



The Brookhurst Street Widening Project
15 – SR91
DRAFT RELOCATION PLAN

Prepared for:
City of Anaheim
200 S. Anaheim Boulevard
Anaheim, CA 92805

By:

Overland, Pacific & Cutler, Inc.
20 Fairbanks, Suite 178
Irvine, California 92618
949-951-5263

December 13, 2012

Adopted

Date _____

TABLE OF CONTENTS

INTRODUCTION	1
I. PROJECT DESCRIPTION	2
A. REGIONAL LOCATION	2
B. PROJECT SITE LOCATION	2
C. GENERAL DEMOGRAPHIC & HOUSING CHARACTERISTICS	3
II. ASSESSMENT OF RELOCATION NEEDS	4
A. SURVEY METHOD	4
B. FIELD STUDY DATA	4
1. Current Occupants	4
2. Replacement Housing Needs	4
3. Income	5
4. Ethnicity/Language	5
5. Senior/Handicapped Households	5
6. Preferred Relocation Areas	5
III. RELOCATION RESOURCES	6
A. METHODOLOGY	6
B. REPLACEMENT HOUSING AVAILABILITY	6
1. Residential Rental Housing	6
2. Residential Housing for Purchase	6
3. Summary	7
C. RELATED ISSUES	7
1. Concurrent Residential Displacement	7
2. Temporary Housing	7
IV. THE RELOCATION PROGRAM	8
A. ADVISORY ASSISTANCE	8
B. RELOCATION BENEFITS	10
1. Residential Moving Expense Payments	10
2. Rental Assistance to Tenants Who Choose to Rent	11
3. Downpayment Assistance to Tenants Who Choose to Purchase	12
4. Purchase Assistance to Homeowners	13
5. Rental Assistance to Owner-Occupants Who Choose to Rent	14
6. Payment to Non-Tenured Residential Tenants	14
C. DETERMINATION OF COMPARABLE HOUSING	15
D. GENERAL INFORMATION REGARDING THE PAYMENT OF RELOCATION BENEFITS	15
E. LAST RESORT HOUSING	16
F. IMMIGRATION STATUS	16
G. RELOCATION TAX CONSEQUENCES	17
V. ADMINISTRATIVE PROVISIONS	18
A. NOTICES	18
B. PRIVACY RECORDS	19
C. GRIEVANCE PROCEDURES	19
D. EVICTION POLICY	19
E. CITIZEN PARTICIPATION	20
F. PROJECTED DATE OF DISPLACEMENT	20
G. ESTIMATED RELOCATION COSTS	20

LIST OF TABLES

TABLE 1:	2010 Census Population – City of Anaheim & Impacted Tract	3
TABLE 2:	2010 Census Housing units – City of Anaheim & Impacted Tract	3
TABLE 3:	Availability/Cost of Replacement Rental Housing	6
TABLE 4:	Availability/Cost of Replacement Housing for Purchase	6
TABLE 5:	Schedule of Fixed Moving Payments	11
TABLE 6:	Computation of Rental Assistance Payments (Tenants)	12
TABLE 7:	Computation of Rental Assistance Payments (Owners)	14

LIST OF EXHIBITS

EXHIBIT A:	Residential Interview Form
EXHIBIT B:	Project Map
EXHIBIT C:	HUD Income Levels – Orange County
EXHIBIT D:	General Information Notice
EXHIBIT E:	Residential Informational Brochure
EXHIBIT F:	Public Comments and Response

INTRODUCTION

The City of Anaheim (the “City”) has authorized the preparation of a Relocation Plan to be undertaken in connection with the commencement of the proposed street improvements necessary to widen Brookhurst Street from Interstate 5 to State Route 91. The proposed Brookhurst Street Widening Project (“Project”) requires the acquisition of necessary rights-of-way to widen Brookhurst Street from a four-lane facility to a six-lane facility, with three northbound through lanes and three southbound through lanes from the SR-91 to I-5. The Project proposes to shift the roadway centerline a maximum of 22 feet to the east and widen the roadway right-of-way in order to accommodate (1) the additional lanes in the northbound and southbound directions and (2) the proposed bikeways, sidewalks, and landscaped areas. The currently proposed phase of the Project would require 19 full and 11 partial property acquisitions along the street corridor within City of Anaheim jurisdiction.

The property takes would involve the acquisition and demolition of 19 single-family residences and permanent relocation of 18 households to accommodate the proposed Project actions. The proposed partial property takes would involve non-structural areas of residential and commercial properties along Brookhurst Street.

The needs and characteristics of the displacee population, available relocation resources and the City’s program to provide assistance to each affected person are general subjects of this Relocation Plan (Plan). Funding for the Project comes from M2 Arterial Capacity Enhancements (ACE), Federal Surface Transportation Program Local - Regional (FSTPL-R) and gas tax proceeds. This Plan conforms to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, California Relocation Assistance Law, Government Code Section 7260, et seq. (Law), the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development and Title 25, California Code of Regulations Section 6000, et seq. (Guidelines).

This Plan is organized in five sections:

1. Project description (**SECTION I**);
2. Assessment of the relocation needs of persons subject to displacement (**SECTION II**);
3. Assessment of available replacement housing units within the City of Anaheim and surrounding communities (**SECTION III**);
4. Description of the City’s relocation program (**SECTION IV**);
5. Description of the City’s outreach efforts, Project timeline and budget (**SECTION V**).

I. PROJECT DESCRIPTION

A. REGIONAL LOCATION

The Project is located in the City of Anaheim within Orange County. Anaheim is located approximately 25 miles southeast of the City of Los Angeles and is easily accessible by Interstate 5 and State Routes 22, 57 and 91. Adjacent communities include Fullerton, Placentia, Orange, Santa Ana, Stanton, Garden Grove and Buena Park. (See Figure 1: Regional Project Location)

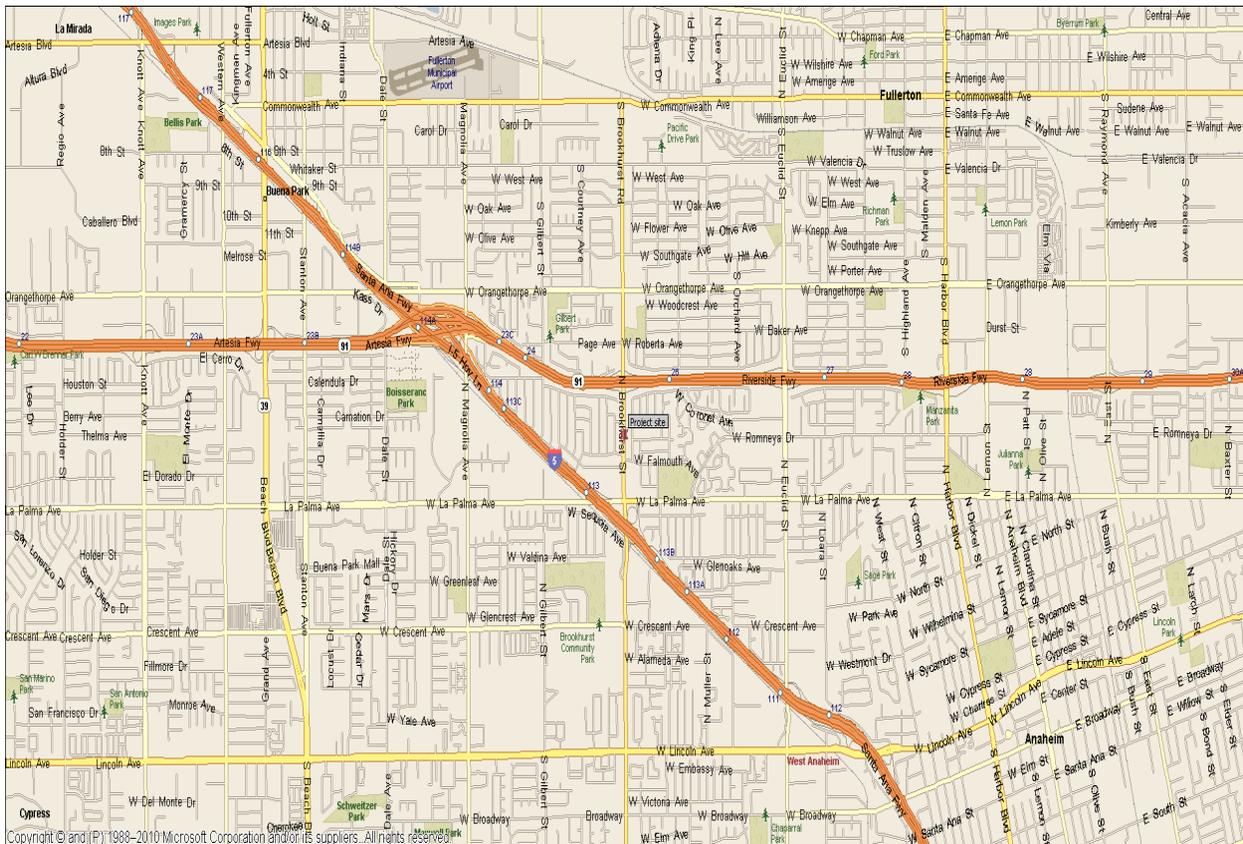


Figure 1: Regional Project Location

B. PROJECT SITE LOCATION AND DESCRIPTION

The Project site consists of the entire width of Brookhurst Street from La Palma Avenue to the SR-91. (See Exhibit B: Project Map) The Project area of construction is approximately 3.08 acres.

Due to the nature of the proposed improvements and the impact on the subject properties, there will be 19 properties fully acquired and 11 properties requiring partial acquisitions. Nineteen residential properties within the Project site require acquisition of all improvements, including 19 single-family residences. One SFR is used by a church (the property owner) to house visiting

guests, and there are no occupants of the dwelling who utilize the home as their primary residence.

C. GENERAL DEMOGRAPHIC AND HOUSING CHARACTERISTICS

According to the 2010 U.S. Census, the population of the City of Anaheim is 336,265, and the population of the impacted Census Tract 867.01 is 2,215 (see **Table 1.**) Corresponding Census data concerning the housing mix is shown in **Table 2.**

Table 1: 2010 Census Population – City of Anaheim & Impacted Tract				
Population	Tract 867.01	%	City	%
Total Population	8,876	100.0%	336,265	100.0%
White	4,424	49.8%	177,237	52.7%
Black or African American	209	2.4%	9,347	2.8%
American Indian or Alaska Native	82	0.9%	2,648	0.8%
Asian	1,464	16.5%	49,857	14.8%
Native Hawaiian or Other Pacific Islander	40	0.5%	1,607	0.5%
Some Other Race	2,241	25.2%	80,705	24.0%
Two or More Races	416	4.7%	14,864	4.4%
Hispanic or Latino (of Any Race)	5,026	56.6%	177,467	52.8%

Source: U.S. Census Bureau, DP-1. Race, Hispanic or Latino, and Age: 2010

Table 2: 2010 Census Housing Units – City of Anaheim & Impacted Tract				
Type	Tract 867.01	%	City	%
Total Units	2,505	100.0%	104,237	100.0%
Owner-Occupied	1,484	59.2%	47,677	48.5%
Renter-Occupied	919	36.7%	50,617	51.5%
Vacant Housing Units	102	100.0%	5,943	5.7%
Available for Sale Only (of Total Vacant Units)	26	25.5%	819	13.8%
Available for Rent – Full Time Occupancy (of Total Vacant Units)	57	55.9%	3,915	65.9%
Sold or Rented – Not Occupied	5	0.5%	357	6.0%
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	7	6.9%	243	4.1%
Other Vacant	7	6.9%	609	10.2%

Source: U.S. Census Bureau, QT-H1. General Housing Characteristics: 2010

II. ASSESSMENT OF RELOCATION NEEDS

A. SURVEY METHOD

To obtain information necessary for the preparation of this Plan, personal interviews with the residents to be permanently displaced were conducted in October and November 2012. The interviewer was successful in obtaining survey responses from 17 of the 18 occupied dwellings in the Project with households to be displaced. One household did not participate in the interview process and did not respond to several attempts via mail and in person visits to request an interview. The data in this section of the Plan are based solely on the unsubstantiated responses of those individuals who participated in the survey.

Inquiries made of the residential occupants concerned household size and composition, income, rent and mortgage payments, length of occupancy, ethnicity, home language, physical disabilities, and replacement housing preferences. A sample of the residential interview form used in the interview process is presented as **Exhibit A** of this report.

B. FIELD SURVEY DATA

1. Current Occupants

There are 18 residential households to be relocated for the Project. At the time of the interviews, based on data known for 17 of the households, there were 69 adults and 38 children (17 years or younger) on-site to be permanently displaced.

All project occupants reside in single-family residences (SFRs). Among the individual households to be displaced, there are three tenant-occupied households and 15 owner-occupied households.

One tenant household occupies a three-bedroom SFR, and two tenant households occupy four-bedroom SFRs. Amongst the owner-occupied households, 12 occupy three-bedroom SFRs and three occupy four-bedroom SFRs. The commonly accepted standard for housing density allows two persons per bedroom and one person in the common living area. Based on this criterion and available tenant data, there are no overcrowded units among the tenant-occupied households.

2. Replacement Housing Needs

Replacement housing needs, as expressed in this plan, are defined by the total number of required replacement units and distribution of those units by bedroom size. The projected number of required units by bedroom size is calculated by comparing survey data for household size with typical replacement housing occupancy standards. These standards, generally, allow for up to three persons in a one-bedroom unit, five persons in a two-bedroom unit, seven persons in a three-bedroom unit and nine or more persons in a four-bedroom unit.

Replacement units required for the displaced Project occupants include: one three-bedroom SFR for rent, two four-bedroom SFRs for rent, 12 three-bedroom SFRs for purchase and three four-bedroom SFRs for purchase.

3. Income

Income information was provided by only one of the three tenant households. According to income standards for the County of Orange (**Exhibit C**) adjusted for family size as published by the United States Department of Housing and Urban Development (HUD), the household qualifies as Moderate Income (80% - 120% of area median income). This household does not qualify at the HUD Low Income Limit. The income levels for the remaining two tenant households are unknown.

4. Ethnicity/Language

Based on information from the 17 households who participated in the surveys, the ethnicity stated was Hispanic for eight households, White for two households, Asian for three households, Mixed for two households and Other for two households. Five households reported Spanish as their primary language, and all other interviewed households reported English as their preferred language.

5. Senior/Handicapped Households

There are no known households identified with a senior head of household or spouse (62 years or older) in the Project. One household reported physical disabilities including difficulty walking and going up and down stairs and the need to use a wheelchair. This household will require a single story or first-floor bedroom for two of its members due to these physical disabilities and may require handicap accessible improvements to the replacement dwelling.

6. Preferred Relocation Areas

Most households surveyed expressed a preference to remain in the Anaheim community in order to maintain current access to employment, schools, religious organizations, family, shopping and medical facilities. Some expressed an interest in moving to Fullerton, Buena Park and Stanton as well.

III. RELOCATION RESOURCES

A. METHODOLOGY

For residential housing, a resource survey was initially conducted to identify available homes for rent and for sale within a five-mile radius from the Project site and then expanding throughout Anaheim and surrounding communities. The following sources were utilized:

- Contacts with real estate/property management companies serving the community
- Internet sources for rental and purchase opportunities, including the Multiple Listing Service
- Classified rental listings from local newspapers and *For Rent* publications

B. REPLACEMENT HOUSING AVAILABILITY

1. Residential Rental Housing

The rental replacement housing survey considered SFRs for rent in Anaheim and surrounding communities. This data is summarized in **Table 3** below. The individual figures for number of units found by bedroom size are presented in the table alongside the number of units needed (shown in parentheses) to meet the re-housing obligations.

Bedroom Size	Three	Four
# Found (# Needed)	13 (1)	17 (2)
Rent Range	\$1,695 - \$2,050	\$1,950 - \$2,400
Median Rent	\$1,900	\$2,350

The median rent amount shown in the table is among the figures used to make benefit and budget projections for the Plan. This amount is, naturally, subject to change according to the market rates prevailing at the time of displacement.

2. Residential Housing for Purchase

Real estate listings were obtained for single-family residences for sale in Anaheim. Available comparable homes for sale were identified and are summarized in **Table 4** below.

Bedroom Size	Three	Four
# Found (# Needed)	15 (12)	16 (3)
Listing Price Range	\$349,000-\$429,900	\$289,000-\$535,000
Median List Price	\$389,000	\$399,000

3. Summary

Considering the above described availability of replacement housing resources gathered in November 2012, it appears that there are adequate replacement resources for the residential occupants. However, the inventory for SFRs for purchase is unusually low at this time, and if this trend continues next summer, there will be competition among the displacees for the most desirable properties unless they are willing to look beyond Anaheim. In addition, due to the low inventory available at the time of this Plan, sellers have been receiving multiple offers on their homes and market surveys suggest offers higher than the list prices are being accepted. If this trend continues this summer, the potential Purchase Price Differential Payments to the displaced Project owner-occupants may increase.

Based on survey results of rental opportunities and the tenants' current rent, the tenant occupants will likely not have an increase in monthly rent. However, possible increases, if any, will be met through the Agency's obligation under the relocation regulations, including Last Resort Housing (LHR) requirements. (See Section IV, E).

In regards to owner-occupants, who may be in a negative equity situation, the City's acquisition representatives will make every attempt to negotiate with the owner's mortgage holder(s) in order to reduce or eliminate any loan balance in excess of the appraised value of the home. In the event these negotiations are unsuccessful, Last Resort Housing options for owners will be explored and evaluated on a case by case basis.

C. RELATED ISSUES

1. Concurrent Residential Displacement

At this time, there are no other current public projects causing significant displacements underway in the City of Anaheim or adjacent communities which would compete with the Project for needed housing resources. No residential displacee will be required to move without both adequate notice and access to available affordable decent, safe and sanitary housing.

2. Temporary Housing

No need for temporary housing is anticipated.

IV THE RELOCATION PROGRAM

The City’s Relocation Program is designed to minimize hardship, be responsive to unique project circumstances, emphasize maintaining personal contact with all affected individuals, consistently apply all regulatory criteria to formulate eligibility and benefit determinations and conform to all applicable requirements.

The City has retained Overland, Pacific & Cutler, Inc. (“OPC”) to administer the Relocation Program. OPC has worked on more than 3,000 public acquisition and relocation projects over more than 32 years. Additionally, OPC has an extensive resume of redevelopment and public works projects undertaken in the City of Anaheim and other Southern California communities. Experienced City staff will monitor the performance of OPC and be responsible to approve or disapprove OPC recommendations concerning eligibility and benefit determinations and interpretations of the City’s policy.

The Relocation Program consists of two principal constituents: Advisory Assistance and Financial Assistance.

A. ADVISORY ASSISTANCE

Individuals who will need to move from existing homes will receive advisory assistance. Advisory assistance services are intended to:

- inform displacees about the relocation program
- help in the process of finding appropriate replacement accommodations
- facilitate claims processing
- maintain a communication link with the City
- coordinate the involvement of outside service providers

To follow through on the advisory assistance component of the relocation program and assure that the City meets its obligations under the law, OPC staff will perform the following functions:

1. Distribute appropriate written information concerning the City’s relocation program;
2. Inform eligible project occupants of the nature of, and procedures for, obtaining available relocation assistance and benefits (See **Exhibit E**);
3. Determine the needs of each displacee eligible for assistance;

4. Provide residential displacees with at least one, and preferably three, referrals to comparable replacement housing within a reasonable time prior to displacement. *Generally, a comparable replacement dwelling must satisfy the following criteria:*
 - (a) *The unit is decent, safe and sanitary - electrical, plumbing and heating systems in good repair - no major, observable hazards or defects. The unit is adequate in size and is comparable to the acquired dwelling with respect to number of rooms, habitable living space and type and quality of construction, but not lesser in rooms or living space as necessary to accommodate the displaced person. The unit is functionally equivalent, including principle features.*
 - (b) *The unit is located in an area not subjected to unreasonable adverse environmental conditions from either natural, or man-made sources, and not generally less desirable with respect to public utilities, transportation, public and commercial facilities, including schools and municipal services and reasonably accessible to the displaced person's place of employment.*
 - (c) *The unit is available both on the private market and to all persons regardless of race, color, sex, marital status, religion or, national origin.*
5. Maintain an updated database of available housing resources, and distribute referral information to displacees for the duration of the Project;
6. Provide transportation to the residential displacees, if necessary, to inspect replacement sites within the local area;
7. Inspect replacement housing to assure it meets decent, safe and sanitary standards as described in the URA;
8. Supply information concerning federal and state programs and other governmental programs providing assistance to displaced persons;
9. Make benefit determinations and payments in accordance with applicable law and the City's adopted relocation guidelines;
10. Assist eligible occupants in the preparation, and submission, of relocation assistance claims;
11. Assure that no occupant is required to move without a minimum of 90 days written notice to vacate;
12. Inform all persons subject to displacement of the City's policies with regard to eviction and property management;

13. Provide additional reasonable services necessary to successfully relocate occupants;
14. Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the City’s decisions with respect to relocation assistance; and
15. Provide assistance that does not result in different or separate treatment based on or due to an individual’s sex, marital status, race, color, religion, ancestry, national origin, physical handicap, sexual orientation, and domestic partnership status.

B. RELOCATION BENEFITS

Specific eligibility requirements and benefit plans will be detailed on an individual basis with all displacees. In the course of a personal interview and follow-up visits, each displacee will be counseled as to available options and the consequences of any choice with respect to financial assistance.

Relocation benefits will be provided in accordance with the provisions of the federal guidelines, and City rules, regulations and procedures pertaining thereto. Benefits will be paid to eligible displaced persons upon submission of required claim forms and documentation in accordance with the City’s normal administrative procedures.

The City will process advance payment requests to mitigate hardships for residents who do not have access to sufficient funds to pay move-in costs such as paying escrow or security deposits. Approved requests will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

1. Residential Moving Expense Payments

All residential occupants to be permanently relocated will be eligible to receive a payment for moving expenses. Moving expense payments will be made based upon the actual cost of a professional move, a fixed payment based on a room-count schedule or a combination of both.

a. Actual Cost (Professional Move)

Displacees may elect to have a licensed professional mover perform the move. The actual cost of the moving services, based on at least two acceptable bids, will be compensated by the City in the form of a direct payment to the moving company upon presentation of an invoice. Transportation costs are limited to a distance of 50 miles in either case. In addition to the actual move, costs associated with utility re-connections (i.e., gas, water, electricity, telephone, and cable, if any), are eligible for reimbursement.

b. Fixed Payment (based on Room Count Schedule)

An occupant may elect to receive a fixed payment for moving expenses which is based on the number of rooms occupied in the displacement dwelling. In this case, the person to be relocated takes full responsibility for the move. The fixed payment includes all utility connections as described in (a), above.

The current schedule for fixed moving payments is set forth in **Table 5** following:

TABLE 5: Schedule of Fixed Moving Payments									
Unfurnished Dwelling									
Room count	1	2	3	4	5	6	7	8	Each additional
Amount	\$685	\$880	\$1,100	\$1,295	\$1,570	\$1,815	\$2,090	\$2,365	\$250
Furnished Dwelling									
Room count	1	each additional							
Amount	\$450	\$85							

Source: California Department of Transportation – June 2012

2. Rental Assistance to Tenants Who Choose to Rent

To be eligible to receive the rental assistance benefits, the displaced tenant household has to rent or purchase and occupy a decent, safe, and sanitary replacement dwelling within one year from the date they move from the displacement dwelling.

Based upon the available data regarding Project displacees, the displaced household may qualify for, and may be eligible to apply for, relocation benefits under URA provisions. Except in the case of Last Resort Housing situations, the potential payment to the household will be payable over a 42-month period and limited to a maximum of \$5,250 as stated under URA guidelines. The relocation program is explained in detail in the informational brochure to be provided to each permanently displaced household (see **Exhibit E**).

Rental Assistance payment amounts are equal to 42 times the difference between the base monthly rent and the lesser of:

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

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

- (i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the City. For owner-occupants or households, which paid little or no rent, fair market rent will be used as a substitute for actual rent; or
- (ii) Thirty percent (30%) of the displaced person’s average, monthly gross household income, **if the amount is classified as “low income” by the U. S. Department of Housing and Urban Development’s (HUD) Annual Survey of Income Limits for the Public Housing and Section 8 Programs.** (HUD’s Survey is shown as **Exhibit C.**) If a displacee refuses to provide appropriate evidence of income or is a dependent, the base monthly rent shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling; or
- (iii) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities.

Table 6 portrays the benefits determination under the URA:

TABLE 6: Example Computation of URA Rental Assistance Payments		
1. Old Rent	\$650	Old Rent and Utilities
or		
2. Ability to Pay	\$700	30% of the Gross Household Income (if Low Income)
3. Lesser of lines 1 or 2	\$650	Base Monthly Rental
Subtracted From:		
4. Actual New Rent	\$750	Actual New Rent and Estimated Utilities
or		
5. Comparable Rent	\$775	Determined by City (includes estimated utilities)
6. Lesser of lines 4 or 5	\$750	
7. Yields Monthly Need:	\$100	Subtract line 3 from line 6
8. Rental Assistance	\$4,200	Multiply line 7 by 42 months

3. Downpayment Assistance to Tenants Who Choose to Purchase

The displaced household may opt to apply the entire benefit amount for which they are eligible toward the purchase of a replacement unit (Guidelines 49 CFR 24.402(b)).

A displaced household, who chooses to utilize up to the full amount of their rental assistance eligibility (including any Last Resort benefits) to purchase a home, will have the funds deposited in an open escrow account, provided that the entire amount is used for the downpayment and eligible, incidental costs associated with the purchase of a decent, safe, and sanitary replacement home. A provision shall be made in the escrow arrangements for the prompt return of the City’s funds, in the event escrow should fail to close within a reasonable period of time.

Final determination about the type of relocation benefits and assistance for which the household is eligible will be determined upon verification of the household’s occupants and income.

4. Purchase Assistance to Homeowners

Homeowners displaced by this Project will be eligible for relocation replacement housing payments, if the following conditions are met:

- (a) The displacee has owned and occupied their unit for not less than 180 days prior to the Initiation of Negotiations, and
- (b) The displacee purchases and occupies a replacement unit within one year from: (i) the date the displaced person receives final payment for the displacement dwelling - **or** - (ii) the date at least one comparable replacement dwelling has been made available to the displacee, whichever is later.

Displaced homeowner households will receive assistance in locating a “comparable replacement” unit and may be eligible for the following benefits:

Purchase Price Differential Payment - A displaced household may be eligible for a replacement housing payment as an owner-occupant. Once the fair market value of the dwelling being acquired by the City is determined, an analysis of the existing housing market is made to determine the costs of a comparable replacement dwelling. The difference, if any, between the payment received for the displacement dwelling and the purchase price of a comparable replacement dwelling, results in the amount of a Purchase Price Differential (“PPD”) payment.

Incidental Expense Payment - As a part of the cost associated with the purchase of a replacement dwelling, certain closing costs are generally incurred. These include, but are not limited to: appraisal fees, title and escrow fees, recording fees, loan processing fees, and cost for credit reports. These one-time non-recurring fees associated with purchasing a replacement dwelling are reimbursable to the displaced household by the City as an Incidental Expense Payment. These expenses must be actually incurred and documented on a Final Closing Statement supplied by the escrow or title company. Recurring costs

such as real estate taxes, insurance and association dues are not eligible as reimbursable closing costs.

Mortgage Interest Differential Payment - In some cases, an owner-occupant being displaced will find that current market interest rates or mortgage costs exceed their existing mortgage terms. A Mortgage Interest Differential Payment (MIDP) may be made to enable the displaced household to duplicate the amortization schedule for the displacement dwelling to that of the comparable replacement dwelling, as described in the Relocation Laws. The payment amount would cover the increased interest costs, if any, required to finance a replacement dwelling.

Based upon the available data regarding Project displacees, the displaced households may qualify for, and may be eligible to apply for, several of these relocation benefits under URA provisions. Except in the case of Last Resort Housing situations, the potential total payment to the households will be limited to a maximum of \$22,500 as stated under URA guidelines. The relocation program is explained in detail in the informational brochure to be provided to each permanently displaced household (see **Exhibit E**).

5. Rental Assistance Option to Owners Who Choose to Rent

If a displaced homeowner household, which has purchased and occupied its current unit at least 90 days prior to the “initiation of negotiations,” desires to rent instead of purchase a replacement unit, the household is eligible for all the benefits and assistance that is available to tenant households. However, such replacement housing payments may not exceed the payments the household would have been entitled to if it had elected to purchase a replacement unit and been eligible as a 180-day owner-occupant.

TABLE 7: Computation of Rental Assistance Payments (Owners)		
1 Old Rent	\$650	Old Rent (FMV), plus Utility Allowance
Subtract From:		
2. Actual New Rent	\$750	Actual New Rent including Utility Allowance
or		
3. Comparable Rent	\$775	Determined by City, includes Utility Allowance
4. Lesser of lines 2 or 3	\$750	
5. Yields Monthly Need	\$100	Subtract line 1 from line 4
6. Rental Assistance	\$4,200	Multiply line 5 by 42 months

To be eligible to receive the rental assistance benefits, the displacee has rented and occupied a decent, safe, and sanitary replacement dwelling within one year (unless the City extends this period for good cause) from the latter of the date he or she moves from the displacement dwelling or the date they receive final payment for the dwelling.

6. Payment to Non-Tenured Residential Tenants

A residential tenant who has actually and lawfully occupied the displacement dwelling for less than 90 days immediately prior to the initiation of negotiations is entitled to receive a moving expense payment. Additionally, non-tenured residential tenants may qualify for a rental assistance payment under the provisions of Last Resort Housing assistance (see Last Resort Housing, Section IV, E). Such assistance is authorized when comparable replacement housing is not available at rental rates within the tenant's financial means (30% of gross monthly household income). Last Resort Housing assistance to non-tenured households is based solely on income.

C. DETERMINATION OF COMPARABLE HOUSING

Relocation staff will evaluate the cost of comparable replacement housing in the preparation of each individual Notice of Eligibility issued to residential displacees. For residential occupants, the cost of comparable replacement housing will be determined by the comparable method, which determines the most comparable dwellings in the local market for each type of unit needed.

D. GENERAL INFORMATION REGARDING THE PAYMENT OF RELOCATION BENEFITS

Claims and supporting documentation for relocation benefits must be filed with the City no later than 18 months after the date of displacement. The procedure for the preparation and filing of claims, and the processing and delivery of payments, will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance;
2. Relocation staff will review all necessary documentation including, but not limited to, income verification, lease documents and escrow material before reaching a determination as to which expenses are eligible for compensation;
3. Required claims forms will be prepared by relocation staff and presented to the claimant for review. Signed claims and supporting documentation will be returned to relocation staff and submitted to the City;
4. The City will review and approve claims for payment, or request additional information;
5. The City will issue benefit checks to claimants in the most secure, expeditious manner possible;
6. Final payments to residential displacees will be issued after confirmation that the Project premises have been completely vacated and actual residency at the replacement unit is verified;
7. Receipts of payment and all claims materials will be maintained in the relocation case file.

E. LAST RESORT HOUSING

Specifically, for renters, when the computed replacement housing assistance eligibility exceeds \$5,250 or replacement dwelling monthly rental costs (including utilities and other reasonable recurring expenses) exceeds 30% of the person’s average monthly income, Last Resort Housing will have to be provided.

Therefore, if the Project is to go forward, the City will authorize its funds or funds authorized for the Project to provide housing of last resort. Funds will be used to make payments in excess of the monetary limit specified in the statute (\$5,250); hence, satisfying the requirement that “comparable replacement housing” is available.

A displaced tenant household will be entitled to consideration for supplementary benefits in the form of Last Resort Housing assistance when the computed replacement housing assistance eligibility exceeds \$5,250 or replacement dwelling monthly rental costs (including utilities and other reasonable recurring expenses) exceed 30% of the person’s average monthly income (financial means) or when a tenant fails to meet the 90-day occupancy requirement and comparable replacement rental housing is not available within the displaced person’s financial means. Calculations of Last Resort rental assistance benefits for tenants who fail to meet the 90-day occupancy requirement will be based solely on household income. Non 90-day qualifiers must meet basic eligibility requirements applied to all other displacees.

For owner-occupants/homeowners, if there is not enough “comparable replacement housing” available (related to purchase price), the displacing entity shall pay whatever costs are necessary beyond the statutory cap of \$22,500 to acquire a “comparable replacement” unit, including reasonable incidental expenses. In addition, there are several other Last Resort Housing options not associated with making replacement housing payments beyond the statutory limits. Options for any qualified household will be explored on a case by case basis.

The City may pay Last Resort Housing payments in installments or a lump sum. Recipients of Last Resort rental assistance, who intend to purchase rather than re-rent replacement housing, will have the right to request a lump sum payment of all benefits in the form of downpayment assistance.

F. IMMIGRATION STATUS

Federal legislation (PL105-117) prohibits the payment of relocation assistance benefits under the Uniform Act to any alien not lawfully present in the United States unless such ineligibility would result in an exceptional and extremely unusual hardship to the alien’s spouse, parent, or child any of whom is a citizen or an alien admitted for permanent residence. Exceptional and extremely unusual hardship is defined as significant and demonstrable adverse impact on the health or safety, continued existence of the family unit, and any other impact determined by the City to negatively affect the alien’s spouse, parent or child.

In order to track and account for relocation assistance and benefit payments, City staff will be required to seek immigration status information from each displacee 18 years or older by having

them self-certify as to their legal status. The City will pay relocation benefits to otherwise eligible non-lawfully present persons with nonfederal funds.

G. RELOCATION TAX CONSEQUENCES

In general, relocation payments are not considered income for the purpose of Division 2 of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 (Title 26, U.S. Code), or for the purpose of determining the eligibility or extent of eligibility of any person for assistance under the Social Security Act (42 U.S. Code 301 et seq.) or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part II (commencing with Section 23001) of Division 2 of Revenue and Taxation Code. The above statement on tax consequences is not intended as tax advice by the City or OPC. Displacees are responsible for consulting with their own tax advisors concerning the tax consequences of relocation payments.

V. ADMINISTRATIVE PROVISIONS

A. NOTICES

Each notice, which the City is required to provide to a property owner or occupant, shall be personally delivered or sent by certified or registered first-class mail, return receipt requested and documented in the case file. Each notice will be written in plain, understandable language. Persons who are unable to read and understand any notice will be provided with appropriate translation and counseling. Each notice will indicate the name and telephone number of a person who may be contacted for answers to questions or other needed help.

There are three principal notices:

- 1) the General Information Notice,
- 2) the Notice of Relocation Eligibility, and
- 3) the Ninety-Day Notice.

The General Information Notice (GIN) is intended to provide potential relocatees with a general written description of the City's relocation program and basic information concerning benefits, conditions of eligibility, noticing requirements and appeal rights. (See **Exhibit D**) GINs were mailed via regular and certified mail and hand-delivered to all affected households in October 2012.

A Notice of Relocation Eligibility (NOE) will be distributed to each residential relocatee. The NOE to the relocatee contains a determination of eligibility for relocation assistance and a computation of a maximum entitlement based on information provided by the affected household and the analysis of comparable replacement properties undertaken by relocation staff. The NOE will be issued to any eligible permanent displacee once the Project has been approved and Project funding is in place.

No lawful occupant will be required to move without having received at least 90 days advance written notice of the earliest date by which the move will be necessary. The 90-day notice will either state a specific date as the earliest date by which the occupant may be required to move or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date of the required move. The 90-day notice will not be issued to any residential displacee before a comparable replacement dwelling has been made available.

In addition to the three principal notices, City staff will issue timely written notification in the form of a Reminder Notice, which discusses the possible loss of rights and sets the expiration date for the loss of benefits to those persons who:

- 1) are eligible for monetary benefits,
- 2) have moved from the acquired property, and
- 3) have not filed a claim for benefits.

Reminder Notices will be issued periodically throughout the qualification period. An attempt shall be made to make written contact with all non-responsive relocatees no later than within the last six months prior to the filing expiration date.

B. PRIVACY OF RECORDS

All information obtained from displacees is considered confidential and will not be shared without consent of the displacee or the City. Relocation staff will comply with federal regulations concerning safeguarding of relocation files and their contents.

C. GRIEVANCE PROCEDURES

The City's grievance policy will follow the standards described in Article 5 Section 6150 et seq. of the State guidelines. Briefly stated, displacees will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, the amount of payment, the failure to provide comparable replacement housing referrals or the City's property management practices.

Requests for review will be directed first to the Director of Public Works or an authorized designee of the City and subsequently to a formal Relocation Appeals Board, at the election of the appellant complainant. Details concerning the entire appeals process will be provided upon request.

D. EVICTION POLICY

Eviction will cause the forfeiture of a displacee's right to relocation assistance or benefits. Relocation records will be documented to reflect the specific circumstances surrounding any eviction action.

Eviction may be undertaken for one, or more of the following reasons:

- (a) Failure to pay rent, except in those cases where the failure to pay is due to the owner's failure to keep the premises in habitable condition; is the result of harassment or retaliatory action; or, is the result of discontinuation, or a substantial interruption of services;
- (b) Performance of a dangerous, and/or illegal act in the unit;
- (c) A material breach of the rental agreement, and failure upon notification to correct said breach within 30 days of Notice;
- (d) Maintenance of a nuisance, and failure to abate such nuisance upon notification within a reasonable time following Notice;
- (e) Refusal to accept one of a reasonable number of offers of replacement dwellings; and/or,
- (f) A requirement under State, or local law or emergency circumstances that cannot be prevented by reasonable efforts on the part of the City.

E. CITIZEN PARTICIPATION

A community meeting regarding this Project phase was held on May 10, 2012, and a second community meeting was held on December 12, 2012. As the process for considering the Project moves forward, the City will observe the following protocol:

1. Provide affected tenants with full and timely access to documents relevant to the relocation program;
2. Encourage meaningful participation in reviewing the Relocation Plan and monitoring the relocation assistance program;
3. Provide technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials;
4. Issue a general notice concerning the availability of the Plan for public review, as required, 30 days prior to its proposed approval; and
5. Include written or oral comments concerning the Plan as an attachment (**Exhibit F**) when it is forwarded to the City Council for approval.

F. PROJECTED DATE OF DISPLACEMENT

The City anticipates that date specific Notices to Vacate will not be issued prior to **September 2013**. No resident will be required to vacate without a minimum of 90 days notice. However, a resident may chose to vacate prior to a vacate notice being issued, once they have received their Notice of Eligibility, and be assured they will receive any replacement housing assistance and moving assistance to which they may be entitled.

G. ESTIMATED RELOCATION COSTS

The total budget estimate for relocation-related payments for this Project, including a 10% contingency, is **\$818,000**.

The Estimated relocation budget does not include any payments related to property acquisition. In addition, the budget does not consider the cost of any services necessary to implement the Plan and complete the relocation element of the Project.

If the Project is to be implemented, and circumstances arise that should change either the number of displaced occupants, or the nature of their activity, the City will authorize any additional compensable funds that may need to be appropriated. The City pledges to appropriate, on a timely basis, the funds necessary to ensure the successful completion of the Project, including funds necessary for Last Resort Housing as indicated in Section IV, E, of this Plan to meet its obligation under the relocation regulations.

EXHIBIT A
RESIDENTIAL INTERVIEW FORM

EXHIBIT B
PROJECT MAP

EXHIBIT C

HUD INCOME LIMITS – ORANGE COUNTY

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

Area Median: \$84,100			
Family Size	Extremely Low	Very Low	Lower
1 Person	19,2500	32,050	51,250
2 Person	22,000	36,600	58, 600
3 Person	24,750	41,200	65,900
4 Person	27,450	45,750	73,200
5 Person	29,650	49,450	79,100
6 Person	31,850	53,100	84,950
7 Person	34,050	56,750	90,800
8 Person	36,250	60,400	96,650

Figures are per the Department of Housing and Community Development (California), Division of Housing Policy Development, **December 11, 2012.**

EXHIBIT D
GENERAL INFORMATION NOTICE

EXHIBIT E
RESIDENTIAL INFORMATIONAL BROCHURE

EXHIBIT F
PUBLIC COMMENTS AND RESPONSE