b>Date</b>	<b>Amount</b>
<u>First</u>				
<u>Second</u>	_____	_____		
<u>Third</u>		_____		_____
<u>Fourth</u>		_____		_____
<u>Fifth</u>		_____		_____
<u>Sixth</u>		_____		_____
<u>Seventh</u>		_____		_____
				<b>TOTAL \$ _____</b>

Exhibit 1B  
 Exhibit 1C

Project No. \_\_\_\_\_  
Claimants \_\_\_\_\_  
\_\_\_\_\_

---

**6D. COMPUTATION OF INCIDENTAL EXPENSES**

---

- (1) "Points" and loan origination fees paid. \$ \_\_\_\_\_
- (2) Enter 1% of new loan or 1% of the probable replacement cost, whichever is less \$ \_\_\_\_\_
- (3) Enter either (1) or (2), which ever is smaller \$ \_\_\_\_\_

(Items (1), (2) or (3) above only apply to the down payment option for short-term owners and tenants.)

(4) List of other eligible incidental expenses:

- (a) \$ \_\_\_\_\_
- (b) \$ \_\_\_\_\_
- (c) \$ \_\_\_\_\_
- (d) \$ \_\_\_\_\_
- (e) \$ \_\_\_\_\_
- (f) \$ \_\_\_\_\_
- (g) \$ \_\_\_\_\_
- (h) \$ \_\_\_\_\_
- (i) \$ \_\_\_\_\_
- (j) \$ \_\_\_\_\_

TOTAL \$ \_\_\_\_\_

AMOUNT DUE UNDER THIS CLAIM = (3)+(4), enter on \$ \_\_\_\_\_

---

REMARKS:

Exhibit 1-D

**INTEREST DIFFERENTIAL WORK SHEET**

Project No. \_\_\_\_\_  
Claimant \_\_\_\_\_

- 1. Lesser of:
  - a. Prevailing interest at time of purchase of replacement property. \_\_\_\_\_
  - b. Actual mortgage rate on replacement property. \_\_\_\_\_
  - c. Lesser of 1a of 1b \_\_\_\_\_
  
- 2. Interest rate on displacement dwelling \_\_\_\_\_
  
- 3. Lesser of remaining term on displacement or replacement dwelling (mo.) \_\_\_\_\_
  
- 4. Monthly loan payment of displacement dwelling \_\_\_\_\_
  
- 5. Remaining balance of loan on displacement dwelling \_\_\_\_\_
  
- 6. Present worth of line 4 at line 3 (mo.) at an annual interest rate of line 1c (%) = \_\_\_\_\_
  
- 7. Line 5 minus line 6 = \_\_\_\_\_
  
- 8. Applicable debt service \_\_\_\_\_
  
- 9. Interest differential payment (line 7 + line 8) \_\_\_\_\_

**Exhibit 1-E**

Project No. \_\_\_\_\_

**REPLACEMENT HOUSING VALUATION REPORT...3 COMPARABLE METHOD**

Date \_\_\_\_\_ Initial Report \_\_\_\_\_ Revision \_\_\_\_\_

Owner \_\_\_\_\_

Address \_\_\_\_\_

Tenant \_\_\_\_\_ Apt. # \_\_\_\_\_ Rm. Count \_\_\_\_\_ Bedrms-Subj. \_\_\_\_\_

Family Composition Of:		Owner ( )	Tenant ( )	Show Childrens' Ages
Male	Female	Male	Female	Bedrooms
Adults	Adults	Children	Children	Required

**A. Computation of PURCHASE DIFFERENTIAL (and basis for down payment)**

<u>Comp. No.</u>	<u>Number of Bedrooms</u>	<u>Probable Selling Price</u>	
Subject		\$	(Appraisal) (Settlement)
1.		\$	
2.		\$	
3.		\$	
Probable Selling Price of Replacement Dwelling			\$ _____
Residential Value, Subject Dwelling			-\$ _____
<b>PURCHASE DIFFERENTIAL</b>			<b>-\$ _____</b>

**B. Computation of REPLACEMENT RENTAL**

<u>Comp. No.</u>	<u>Number of Bedrooms</u>	<u>Monthly Rent</u>	
Subject		\$	(Actual) (Economic)
1.		\$	
2.		\$	
3.		\$	
Probable Monthly Rent of Replacement Dwelling			\$ _____
Average, Last 3 Mos. Rent, or Econ. Rent, Subj.			-\$ _____
Monthly Rental Difference			-\$ _____
<b>RENTAL DIFFERENTIAL: 48 X Difference</b>			<b>-\$ _____</b>

**REMARKS:**

**REPLACEMENT HOUSING, REVIEW CERTIFICATION**

<u>Displacee</u>	<u>Appraised Value or Actual or Economic Rent</u>	<u>Replacement Value or Rent</u>
------------------	---	--------------------------------------

The undersigned hereby certifies to the best of his knowledge based on review and analysis of the replacement valuation report that:

1. He is aware of the size and make-up of the displaced family and is familiar with the dwelling to be acquired.
2. The replacement value listed for each parcel accurately reflects the price for which the displacee can purchase or rent a comparable replacement dwelling which is:
  - a. Decent, safe and sanitary;
  - b. Functionally equivalent and substantially the same or better than the acquired dwelling.
  - c. Open to all persons regardless of race, color, religion, sex or national origin;
  - d. Located in areas not generally less desirable than the dwelling to be acquired in regard to public utilities and public commercial facilities;
  - e. Reasonably accessible to the relocatee's place of employment;
  - f. Adequate for the size and make-up of the displaced family.
  - g. In an equal or better neighborhood;
  - h. Available on the market to the displaced person;
3. He has no direct or indirect, present or contemplated future personal interest in these transactions nor will any benefits be derived from the replacement payments.
4. The amount approved is not a directed amount. It was arrived at fairly, without coercion, and is based upon factual data.

\_\_\_\_\_  
DATED

\_\_\_\_\_  
SIGNED (Relocation Agent)

**CERTIFICATION OF OCCUPANCY AND RECEIPT OF RELOCATION INFORMATION**

To: Relocation Advisor

\_\_\_ I have received the Relocation Information Brochure.

\_\_\_ I will file my claim for any benefits due me in accordance with the instructions as set forth in the Relocation Information Brochure.

\_\_\_ I certify that the following information is true to the best of my knowledge:

Occupants Name \_\_\_\_\_

Address \_\_\_\_\_

Number of Adults \_\_\_ Children \_\_\_

Age of Children M \_\_\_\_\_  
F \_\_\_\_\_

\_\_\_ No persons displaced

I (We) first occupied the property (to be) acquired on \_\_\_\_\_

\_\_\_\_\_  
(Signature of Owner/Tenant)

\_\_\_\_\_  
(Date)

Agency Completes Below this Line

I have personally verified the above occupancy and I certify possession of:

Date of first offer to acquire this property \_\_\_\_\_

\_\_\_ Non-residential \_\_\_ No personal property to be removed \_\_\_ Personal property only

Furniture owned by: \_\_\_ Tenant \_\_\_ Owner

Bedroom(s) \_\_\_\_\_ Living Room \_\_\_\_\_ Dining Room \_\_\_\_\_

Den \_\_\_\_\_ Kitchen \_\_\_\_\_ Service Porch \_\_\_\_\_

Garage \_\_\_\_\_ Other \_\_\_\_\_ Total Room Count \_\_\_\_\_

Approved by: \_\_\_\_\_

Date \_\_\_\_\_

(Current Date)

(File Reference)

## DETERMINATION OF BENEFITS

(Inside Address)

Dear \_\_\_\_\_:

On \_\_\_\_\_, 19\_\_\_\_, the \_\_\_\_\_ made an offer to purchase the property which you occupied on that date. As the eligible occupant of the property, you are entitled to certain benefits under the State's Relocation Assistance Program. These benefits are briefly outlined below and are discussed in further detail in the brochure which was given to you.

You will be given at least 90 days written notice before you will be required to move from the property.

As the occupant of the property on the date of the first offer, you are entitled to:

### 1. RELOCATION ADVISORY ASSISTANCE:

The Department will assist you in finding a replacement residence. If you wish assistance, contact your relocation advisor; AND,

### 2. MOVING EXPENSES:

- a. Moving Cost Schedule based on number of rooms, including a dislocation allowance. Your entitlement under this option is \$\_\_\_\_\_;

OR

- b. Actual Cost Move based on written estimates;

OR

- c. Moving Service Authorization where the Department makes direct payment to an approved commercial mover.

If you occupied the property for more than 90 days immediately preceding the date of the first offer, you may also qualify for additional benefits as follows:

1. IF YOU RENT REPLACEMENT HOUSING

a. Replacement Rental Payment in the amount of \$\_\_\_\_\_;

OR

2. IF YOU BUY REPLACEMENT HOUSING

a. Down payment allowance;

AND

b. Incidental cost.

(If you think you may wish to buy a replacement property, contact your relocation advisor and he will arrange a calculation of these optional benefits.)

To avoid loss of possible benefits, DO NOT commit yourself to purchase or rent a replacement property or move without first contacting your relocation advisor.

Sincerely,

\_\_\_\_\_  
Relocation Advisor

\_\_\_\_\_  
Phone

ACKNOWLEDGEMENT

I was personally contacted by the above agent for\_\_\_\_\_. I have had the services and entitlements available explained to me. I was further advised that Relocation Services will be available to me as assistance is needed. I have been given a copy of this form letter.

Date \_\_\_\_\_, 19\_\_\_\_

If you occupied the property for more than 180 days immediately preceding the date of first offer, you may also qualify for additional benefits as follows:

1. IF YOU BUY REPLACEMENT HOUSING

a. REPLACEMENT PURCHASE DIFFERENTIAL in the amount of \$\_\_\_\_\_

b. INCIDENTAL EXPENSES

Qualifying incidental expenses will be determined after you have purchased (or are purchasing) replacement housing.

Your relocation advisor will explain how these payments are computed.

c. INTEREST DIFFERENTIAL PAYMENT

If you qualify, your entitlement will be determined after you have purchased replacement housing and the necessary information regarding your old and new loans has been obtained or submitted.

2. IF YOU RENT REPLACEMENT HOUSING

REPLACEMENT RENTAL PAYMENT

(If you think you may wish to rent a replacement property, contact your relocation advisor and he will arrange a calculation of this optional benefit.)

To avoid loss of possible benefits, DO NOT commit yourself to purchase or rent a replacement property or move without first contacting your relocation advisor.

Sincerely,

\_\_\_\_\_  
Relocation Advisor

\_\_\_\_\_  
Phone

ACKNOWLEDGEMENT

I was personally contacted by the above agent for\_\_\_\_\_. I have had the services and entitlements available explained to me. I was further advised that Relocation Services will be available to me as assistance is needed. I have been given a copy of this form letter.

Date \_\_\_\_\_, 19\_\_\_\_\_

(Long-Term Owner)  
Alternate Page 2

If you occupied the property for more than 90 days, but less than 180 day, immediately preceding the date of the first offer, you may also qualify for additional benefits as follows:

1. IF YOU BUY REPLACEMENT HOUSING

**DOWN PAYMENT ALLOWANCE AND INCIDENTAL EXPENSES**

Your exact entitlement will be determined when you have purchased (or are purchasing) replacement housing.

In addition, you may qualify to receive certain incidental expenses and loan costs. Your relocation advisor will discuss these benefits with you.

OR

2. IF YOU RENT REPLACEMENT HOUSING

**REPLACEMENT RENTAL PAYMENT**

(If you think you may wish to rent a replacement property, contact your relocation advisor and he will arrange a calculation of this optional benefit.)

To avoid loss of possible benefits, DO NOT commit yourself to purchase or rent a replacement property or move without first contacting your relocation advisor.

\_\_\_\_\_  
Relocation Advisory

Phone \_\_\_\_\_

**ACKNOWLEDGMENT**

I was personally contacted by the above agent for the \_\_\_\_\_  
\_\_\_\_\_. I have had the services and entitlements available explained to me. I was further advised that Relocation Services will be available to me as assistance is needed. I have been given a copy of this form letter.

Date \_\_\_\_\_, 19\_\_\_\_

(Short-Term Owner)  
Alternate Page 2

**CLAIM FOR ACTUAL MOVING EXPENSE**

**Claim must be filed within 18 MONTHS of date of move. *Print or Type All Information***

TO: Agency \_\_\_\_\_  
Project \_\_\_\_\_  
Parcel No. \_\_\_\_\_  
Grantor \_\_\_\_\_

1. Full Name of Claimant \_\_\_\_\_ 2. Date Moving Agreement Signed \_\_\_\_\_ 3. Date of Move \_\_\_\_\_

4. Address Moved From \_\_\_\_\_ Apt. No. \_\_\_\_\_  
5. Address Moved To \_\_\_\_\_ Apt. No. \_\_\_\_\_

6. Mover's Name and Address \_\_\_\_\_ 7. Distance Moved \_\_\_\_\_ Miles

Phone \_\_\_\_\_ 8. Amount of Claim \$ \_\_\_\_\_

9. Payment of this claim in the amount shown is requested.

I CERTIFY that I have not submitted any other claim for, or received, reimbursement or compensation for any item of expense in this claim, and that I will not accept reimbursement or compensation from any other source for any item of expense paid pursuant to this claim. I further certify that all information submitted herewith or included herein is true and correct. I understand that, in addition to the penalty provided by Penal Code Section 72, falsification of any item in this claim as submitted herewith may result in forfeiture of the entire claim. (NOTE: Section 72 of the Penal Code provides "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, town, city, district, ward or village board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is guilty of a felony.")

Date of Claim \_\_\_\_\_ Claimants \_\_\_\_\_  
Signatures \_\_\_\_\_

**SPACES BELOW TO BE COMPLETED BY AGENCY**

I certify that I have examined this claim and substantiating documentation, and have found it to conform to the applicable provisions of State law, and Order Adopting Regulations required under Subchapter 6, Chapter 3, Title 2 of the California Administrative Code have been made with respect to this claim. This claim is approved and payment is authorized below.

Payment \$ \_\_\_\_\_  
\_\_\_\_\_ *Authorized Signature*  
\_\_\_\_\_ *Date*

Vacancy  
Verified  
on (Date): \_\_\_\_\_  
By: \_\_\_\_\_ *Signature*  
Date Paid \_\_\_\_\_

# CLAIM FOR MOVING EXPENSE BY SCHEDULE AND DISLOCATION ALLOWANCE

**CLAIM MUST BE FILED WITHIN 18 MONTHS OF DATE OF MOVE. PRINT OR TYPE ALL INFORMATION**

<b>TO:</b>	Agency _____
	Project _____
	Parcel No. _____
	Grantor _____

1. Full Name of Claimant	2. Claimant's Phone No.	3. Date of Move
--------------------------	-------------------------	-----------------

4. Address Moved From	5. Address Moved To
Apt. No. _____	Apt. No. _____

6. Amount of Claim:	_____ Rooms - Unfurnished	\$ _____	_____ Rooms - Furnished	\$ _____
	<b>TOTAL CLAIM</b>	\$ _____		

7. Payment of this claim in the amount shown above is requested.

I CERTIFY that I have not submitted any other claim for, or received, reimbursement or compensation for any item of expense in this claim, and that I will not accept reimbursement or compensation from any other source for any item of expense paid pursuant to this claim. I further certify that all information submitted herewith or included herein is true and correct. I understand that, in addition to the penalty provided by Penal Code Section 72, falsification of any item in this claim as submitted herewith may result in forfeiture of the entire claim. (NOTE: Section 72 of the Penal Code provides: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, town, city, district, ward or village board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is guilty of a felony.")

Date of Claim _____	Claimants' Signatures _____	_____
---------------------	-----------------------------	-------

**SPACES BELOW TO BE COMPLETED BY AGENCY**

I CERTIFY that I have examined this claim, and substantiating documentation, and have found it to conform to the applicable provisions of State law, and Order Adopting Regulations of the Board of Control pursuant thereto. I further certify that the determinations required under Subchapter 6, Chapter 3, Title 2 of the California Administrative Code have been made with respect to this claim. This claim is approved and payment is authorized as follows:

Fixed Payment \$ _____	_____
Dislocation Allowance - \$ <u>200.00</u>	Authorized Signature _____
<b>TOTAL</b> \$ _____	Date _____

Vacancy Verified on (Date) _____
By _____
Signature _____

Date Paid \_\_\_\_\_

# REQUEST FOR DETERMINATION OF ENTITLEMENT

## For Payment in Lieu of Moving Expense Business or Farm Operation

<b>TO:</b>	Agency _____																								
	Project _____																								
	Parcel No. _____																								
	Grantor _____																								
<b>1. Name and Address of Applicant</b>	<b>2. Name and Address of Business or Farm Operation</b>																								
<b>3. Date Property Acquired</b>	<b>4. Occupancy of Property</b>																								
<b>5. Kind of Operation</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: center;">Dates of Occupancy</th> <th colspan="2" style="text-align: center;">Time Occupied</th> </tr> <tr> <th style="width: 25%; text-align: center;">From</th> <th style="width: 25%; text-align: center;">To</th> <th style="width: 25%; text-align: center;">Years</th> <th style="width: 25%; text-align: center;">Months</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">Business</td> <td style="padding: 2px;">Farm</td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> <tr> <td style="padding: 2px;">Retail Marketing</td> <td style="padding: 2px;">Wholesale Marketing</td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> <tr> <td style="padding: 2px;">Manufacturing</td> <td style="padding: 2px;">Service</td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> <tr> <td colspan="2" style="padding: 2px;">Other. State here or add extra page</td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </tbody> </table>	Dates of Occupancy		Time Occupied		From	To	Years	Months	Business	Farm			Retail Marketing	Wholesale Marketing			Manufacturing	Service			Other. State here or add extra page			
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<b>7. Principal Product, Commodity or Service</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;"></th> <th style="width: 15%; text-align: center;">Yes</th> <th style="width: 15%; text-align: center;">No</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">6. If a Business, Does Applicant  (a) Operate under franchise or as a consignee?</td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> <tr> <td style="padding: 2px;">(b) Operate any other similar establishment?</td> <td style="height: 20px;"></td> <td style="height: 20px;"></td> </tr> </tbody> </table> <p style="margin-top: 5px;">If answer to 6a or 6b is yes, attach statement of explanation.</p>		Yes	No	6. If a Business, Does Applicant  (a) Operate under franchise or as a consignee?			(b) Operate any other similar establishment?																	
	Yes	No																							
6. If a Business, Does Applicant  (a) Operate under franchise or as a consignee?																									
(b) Operate any other similar establishment?																									

8. The undersigned owner or authorized representative of the business or farm operation named above hereby requests that the within application be reviewed to determine if said business or farm owner is entitled to receive a payment in lieu of actual moving expense, and to determine the amount to which such farm or business owner may be entitled under the regulations contained in Subchapter 6, Chapter 3, Title 2, of the California Administrative code. I understand that this determination may be used in connection with a State project; that this application and all data submitted herewith or included herein shall become a part of any claim for payment made subsequent to the determinations requested herein and based hereon as if the same were part of such claim; that all financial statements and accounting records of the business or farm operation named above shall be made available for audit by the State during normal business hours. I CERTIFY that all information submitted herewith or included herein is true and correct. I understand that, in addition to the penalty provided by Penal Code Section 72, falsification of any item in this request as submitted herewith or included herein may result in forfeiture of any subsequent claim based on this information in its entirety. (NOTE: Section 72 of the Penal Code provides: "Every person who, with intent to defraud, presents for allowance or for payment to any state board or officer, or to any county, town, city, district, ward or village board or officer, authorized to allow or pay the same if genuine, any false or fraudulent claim, bill, account, voucher, or writing, is guilty of a felony.")

Applicant's Signature _____  Date _____	Title _____  Title _____ <i>(Owner, Partner, Corporate Officer)</i>
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*Note to Applicant:* If review of this application determines the business or farm operation to be entitled to receive payment based on average annual net earnings in lieu of actual moving expense, you will receive notice of the amount which may be claimed. If the business or farm operation is found to be ineligible for such payment, your notification will contain the reasons for the ineligibility.

**CLAIMANT'S JUSTIFICATION OF REQUEST FOR DETERMINATION OF  
ENTITLEMENT FOR PAYMENT IN LIEU OF MOVING EXPENSE**

**INSTRUCTIONS TO CLAIMANT:** Several factors must be considered to establish your eligibility for payment in lieu of moving expenses. Please answer the questions below in as much detail as necessary to explain your situation.

**1. WHY DO YOU FEEL YOUR BUSINESS CAN NOT BE RELOCATED WITHOUT A  
SUBSTANTIAL LOSS OF ANNUAL AVERAGE DOLLAR VOLUME IN TERMS OF:**

(a) Type of business?

(b) Clientele?

(c) Importance of present and proposed location?

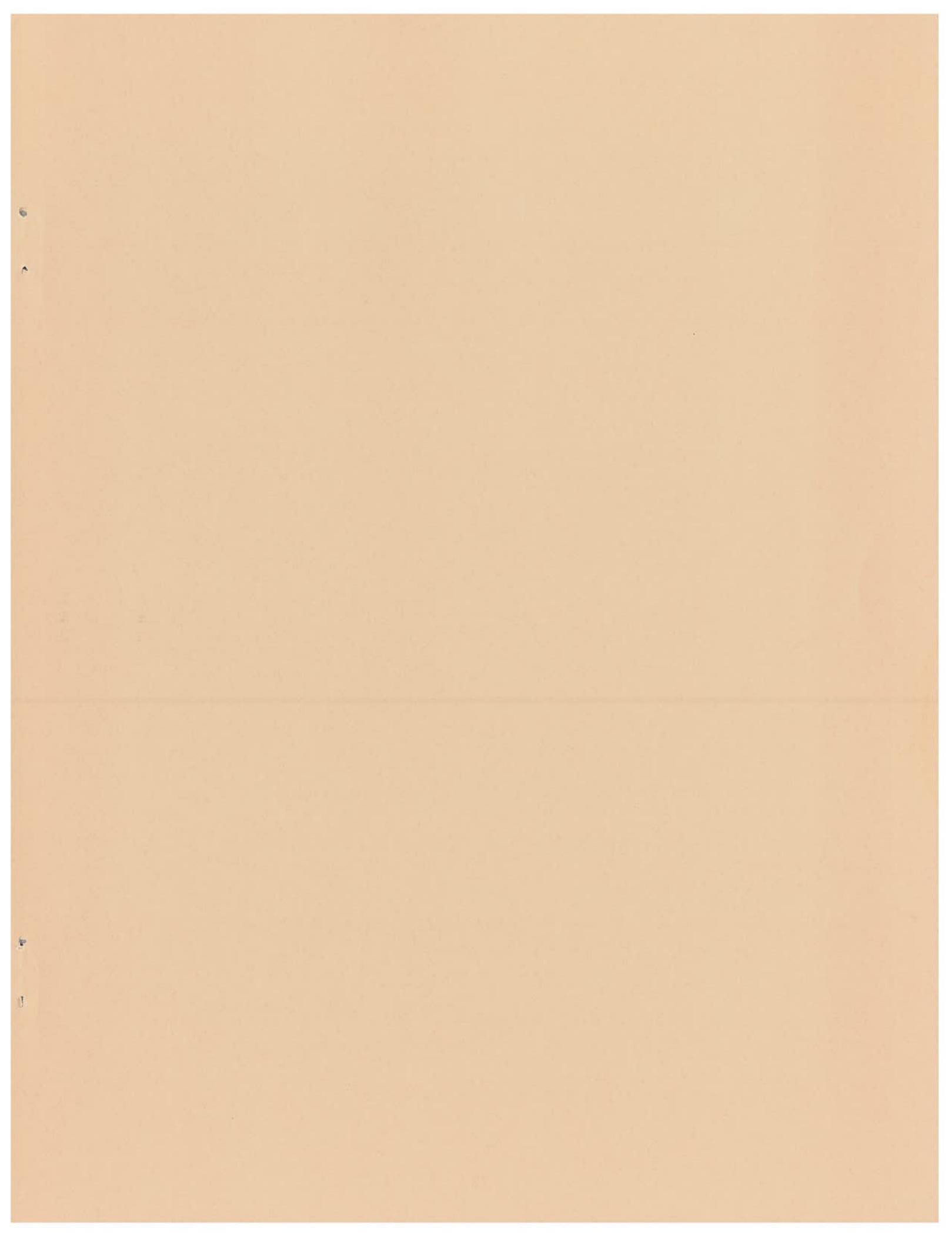
**2. IS YOUR BUSINESS PART OF A COMMERCIAL ENTERPRISE HAVING AT LEAST ONE  
OTHER ESTABLISHMENT ENGAGED IN THE SAME BUSINESS WHICH IS NOT BEING  
ACQUIRED BY THE STATE? IF SO, EXPLAIN.**

**3. HOW MUCH DOES YOUR BUSINESS CONTRIBUTE TO YOUR INCOME?**

I certify under penalty of perjury that the information given above is correct to the best of my knowledge.

\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNATURE



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