

Appendix C
Summary of Relocation Benefits

California Dept. of Transportation Relocation Assistance Program

RELOCATION ASSISTANCE ADVISORY SERVICES

The California Department of Transportation (the Department) will provide relocation advisory assistance to any person, business, farm or non-profit organization displaced as a result of the Department's acquisition of real property for public use. The Department will assist residential displacees in obtaining comparable decent, safe and sanitary replacement housing by providing current and continuing information on sales price and rental rates of available housing. Non-residential displacees will receive information on comparable properties for lease or purchase.

Residential replacement dwellings will be in equal or better neighborhoods, at prices within the financial means of the individuals and families displaced, and reasonably accessible to their places of employment. Before any displacement occurs, displacees will be offered comparable replacement dwellings that are open to all persons regardless of race, color, religion, sex or national origin, and are consistent with the requirements of Title VIII of the Civil Rights Act of 1968. This assistance will also include supplying information concerning federal and state assisted housing programs, and any other known services being offered by public and private agencies in the area.

RESIDENTIAL RELOCATION PAYMENTS PROGRAM

The Relocation Payment program will assist eligible residential occupants by paying certain costs and expenses. These costs are limited to those necessary for, or incidental to, purchasing or renting a replacement dwelling, and actual reasonable expenses incurred in moving to a new location within 80 kilometers (50 miles) of displacee's property. Any actual moving costs in excess of 80 kilometers (50 miles) are the responsibility of the displacee. The Residential Relocation Program can be summarized as follows:

Moving Costs

Any displaced person who was "lawfully" in occupancy of the acquired property regardless of the length of occupancy in the property acquired will be eligible for reimbursement of moving costs. Displacees will receive either the actual reasonable costs involved in moving themselves and personal property up to a maximum of 80 kilometers (50 miles), a moving service authorization, or a fixed payment based on a fixed moving cost schedule which is determined by the number of furnished or unfurnished rooms of the displacement dwelling.

Purchase Supplement

In addition to moving and related expenses payments, fully eligible homeowners may be entitled to payments for increased costs of purchasing replacement housing.

Homeowners who have owned and occupied their property for 180 days prior to the date of the first written offer to purchase the property, may qualify to receive a price differential payment equal to the difference between the Department's offer to purchase their property and the price of a comparable replacement dwelling, and may qualify to receive reimbursement for certain nonrecurring costs incidental to the purchase of the replacement property. An interest differential payment is also available if the interest rate for the loan on the replacement dwelling is higher than

the loan rate on the displacement dwelling, subject to certain limitations on reimbursement based upon the replacement property interest rate. Also the interest differential must be based upon the "lesser of" either the loan on the displacement property or the loan on the replacement property. The maximum combination of these three supplemental payments that the owner-occupants can receive is \$22,500. If the calculated total entitlement (without the moving payments) is in excess of \$22,500, the displacee may qualify for the Last Resort Housing described below.

Rental Supplement

Tenants who have occupied the property to be acquired by the Department for 90 days or more and owner-occupants who have occupied the property 90 to 180 days prior to the date of the first written offer to purchase may qualify to receive a rental differential payment. This payment is made when the Department determines that the cost to rent a comparable and "decent, safe and sanitary" replacement dwelling will be more than the present rent of the displacement dwelling. As an alternative, the eligible occupant may qualify for a down payment benefit designed to assist in the purchase of a replacement property and the payment of certain costs incidental to the purchase, subject to certain limitation noted below under the "Down Payment" section (see below). The maximum amount of payment to any tenant of 90 days or more and any owner-occupant of 90 to 179 days, in addition to moving expenses, will be \$5,250. If the calculated total entitlement for rental supplement exceeds \$5,250, the displacee may qualify for the Last Resort Housing Program described below.

The rental supplement of \$7,500 or less will be paid in a lump sum, unless the displacee requests that it be paid in installments. The displaced person must rent and occupy a "decent, safe and sanitary" replacement dwelling within one year from the date the Department takes legal possession of the property, or from the date the displacee vacates the Department-acquired property, whichever is later.

Down Payment

Displacees eligible to receive a rental differential payment may elect to apply it to a down payment for the purchase of a comparable replacement dwelling. The down payment and incidental expenses cannot exceed the maximum payment of \$5,250, unless the Last Resort Housing Program is indicated. The one-year eligibility period in which to purchase and occupy a "decent, safe and sanitary" replacement dwelling will apply.

Last Resort Housing

Federal regulations (49 CFR 24.404) contain the policy and procedure for implementing the Last Resort Housing Program on federal aid projects. In order to maintain uniformity in the program, the Department has also adopted these federal guidelines on non-federal-aid projects. Except for the amounts of payments and the methods in making them, last resort housing benefits are the same as those benefits for standard relocation as explained above. Last resort housing has been designed primarily to cover situations where available comparable replacement housing, or when their anticipated replacement housing payments, exceed the \$2,520 and

\$22,500 limits of the standard relocation procedures. In certain exceptional situations, last resort housing may also be used for tenants of less than 90 days.

After the first written offer to acquire the property has been made, the Department will, within a reasonable length of time, personally contact the displacees to gather important information relating to:

- Preferences in area of relocation.
- Number of people to be displaced and the distribution of adults and children according to age and sex.
- Location of school and employment.
- Special arrangements to accommodate any handicapped member of the family.
- Financial ability to relocate into comparable replacement dwelling, which will house all members of the family decently.

The above explanation is general in nature and is not intended to be a complete explanation of relocation regulations. Any questions concerning relocation should be addressed to the Department. Any persons to be displaced will be assigned a relocation advisor who will work closely with each displacee in order to see that all payments and benefits are fully utilized, and that all regulations are observed, thereby avoiding the possibility of displacees jeopardizing or forfeiting any of their benefits or payments.

THE BUSINESS AND FARM RELOCATION ASSISTANCE PROGRAM

The Business and Farm Relocation Assistance Program provides aid in locating suitable replacement property for the displacee's farm or business, including, when requested, a current list of properties offered for sale or rent. In addition, certain types of payments are available to businesses, farms, and non-profit organizations. These payments may be summarized as follows:

- Reimbursement for the actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business in an amount not greater than the reasonable cost of relocating the property.
- Reimbursement up to \$1,000 of actual reasonable expenses in searching for a new business site.
- Reimbursement up to \$10,000 of actual reasonable expenses related to the reestablishment of the business at the new location
- Reimbursement of the actual reasonable cost of moving inventory, machinery, office equipment and similar business-related personal property, including dismantling, disconnecting, crating, packing, loading, insuring, transporting, unloading, unpacking, and reconnecting personal property.

Payment "in lieu" of moving expense is available to businesses which are expected to suffer a substantial loss of existing patronage as a result of the displacement, or if certain other requirements such as inability to find a suitable relocation site are met. This payment is an amount equal to the average annual net earnings for the last two taxable years prior to relocation. Such payment may not be less than \$1,000 and not more than \$20,000.

ADDITIONAL INFORMATION

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code of 1954 or for the purposes of determining eligibility or the extent

of eligibility of any person for assistance under the Social Security Act or any other federal law (except for any federal law providing low-income housing assistance).

Persons who are eligible for relocation payments and who are legally occupying the property required for the project will not be asked to move without being given at least 90 days advance notice, in writing. Occupants of any type of dwelling eligible for relocation payments will not be required to move unless at least one comparable "decent, safe and sanitary" replacement residence, open to all persons regardless of race, color, religion, sex or national origin, is available or has been made available to them by the state.

Any person, business, farm or non-profit organization, which has been refused a relocation payment by the Department, or believes that the payments are inadequate, may appeal for a hearing before a hearing officer or the Department's Relocation Assistance Appeals Board. No legal assistance is required; however, the displacee may choose to obtain legal council at his/her expense. Information about the appeal procedure is available from the Department's Relocation Advisors.

The information above is not intended to be a complete statement of all of the Department's laws and regulations. At the time of the first written offer to purchase, owner-occupants are given a more detailed explanation of the state's relocation services. Tenant occupants of properties to be acquired are contacted immediately after the first written offer to purchase, and also given a more detailed explanation of the Department's relocation programs.

IMPORTANT NOTICE

To avoid loss of possible benefits, no individual, family, business, farm or non-profit organization should commit to purchase or rent a replacement property without first contacting a Department of Transportation relocation advisor at:

Sate of California
Betsy Joseph
Department of Transportation, District 4
111 Grand Avenue
Oakland, CA 94612