

**OLIVE AVENUE  
WIDENING AND RECONSTRUCTION PROJECT**

**Draft Relocation Plan**

**for**

**City of Madera**

**By**



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## **INTRODUCTION**

The City of Madera, California (City) plans to widen Olive Avenue (between Gateway Drive and Knox Street; and Knox Street, between Neplus Way and Olive Avenue). This proposed roadway construction project is hereinafter referred to as the Widening and Reconstruction Project (Project).

Olive Avenue, between Gateway Drive and Roosevelt Street, consists of two travel lanes with dirt shoulders. Olive Avenue, between Roosevelt Street and Knox Street, has been widened to City Arterial Street standards: four lanes with median and sidewalks. The construction of street improvements west of Roosevelt Street is needed for traffic and pedestrian use to match Olive Avenue east of Roosevelt Street.

Knox Street, between Neplus Way and Olive Avenue, is a City Collector Street. Only the east half of the street has been constructed with travel lanes and a sidewalk. The west half of the street needs similar improvements to be constructed for traffic and pedestrians, and to provide for a complete intersection at Olive Avenue and Knox Street.

The reconstruction and widening of Olive Avenue, between Gateway Drive and Roosevelt Street, will consist of sidewalks, bike lanes, four travel lanes and a median with left turn pockets. A traffic signal will be installed at the intersection of Olive Avenue and Roosevelt Street. Enhanced Railroad Signal Protection will be installed at the Union Pacific Railroad crossing. The existing right of way is 45 feet. A 100 foot right of way is needed for an Arterial Street. The acquisition will consist of additional widths of 20 feet on the north side and 35 feet on the south side. The City has adopted a Specific Plan Line, 100 feet in width, for this project.

The widening of Knox Street will involve construction on the west half of the street, consisting of a sidewalk, bike lane and travel lane. The existing right of way is 60 feet. An 80 foot right of way is needed for a Collector Street. The acquisition will consist of an additional width of 20 feet on the west side.

This project will potentially necessitate the permanent displacement of two residential households and potentially one non-residential commercial occupant from their current locations due to the full or partial acquisition of the real estate. The residential properties subject to this Plan are located at 62 South Knox Street and 1280 E. Olive Avenue. The one commercial property subject to this plan is located at 905 South Gateway Drive. The project will also require the relocation of personal property from a tenant occupied storage building located at 100 14<sup>th</sup> Street, Madera. The residential and commercial properties will hereinafter be referred to either as the Residential Property (ies) or Commercial Property (ies). The Residential Properties are assumed to be owner occupied. The Commercial Property includes an auto repair and upholstery business. Attachment 1 provides location maps for the Project and properties.

This Project will utilize local public funding. This Project requires that relocation planning and assistance be provided to the displacees in accordance with the California Relocation Assistance Law, California Government Code Section 7260 et seq. (CRAL) and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, Chapter 6, Section 6000 et seq. (Guidelines).

One of the City's obligations is to prepare a relocation plan, to be approved by the City, describing the persons impacted by the project, the relocation advisory and financial assistance program that will be made available to them, the replacement housing resources available, and the estimated relocation cost. This Plan sets forth the policies and procedures necessary to conform to statutes and regulations of the CRAL and Guidelines.

Overland, Pacific & Cutler, LLC (OPC), a public real estate services consulting firm specializing in relocation assistance consulting services, prepared this Relocation Plan (Plan) and will implement the Plan on behalf of the City.

## **RELOCATION PLAN**

### **A. METHODOLOGY AND ASSESSMENT OF NEEDS**

In order to determine the eligibility for relocation assistance and determine specific needs of persons displaced by the Project, an eligibility and needs assessment survey will be conducted at a future date prior to the issuance of any Notices of Eligibility ('NOE') for relocation assistance. This survey will be carried out in the form of interviews with each potentially displaced household and/or business, non-profit, or farming operation. OPC will make three attempts to interview each potential displacee prior to issuing an NOE.

Inquiries to be made of residential occupants include household size and composition, income information, length of tenure as property owners and/or tenants of the property owner, disabilities and/or health problems (if any) present in the household, and any locational preferences related to replacement housing.

Survey questions of non-residential users will concern the nature of their business, non-profit, or farming operation, leasehold interest, annual revenues, description and size of current operations, special equipment and/or facility requirements, and area/facility preferences with respect to possible replacement locations.

All information is expected to be in oral narrative form initially. This data will be subsequently validated by obtaining documentary evidence required at the time of determination of displacement to conform to qualifying criteria, such as housing costs, length of residency and income.

### **B. IMPACT ANALYSIS**

Limited specific information is available at this time. This Plan will be updated once the specific data described above is acquired from the displacees. There are currently two residential occupants and two commercial businesses potentially affected by the Project.

While the Residential Properties appear to be owner-occupied according to property profiles both Properties are owned by the same individual. There is a smaller home located at 62 South Knox Street located directly behind the home located at 1280 E. Olive Avenue, which may be tenant-occupied and/or occupied by other members of the

owner's family. Should it be determined that there is residential tenant occupant, this Plan will be updated to include information about the tenant occupant and replacement rental housing resources.

The Commercial Property is an auto repair and upholstery shop located at the northeast intersection of Gateway Drive and E. Olive Street. The business specializes in custom upholstery, car audio, and window tinting. The right of way impacts for the project will only take about 30% of the building, but it is expected the entire building will need to be demolished.

Attachment 1 identifies the general location of the two households and one commercial business located along Olive Avenue in the City of Madera that may be displaced.

### **C. DEMOGRAPHICS AND HOUSING CHARACTERISTICS**

According to the U.S. Census, in 2010 the City of Madera had a total population of 61,416. The population was 49.9% White, 3.4% African American, 3.1% American Indian or Alaska Native, 2.2% Asian, and 41.3% other origins or one or more races. With regard to ethnicity, 76.7% of the population was Hispanic or Latino of any race, and only 16.9% was White, non-Hispanic. Madera was comprised of 49% females and 51% males and had a median age of 26.6 years. The average household size was 3.82 persons per household. According to the 2017 income limits from the U.S. Department of Housing and Urban Development (HUD) and the State of California Department of Housing and Community Development (HCD), the median income in Madera County is \$59,900 for a family of four.

### **D. PROJECT OCCUPANCY/OVERCROWDING**

For purposes of determining whether overcrowding conditions exist, an occupancy standard of one bedroom for head of household and spouse or partner, one sleeping-room for every other two persons, plus one person in a room used for other purposes (e.g., living room) was utilized. Overcrowding is not an issue at the Property.

### **E. REPLACEMENT SITE RESOURCES**

**Residential:** One of the primary purposes of a Relocation Plan is to demonstrate the availability of comparable, affordable, decent, safe and sanitary (DS&S) housing prior to

the displacement of residential occupants. In order to adequately relocate the Project households, one 2-bedroom and one 3-bedroom single family residential unit will be required. Following resident interviews, replacement housing needs will be reevaluated if necessary, particularly if one of the properties is tenant-occupied.

A housing survey was conducted in November of 2017. Six units within a reasonable range were located to serve the needs of the residential occupants given the data provided to OPC. Referrals to replacement housing will made to the displaced households according to their needs.

**Table 1** below shows the number of units required versus those found, the purchase price and distance range from the subject property. This data has been utilized to assess the potential relocation benefit costs for residential displacements.

**Table 1: Replacement Housing Survey Results**

<b>Unit Size</b>	<b>Need</b>	<b>Located</b>	<b>Price range</b>	<b>Median range</b>	<b>Approximate sq/ft</b>
2 BR	1	3	\$240,000-315,000	\$270,000	1,060
3 BR	1	3	\$290,000 - \$400,000	\$345,000	2,212

The residential displacees will be required to permanently relocate as there will be no opportunity to return to their current residence after the Project has been completed. There will be no new residential housing constructed at the Project site.

**Businesses:** While there is no specific requirement pursuant to CRAL or guidelines mandating that alternate relocation sites be made available to businesses at the time of displacement the City is committed to making every effort to satisfactorily relocate and re-establish business enterprises. This Relocation Assistance Plan outlines the requirements for moving and re-establishing a business prospectively being displaced, and demonstrates the level of advisory and financial assistance that will be provided. As more information is gathered regarding the businesses, replacement resources will be described further in this Plan. The Plan will also describe the number of employees that may be affected.

## **F. CONCURRENT RESIDENTIAL DISPLACEMENT**

Based on the needs and characteristics of the Project population, there are no concurrent displacement activities underway or anticipated in the near future which would negatively impact the ability to relocate the displaced households.

## **G. PROGRAM ASSURANCES AND STANDARDS**

Adequate funds are available from the City to relocate the displacees. Relocation assistance services will be provided to ensure that displacement does not result in different, or separate treatment of households based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and the Unruh Act, as well as any otherwise arbitrary or unlawful discrimination.

No households will be permanently displaced without 90-days advance written notice and unless “comparable” replacement housing can be made available. “Comparable” housing includes standards such as: decent, safe, and sanitary; comparable as to the number of bedrooms, living space, and type and quality of construction of the acquired unit but not lesser in rooms or living space than necessary to accommodate the displaced household; in an area that does not have unreasonable environmental conditions; not generally less desirable than the acquired unit with respect to location to schools, employment, health and medical facilities, and other public and commercial facilities and services; and, within the financial means of the displaced household.

No commercial occupants will be permanently displaced without 90-days advance written notice and the provision of a Notice of Eligibility (NOE). The NOE will also include referrals to potential replacement spaces.

## **H. ADVISORY SERVICES**

In order to be eligible for relocation assistance, a residential occupant must be in lawful residence at their unit at least 90 days prior to the sooner of the first offer for the property or commitment of public funding to the project. A non-residential occupant must have been in occupancy on the date or prior to the sooner of the first offers for the property or commitment of public funding for the project.

A General Information Notice (GIN) will be served to all occupants at the properties at that time of the Initiation of Negotiations. This notice informs the tenants not to move until they have received a Notice of Eligibility (NOE) for relocation assistance. It is assumed at this time that all displacees are eligible to receive advisory and financial relocation assistance.

OPC staff is available to assist any displaced household with questions about relocation and/or assistance in relocating. Relocation staff can be contacted at **980 9<sup>th</sup> Street, Suite 1600, Sacramento, CA 95814** or by calling **800-400-7356**, from 9:00 AM to 5:00 PM, Monday through Friday. A comprehensive relocation assistance program, with technical and advisory assistance, will be provided to the household being permanently displaced. Close personal contact will be maintained with the household. Specific activities will include:

1. Distribution of informational notices. **Attachment 4** contains a sample of the informational notices that will be provided to the displaced households and the non-residential/business displacees.
2. For residential displacees, provide timely referrals to at least three comparable replacement units and social services as requested.
3. Provide transportation to residential displacees to inspect potential replacement units as necessary.
4. Conduct the DS&S inspection of the selected replacement residential property and provide other assistance working with the prospective landlord of the residential displacees.
5. Advise displacees which costs are and are not compensable under the program.
6. Assist residential displacees in obtaining move bids if needed.
7. Assist non-residential displacees in locating a replacement space, and obtaining bids from moving contractors and/or other necessary service providers to conduct or complete their move.
8. Assist with completion and filing of relocation claims, rental applications, and appeals forms, if necessary.
9. Coordinate or oversee the move process as requested.

## **I. CITIZEN PARTICIPATION/PLAN REVIEW**

The relocation plan will be released for review and comment in December 2017 for a period of 30 days. All displacees will receive a general notice of the plan's availability and instructions regarding how to comment on the plan.

## **J. RELOCATION BENEFIT CATEGORIES**

Permanent relocation benefits will be paid upon submission of required claim forms and documentation in accordance with approved procedures. The City will provide appropriate benefits for each displaced household or business as required by the CRAL and Guidelines and URA.

It is expected that two households, one non-residential/business entity and one personal property move tenant will be eligible for relocation assistance.

Below a description of the residential and non-residential/commercial relocation benefit categories are provided. A sample residential and non-residential Informational Statement is provided in Attachment 3, 4 and 5 respectively.

### **Residential Moving Expense Payments**

Moving expense payments for eligible displaced households will be made based upon the actual cost of a professional move or a fixed payment based on a room-count schedule.

#### **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 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. Table 2 below provides the current fixed payment schedule authorized by the State of California Department of Transportation (Caltrans).

**Table 2: Fixed Residential Move Payment Schedule**

Unfurnished Dwelling									
Room count	1	2	3	4	5	6	7	8	Each additional
Amount	\$725	\$930	\$1,165	\$1,375	\$1,665	\$1,925	\$2,125	\$2,505	\$265
Furnished Dwelling									
Room count	1	each additional							
Amount	\$475	\$90							

Source: California Department of Transportation – August 2015

**Replacement Housing Payment Homeowners**

To be eligible to receive the following benefits of an owner occupied dwelling acquired by the Displacing Agency, displacees must have occupied the dwelling at least 90 days prior to the initiation of negotiations. Displacees may be eligible to receive the following payments to assist in purchasing a comparable replacement unit. These payments are intended to cover the following items:

- (a) **Purchase Price Differential:** An amount which, when added to the amount for which the Displacing Agency purchased the property, equals the lesser of the actual cost of the replacement dwelling; or the amount determined by the Displacing Agency as necessary to purchase a comparable replacement dwelling.
- (b) **Mortgage Interest Differential:** The amount which covers the increased interest costs, if any, required to finance a replacement dwelling.
- (c) **Incidental Expenses:** Those one time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.
- (d) **Rental Assistance Option:** An owner-occupant who chooses to rent rather than purchase a replacement dwelling may be eligible for a rental assistance

payment of up to the amount they could have received under the Purchase Price Differential, explained above. The payment will be based on the difference between the fair market rent of the dwelling occupied and the rent for a comparable replacement dwelling.

If you receive a rental assistance payment, as described above, and later decide to purchase a replacement dwelling, you may apply for a payment equal to the amount you would have received if you had initially purchased a comparable replacement dwelling, less the amount you have already received as a rental assistance payment.

### **Residential Rental Assistance for Tenant Occupants**

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 households may qualify and be eligible to apply for relocation benefits under the Guidelines and CRAL. Except in the case of Last Resort Housing situations, the potential payment to the households will be payable over a 42-month period and limited to a maximum of \$7,200. The relocation program is explained in detail in the informational brochure to be provided to each permanently displaced household.

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

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

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

- (a) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by City. For households paying little or no rent, fair market rent will be used as a substitute for actual rent; or
- (b) Thirty percent (30%) of the displaced person's average, monthly gross

- household income, if the amount is classified as “low income” by HCD’s Annual Income Limits at the time of displacements. (HCD limits are shown as **Attachment 2**). 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
- (c) 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 3** below provides an example of how the replacement housing payment is calculated. The numbers provided are provided only as an example.

**Table 3: Computation of Rental Assistance Payments (Tenants)**

1. Old Rent	\$500	Old Rent, plus Utility Allowance
<b>or</b>		
2. Ability to Pay	\$600	30% of the Adjusted Gross Household Income*
3. Lesser of lines 1 <b>or</b> 2	\$500	Base Monthly Rental
<b>Subtract From:</b>		
4. Actual New Rent	\$700	Actual New Rent including Utility Allowance
<b>or</b>		
5. Comparable Rent	\$775	Determined by Agency, includes Utility Allowance
6. Lesser of lines 4 <b>or</b> 5	\$750	
7. Yields Monthly Need	\$200	Subtract line 3 from line 6
<b>8. Rental Assistance Payment</b>	<b>\$8,400</b>	<b>Multiply line 7 by 42 months</b>

\*Gross income means the total amount of annual income of a household less the following: (1) a deduction for each dependent in excess of three; (2) a deduction of 10% of total income for the elderly or disabled head of household; (3) a deduction for recurring extraordinary medical expenses defined for this purpose to mean medical expenses in excess of 3% of total income, where not compensated for, or covered by insurance or other sources; (4) a deduction of reasonable amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to employment of head of household or spouse, except that the amount shall not exceed the amount of income received by the person who would not otherwise be able to seek employment in the absence of such care.

**Last Resort Housing Payments for Residential Occupants**

There is adequate “comparable replacement housing” available to meet the needs of Project occupants, according to the attached housing survey. However, a combination of factors, including the income levels of the tenants, current Project rents, and the cost of replacement dwellings, may create the need for last resort housing.

A displaced person is entitled to Last Resort Housing assistance when, in a single residential case, the computed total of rental assistance eligibility exceeds \$7,200. This

type of situation is likely to develop among low-income and/or large families, or in environments where project area rents are particularly low vis-à-vis those in the comparable, replacement housing market.

### **Down Payment Assistance Payment to Tenants who Purchase**

The displaced household may opt to apply the entire benefit amount for which they are eligible toward the purchase of a replacement unit.

A displaced household which 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 down payment 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 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.

### **Commercial Occupant Moving Expense Payments**

Relocation benefits will be provided to the commercial occupants pursuant to State law. Eligible businesses may receive a relocation payment to cover the reasonable cost of moving their personal property from the Project site to the selected replacement site.

There are two options:

(A) A payment for actual reasonable and necessary moving and City expenses;

*Or,*

(B) A fixed payment not to exceed forty thousand dollars (\$40,000).

### **Payment for Actual Reasonable and Necessary Moving and Expenses**

This payment may include the following:

- a)** Transportation of persons and property from the present location to the replacement location (transportation costs are limited to a distance of 50 miles);
- b)** Packing, crating, uncrating, and unpacking personal property;
- c)** Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby, and modifications necessary to adapt such property to the replacement structure, or to the utilities, or to adapt the utilities to the personal property;
- d)** Storage of personal property generally for up to twelve (12) months, at the Agency's discretion;
- e)** Insurance of personal property while in storage or transit and, the replacement value of property lost, stolen, or damaged (though not through the fault or negligence of the displaced person) in the process of moving;
- f)** Subject to certain limitations, any license, permit or certification required by the displaced business, to the extent that the cost is necessary for reestablishment at the replacement location;
- g)** Subject to certain limitations, reasonable and pre-authorized professional services, including architects', attorneys', engineers' fees and consultants' charges, necessary for: **(1)** planning the move of the personal property; **(2)** moving the personal property; or, **(3)** installing the relocated personal property at the replacement location;
- h)** Subject to certain limitations, the purchase and installation of substitute personal property limited to the lesser of: **(1)** the estimated cost to move the item to the replacement location; or, **(2)** the replacement cost, less any proceeds from its sale;

- i) Subject to certain limitations, modifying the machinery, equipment or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply.
- j) Actual direct losses of tangible personal property resulting from moving, or discontinuing a business or non-profit organization, *not-to-exceed* the *lesser of* the fair market value of the tangible, personal property for continued use at its location prior to displacement; **or**, an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the City, subject to certain limitations;
- k) Actual, and reasonable expenses incurred in searching for a replacement business location, *not-to-exceed* \$2,500.
- l) Actual, and reasonable expenses necessary to reestablish a displaced small business at its new location, *not-to-exceed* \$25,000. Examples of expenses that may be considered for reimbursement include advertising, redecoration and certain increased costs of operation at the new location.

### **Fixed Payment In Lieu of a Payment for Actual Reasonable Moving and City Expenses**

The amount of this payment shall be based on the *average, annual net* earnings of the business. The payment to an eligible business may neither be less than \$1,000, nor more than \$40,000. To qualify for this payment a displaced business:

- A)** *Cannot* be a part of a commercial enterprise having *at least* three (3) other establishments which are *not* being displaced by City as part of this Project, and which is under the *same ownership* and engaged in the *same, or similar* business activities;
- B)** Must *not* be able to relocate without substantial loss of patronage; and,
- C)** *Must* have contributed *at least* 33% of the owner's total gross income during *each* of the two (2) taxable years *prior to* displacement, *or* meet specific earnings criteria.

## **Personal Property Moving and Related Expenses**

You may be reimbursed the cost to relocate your personal property based on actual reasonable moving and related costs as the Displacing Agency determines to be reasonable and necessary. The following moving expenses may be considered by the Displacing Agency:

- a) Transportation of persons and property not to exceed a distance of 50 miles from the site from which displaced, except where relocation beyond such distance of 50 miles is justified;
- b) Packing, crating, unpacking and uncrating personal property;
- c) Such storage of personal property, for a period generally not to exceed 12 months, as determined by the public entity to be necessary in connection with relocation;
- d) Insurance of personal property while in storage or transit;
- e) The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his agent, or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available;
- f) The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the public entity, including connection charges imposed by public utilities for starting utility service; and
- g) When the cost of moving any item of personal property of low value and high bulk (junkyards, stockpiles, sand, gravel, minerals, metals and similar property) would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation.
- h) Other moving and related expenses that the Displacing Agency determines to be reasonable and necessary.

Actual, reasonable and necessary moving expenses for moving personal property may be determined based on the cost of one of the following methods:

1. Commercial Move: performed by a commercial mover based on at least two written estimates and receipted bills; **or**
2. Self-Move: move performed by you based on one or a combination of the following methods:
  - a. The lower of two bids or estimates prepared by a commercial mover; or
  - b. Supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover to employees performing the same activity and, equipment rental fees should be based on the actual cost of renting equipment but not to exceed the cost paid by a commercial mover.

## **K. PAYMENT OF RELOCATION BENEFITS**

Relocation benefit payments will be made in a reasonable time and manner. Claims and supporting documentation for relocation benefits for tenants 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. Developer staff will review all necessary documentation including, but not limited to, scopes-of-service, contractor bids, invoices, lease documents and escrow material before reaching a determination as to which expenses are eligible for compensation.
3. Required claim forms will be prepared by OPC 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 displacee 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 claim materials will be maintained in the relocation case file.

## **L. IMMIGRATION STATUS**

Federal legislation (PL105-117) prohibiting the payment of relocation assistance benefits under the URA 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 will be applicable. 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 City to negatively affect the alien's spouse, parent or child.

This section of the plan would only apply if federal funds are utilized in the Project. Persons who would be determined not to be lawfully present in the U.S. may be eligible to receive relocation assistance under CRAL and the Guidelines. In such cases they would only receive those benefits permitted under California law, including advisory services, replacement housing assistance (including last resort housing) and moving assistance.

## **M. EVICTION POLICY**

The City recognizes that eviction is permissible only as a last resort and that relocation records must be documented to reflect the specific circumstances surrounding any eviction. Eviction will only take place in cases of nonpayment of rent; a serious violation of the rental agreement; a dangerous or illegal act in the unit; or, if the household refuses all reasonable offers to move.

No evictions are pending or planned that would impact any households eligibility for relocation assistance.

## **N. APPEALS POLICY**

The appeals policy and grievance procedures will follow the standards described in Section 6150 et seq. of the Guidelines. Briefly stated, a displaced household will have the right to ask for review when there is a perceived grievance regarding any of its (the household's) rights to relocation and relocation assistance; including the determination as to eligibility, the amount of payment, or the failure to provide a comparable

replacement housing referral. **Attachment 5** contains the details of the Appeals Policy and Grievance Procedures.

#### **O. PROJECTED DATES OF DISPLACEMENT**

No displacees will be required to start the relocation process until they have received an NOE and a 90 Day Notice to Vacate. It is anticipated displacement will begin in March 2018; this plan will be updated once those dates are determined.

#### **P. ESTIMATED RELOCATION COSTS**

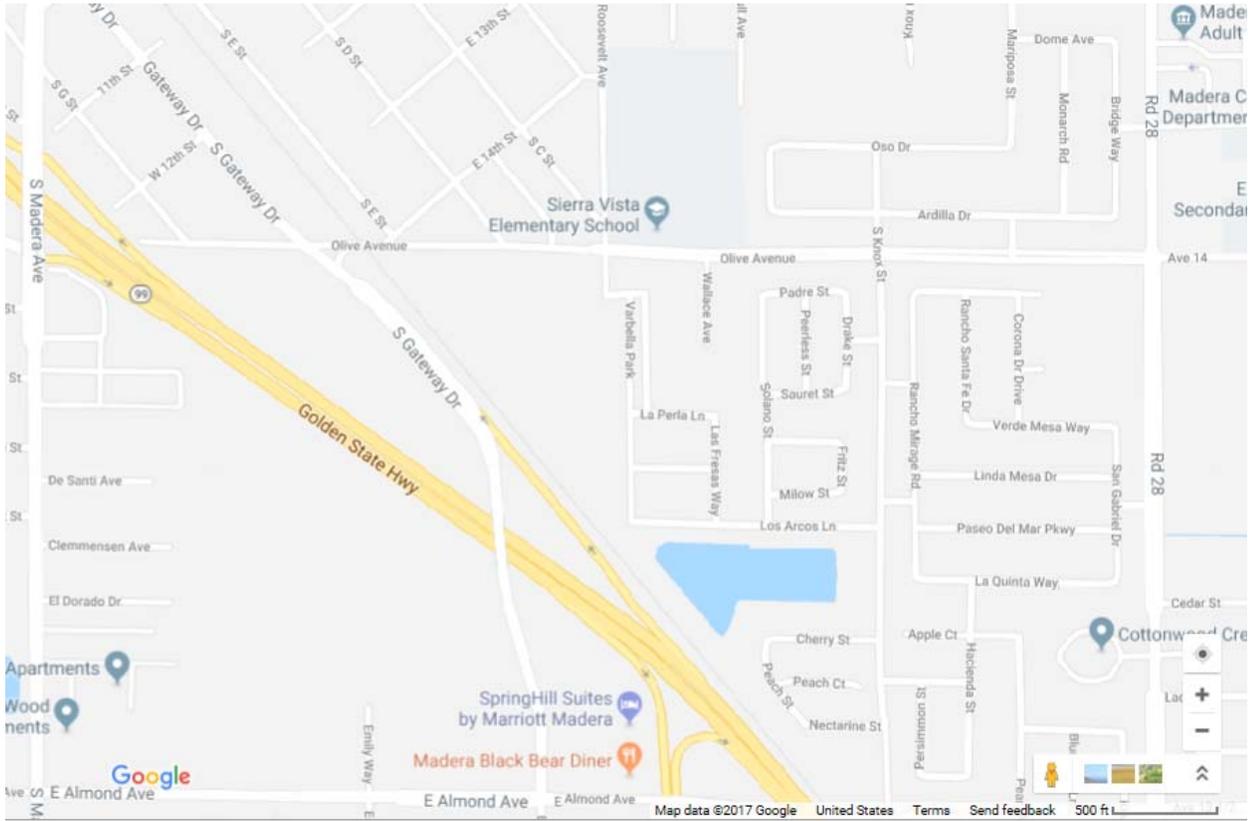
A relocation cost estimate will be prepared once additional information is available. The budget will include the cost of services necessary to implement the Plan and complete the relocation element of the Project. The budget will be calculated based on the known data for the displacees. Persons reviewing this plan should not assume that relocation assistance payments will be applied evenly to the displacees discussed in this plan because benefits are based on the variables for each case and not a uniform, fixed payment per displacee. The costs will be subject to change based on the actual and reasonable costs associated with the relocations. No party should utilize this plan or assume it to be an offer of a specific amount of payment.

## **TABLE OF ATTACHMENTS**

- Attachment 1:** Project Site Maps
- Attachment 2:** HCD Annual Income Limits – Madera County
- Attachment 3:** Residential Informational Brochure
- Attachment 4:** Business Informational Brochure
- Attachment 5:** Appeals/Grievance Procedures

# ATTACHMENT 1: PROJECT SITE MAPS

## Site-specific Location



**ATTACHMENT 2:  
HCD INCOME LIMITS  
MADERA COUNTY**

The following figures are approved by HCD for Madera County to define and determine housing eligibility by income level.

<b>Madera County</b> 4-Person Area Median Income: <b>\$59,900</b>	Extremely Low	12600	16240	20420	24600	28780	32960	37140	39550
	Very Low Income	21000	24000	27000	29950	32350	34750	37150	39550
	Low Income	33550	38350	43150	47900	51750	55600	59400	63250
	<b>Median Income</b>	41950	47900	53900	<b>59900</b>	64700	69500	74300	79050
	Moderate Income	50350	57500	64700	71900	77650	83400	89150	94900

*Effective: April 14, 2017*

**ATTACHMENT 3:**  
**RESIDENTIAL INFORMATIONAL BROCHURE**

**Relocation Assistance  
Informational Statement  
for Families and Individuals**

(California)

**CITY OF Madera  
("City")**

Project Name:  
**Olive Avenue Widening Project**

City Representative:



**Overland, Pacific & Cutler, LLC  
1024 Iron Point Road, #100  
FOLSOM, CA 95630  
Phone: 800-400-7356**

Informational Statement Content:

1. General Information
2. Assistance In Locating A Replacement Dwelling
3. Moving Benefits
4. Replacement Housing Payment - Tenants And Certain Others
5. Qualification For And Filing Of Relocation Claims
6. Last Resort Housing Assistance
7. Rental Agreement
8. Evictions
9. Appeal Procedures – Grievance
10. Tax Status of Relocation Benefits
11. Non-Discrimination and Fair Housing
12. Additional Information And Assistance Available

**Spanish speaking agents are available. Si necesita esta información en español,  
por favor llame a su agente.**

## **1. GENERAL INFORMATION**

The dwelling in which you now live is in a project area to be improved by, or financed through, the City using local funds. If and when the project proceeds, and it is necessary for you to move from your dwelling, you may be eligible for certain benefits. You will be notified in a timely manner as to the date by which you must move. Please read this information, as it will be helpful to you in determining your eligibility and the amount of the relocation benefits you may receive under state law. You will need to provide adequate and timely information to determine your relocation benefits. The information is voluntary, but if you don't provide it, you may not receive the benefits or it may take longer to pay you. We suggest you save this informational statement for reference.

The City has retained the professional firm of **Overland, Pacific & Cutler, LLC (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

**PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING.** However, if you desire to move sooner than required, you must contact your representative with OPC so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the City's relocation assistance program.

**Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the relocation benefits which you may be entitled to receive. Once the City acquires the property, you will also be required to pay rent to the City.**

## **2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING**

The City, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself. When a suitable replacement dwelling unit has been found, your relocation agent will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

## **3. MOVING BENEFITS**

If you must move as a result of displacement by the City, you will receive a payment to assist in moving your personal property. The actual, reasonable and necessary expenses for moving your household belongings may be determined based on the following methods:

- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**
- A payment for your Actual and Reasonable Moving Expenses based on at least two written estimates and receipted bills; **or**
- A combination of both (in some cases).

For example, you may choose a Self-Move, receiving a payment based on the Fixed Residential Moving Cost Schedule shown below, plus contract with a professional mover to transport your grand piano and /or other items that require special handling. In this case, there may be an adjustment in the number of rooms which qualify under the Fixed Residential Moving Cost Schedule.

**A. Fixed Moving Payment (Self-Move)**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the City, and ranges, for example, from \$475.00 for one furnished room to \$2,505.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation agent will inform you of the amount you are eligible to receive, if you choose this type of payment.

If you select a fixed payment, you will be responsible for arranging for your own move, and the City will assume no liability for any loss or damage of your personal property. A fixed payment also includes utility hook-ups and other reasonable moving costs.

<b>Fixed Moving Schedule CALIFORNIA (Effective 2015)</b>	
<b>Occupant Owns Furniture:</b>	
1 room	\$ 725
2 rooms	\$ 930
3 rooms	\$1,165
4 rooms	\$1,375
5 rooms	\$1,665
6 rooms	\$1,925
7 rooms	\$2,215
8 rooms	\$2,505
Each additional room	\$265
<b>Occupant does NOT Own Furniture:</b>	
1 room	\$475
Each additional room	\$90

**B. Actual Moving Expense (Commercial Move)**

If you wish to engage the services of a licensed commercial mover and have the City pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation agent will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a “mover” scope of services for Displacing Agency approval.

**4. REPLACEMENT HOUSING PAYMENT – TENANTS AND CERTAIN OTHERS**

You may be eligible for a payment up to \$7,200.00 to assist in renting or purchasing a comparable replacement dwelling. In order to qualify, you must either be a tenant who has occupied the present dwelling for at least 90 days immediately prior to the initiation of negotiations.

A. **Rental Assistance.** If you **wish to rent** your replacement dwelling, your maximum rental assistance benefits will be based upon the difference over a forty-two (42) month period between the rent you must pay for a comparable replacement dwelling and the lesser of your current rent or thirty percent (30%) of your monthly household income if your total gross income is classified as “low income” by the U. S. Department of Housing and Urban Development’s (HUD) Annual Survey of Income Limits for Public Housing and Section 8 Programs. You will be required to provide your relocation agent with monthly rent and household income verification prior to the determination of your eligibility for this payment.

**- OR -**

B. **Down-payment Assistance.** If you qualify, and **wish to purchase** a home as a replacement dwelling, you can apply up to the total amount of your rental assistance payment towards the down-payment and non-recurring incidental expenses. Your relocation agent will clarify procedures necessary to apply for this payment.

#### **5. QUALIFICATION FOR, AND FILING OF, RELOCATION CLAIMS**

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the** date you move from the displacement dwelling.

All claims for relocation benefits must be filed with the City **within eighteen (18) months** from the date on which you receive final payment for your property, or the date, on which you move, whichever is later.

#### **6. LAST RESORT HOUSING ASSISTANCE**

If comparable replacement dwellings are not available when you are required to move, or if replacement housing is not available within the monetary limits described above, the City will provide Last Resort Housing assistance to enable you to rent or purchase a replacement dwelling on a timely basis. Last Resort Housing assistance is based on the individual circumstances of the displaced person. Your relocation agent will explain the process for determining whether or not you qualify for Last Resort assistance.

If you are a tenant, and you choose to purchase rather than rent a comparable replacement dwelling, the entire amount of your rental assistance and Last Resort eligibility must be applied toward the down-payment and eligible incidental expenses of the home you intend to purchase.

#### **7. RENTAL AGREEMENT**

As a result of the City's action to purchase the property where you live, you may become a tenant of the City. If this occurs, you will be asked to sign a rental agreement which will specify the monthly rent to be paid, when rent payments are due, where they are to be paid and other pertinent information.

## **8. EVICTIONS**

Eviction for cause must conform to applicable State and local law. Any person, who occupies the real property and is not in unlawful occupancy on the date of initiation of negotiations, is presumed to be entitled to relocation benefits, unless the City determines that:

- The person received an eviction notice prior to the initiation of negotiations and, as a result, was later evicted; or
- The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease; and
- The eviction was not undertaken for the purpose of evading relocation assistance regulations.

Except for the causes of eviction set forth above, no person lawfully occupying property to be purchased by the City will be required to move without having been provided with at least 90 days written notice from the City.

## **9. APPEAL PROCEDURES - GRIEVANCE**

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by the City's Relocation Assistance Program may have the appeal application reviewed by the City and the City in accordance with the appeals procedure. Complete details on appeal procedures are available upon request from the City.

## **10. TAX STATUS OF RELOCATION BENEFITS**

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of 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. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been re-designated as the Internal Revenue Code of 1986. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

*(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the*

*purpose of (i) avoiding tax penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein)*

## **11. NON-DISCRIMINATION AND FAIR HOUSING**

No person shall on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the City's relocation assistance program pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and other applicable state and federal anti-discrimination and fair housing laws. You may file a complaint if you believe you have been subjected to discrimination. For details contact the City.

## **12. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE**

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation agent at Overland, Pacific & Cutler.

**ATTACHMENT 4:  
INFORMATIONAL BROCHURE BUSINESS AND NONPROFIT ORGANIZATIONS**

**Relocation Assistance  
Informational Statement  
For Business, Farm & Nonprofit**

(California)

**CITY OF Madera  
("City")**

Project Name:

**Olive Avenue Widening Project**

City Representative:



**Overland, Pacific & Cutler, LLC  
1024 Iron Point Road, #100  
FOLSOM, CA 95630  
Phone: 800-400-7356**

**Spanish speaking agents are available. Si necesita esta información en español,  
por favor llame a su agente.**



## Informational Statement for Business & Non-Profit

(California)

### Introduction

The property on which you now conduct your business is in an area to be improved by, or financed through, the City local funds. If and when the project proceeds, and it is necessary for you to move your business, you may be eligible for certain benefits. You will be notified in a timely manner as to the date by which you must move. Please read this information, as it will be helpful to you in determining your eligibility and the amount of the relocation benefits you may receive under the law. You will need to provide adequate and timely information to determine your relocation benefits. The information is voluntary, but if you don't provide it, you may not receive the benefits or it may take longer to pay you. We suggest you save this informational statement for reference.

The City has retained the professional firm of **Overland, Pacific & Cutler, LLC (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

**PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE THE PROPERTY.** However, if you desire to move sooner than required, you must contact your relocation agent at OPC, so you will not jeopardize any benefits. This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to the City's relocation assistance program.

**Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the relocation benefits which you may be entitled to receive. Once the City acquires the property, you will also be required to pay rent to the City.**

### Summary of Available Relocation Assistance:

- A.** Advisory assistance to explain the relocation process, the City eligibility requirements, the procedures for obtaining reimbursement for moving expenses and referrals to suitable replacement locations
- B.** Payment for your moving expenses. You may receive one of the following options:
  - Option 1: A Payment for Actual Reasonable Moving and Related Expenses;** or
  - Option 2: A Fixed Payment In Lieu of a Payment for Actual Moving and Related Expenses**
- C.** Other help to reestablish your business and minimize the impact of the move including help in preparing claim forms to request relocation payments.

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

## **GENERAL RELOCATION QUESTIONS**

### **1. How Will I Know I Am Eligible for Relocation Assistance?**

Ordinarily, eligibility begins on the date the owner of the property receives the City's initial written offer to purchase the property. Therefore, you should not move before that date or receiving a notice of eligibility. If you do, you may not be eligible for relocation assistance.

### **2. How Will the City Know How Much Help I Need?**

You will be contacted at an early date and personally interviewed by an agent of the City. The interviewer will want to get information about your current operation, as well as identify movable personal property and non-movable improvements, determine your needs and preferences for a replacement location, estimate the time required to vacate the premises and your need for advance payments. During the interview, you may want to discuss other issues relative to your move. It is to your advantage to provide as much information as possible so that the City, through its relocation agent, can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

### **3. How Soon Will I Have to Move?**

Every reasonable effort will be made to provide you with sufficient time to find a suitable replacement location and reestablish your business. If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for the property (e.g., your occupancy would present a health or safety emergency), you will not be required to move without at least 90 days advance written notice. It is important, however, that you keep in close contact with the City so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.

### **4. Will I Have to Pay Rent to the City Before I Move?**

You may be required to pay a fair rent to the City for the period between the acquisition of your property and the date that you move. Your rent and the terms of your tenancy will be generally the same as in the prior arrangement.

## **5. How Will I Find a Replacement Location?**

Your relocation agent will provide you with current and continuing information on available replacement locations that meet your needs. You will also be provided with the names of local real estate agents and brokers who can assist you in finding the type of replacement location you require. However, you are urged to take an active role in identifying, and relocating to, a location of your choice. No one knows your needs better than you do. You will want a facility that provides sufficient space for your planned activities. You will also want to ensure that there are no zoning or other requirements which will unduly restrict your planned operations. Your relocation agent will explain which kind of moving costs are eligible for reimbursement and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

## **6. What Other Assistance Will Be Available to Help Me?**

In addition to help in finding a suitable replacement location, your relocation agent will help you secure the services of outside specialists, as necessary, to plan the move, as well as provide assistance during the actual move and in the reinstallation of machinery and/or other personal property. The range of services depends on the needs of the business being displaced. You should ask the City's relocation agent to tell you about the specific services that will be available to you.

## **7. I Have a Replacement Location and Want to Move. What Should I Do?**

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

## **8. I Plan to Discontinue My Business Rather than Move. What Should I Do?**

If you have decided to discontinue your business rather than reestablish it, you may still be eligible to receive a payment. Contact the City's relocation agent and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible, the requirements to be met, and how to obtain your payment.

## **9. What Kinds of Payments for Moving Expenses Will I Receive?**

Every business is eligible for a relocation payment to cover the reasonable cost of moving. Assuming you meet certain eligibility criteria, you may choose one of the following options:

**Option 1:** A Payment for Actual Reasonable Moving and Related Expenses; or

**Option 2:** A Fixed Payment In Lieu of Moving and Related Expenses

These payment options are described below:

**Option 1: Payment for Actual Reasonable Moving and \_\_\_\_\_ Expenses**

If you choose a Payment for Actual Reasonable Moving and \_\_\_\_\_ Expenses, you may claim the cost of:

1. Transportation of personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the City determines that relocation beyond 50 miles is justified.
2. Packing, crating, unpacking, and uncrating of the personal property.
3. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, and certain substitute personal property. This includes connection to utilities available within the building. It also includes modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
4. Storage of the personal property determined to be necessary by the City, not to exceed 12 months, unless the City determines that a longer period is warranted.
5. Insurance for the replacement value of the personal property in connection with the move and necessary storage.
6. The replacement value of property lost, stolen or damaged in the process of moving (not through fault or negligence of the displaced person, his or her agent or employee), where insurance covering such loss, theft or damage is not reasonably available.
7. Any license, permit, fees or certification required of your business at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.
8. Reasonable and preauthorized professional services, the City determines to be necessary for (i) planning the move of the personal property, (ii) moving the personal property, and (iii) installing the relocated personal property at the replacement location.
9. Re-lettering signs and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move.

10. Actual direct loss of tangible personal property incurred as a result of moving or discontinuing your business. The payment will consist of the lesser of:
  - (i) The fair market value in place of the item, as is for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, you must make a good faith effort to sell the personal property, unless the City determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value will be based on the cost of the goods to the business, not the potential selling price.); or
  - (ii) The estimated cost of moving the item as is, but with no allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. (If you elect to discontinue your business, the estimated cost will be based on a moving distance of 50 miles.)
11. Purchase of substitute personal property. If an item of personal property which is used as part of your business is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, you will be entitled to payment for the lesser of:
  - (i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
  - (ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the City's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.
12. The reasonable cost incurred in attempting to sell an item that is not to be relocated.
13. Searching for a replacement location. Your business is entitled to reimbursement for actual expenses, not to exceed \$2,500 as the City determines to be reasonable, which are incurred in searching for a replacement location including:
  - i) Transportation
  - ii) Meals and lodging away from home.
  - iii) Time spent searching, based on reasonable salary or earnings.
  - iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions City to the purchase of such site.
  - v) Time spent in obtaining permits and attending zoning hearings; and
  - vi) Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.

14. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the City, the allowable moving cost payment shall not exceed the lesser of: the amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location.
15. Other City moving expenses as the City determines to be reasonable and necessary, including:
  - i) Connection to available nearby utilities from the right-of-way to improvements at the replacement site;
  - ii) Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for your business operation, including but not limited to soil testing, feasibility and marketing studies (excluding any fees or commissions directly City to the purchase or lease of such site). At the City's discretion, a reasonable pre-approved hourly rate may be established
  - iii) Impact fees or one-time assessments for anticipated heavy utility usage, as determined by the City.

The City's relocation agent will explain all eligible moving costs, as well as those which are not eligible. You must be able to account for all costs that you incur, so keep all your receipts. The City will inform you of the documentation needed to support your claim.

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

You may elect to pay your moving costs yourself and be reimbursed by the City or, if you prefer, you may have the City pay the mover directly. In either case, let the City's relocation agent know before you move. The City agent can help you select a reliable and reputable mover.

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

In addition to the reimbursable expenses described above, a small business, farm or non-profit organization may be eligible to receive a payment of up to \$25,000 for expenses actually incurred in relocating and reestablishing its operation at a replacement site. Eligible expenses must be reasonable and necessary, as determined by the City. They may include but are not limited to the following:

1. Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
2. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
3. Construction and Installation costs for exterior signage to advertise the business.
4. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
5. Advertising of replacement location.
6. Estimated increased costs of operation during the first 2 years at the replacement site, for such items as:
  - a. Lease or rental charges
  - b. Personal or real property taxes
  - c. Insurance premiums, and
  - d. Utility charges (excluding impact fees)
7. Other items that the City considers essential to the reestablishment of the business.

The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary or otherwise eligible:

- Purchase of capital assets, such as office furniture, filing cabinets, and machinery or trade fixtures.
- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- Interest costs associated with any relocation expense or the purchase of replacement property.
- Payment to a part-time business in the home which does not contribute materially to the household income.

**Option 2: Fixed Payment In Lieu of a Payment for Actual Reasonable Moving and Related Expenses**

A displaced business, non-profit organization or farm may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses. The payment may not be less than \$1,000.00 or more than \$40,000.00. For a business or farm, the payment is based on the average annual net earnings before Federal, State and local income taxes during the 2 taxable years immediately prior to the taxable year in which it was displaced. For a non-profit organization, the payment is based on the average of 2 years annual gross revenues less administrative expenses.

In order to qualify for this payment, the City must determine that:

1. The business owns or rents personal property which must be moved in connection with the displacement and for which an expense would be incurred in such move, and the business vacates or relocates from its displacement site.
2. The business cannot be relocated without a substantial loss of existing patronage (clientele or net earnings).
3. The business is not a part of a commercial enterprise having more than three other entities which are not being acquired by the City, and which are engaged in the same or similar business activities.
4. The business is not operated at the displacement dwelling/site solely for the purpose of renting such dwelling/site to others.
5. The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement.

If the business or farm was not in operation for the full two years prior to displacement, the net earnings are based on the actual period of operation at the acquired site projected to an annual rate. Average net earnings may be based on a different period of time when the City determines it to be more equitable. Net earnings include any compensation paid to the owners of the business, a spouse or dependents. Proof of net earnings must be furnished to the City through income tax returns, certified financial statements, or other reasonable evidence which the City determines is satisfactory.

For a qualified non-profit organization, gross earnings may include membership fees, class fees, cash donations, tithes and receipts from sales or other forms of fund collection that enables the non-profit organization to operate. Administrative expenses are those for administrative support such as rent, utilities, salaries, advertising and other like items as well as fund raising expenses. Operating expenses for carrying out the purposes of the non-profit organization are not included in administrative expenses. The monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public agencies.

The City will inform you as to your eligibility for this payment option and the documentation you must submit to support your claim. Remember, when you elect to take this payment option you are not entitled to reimbursement for any other moving expenses, i.e. Option A described above.

#### **10. I Own an Outdoor Advertising Display. What Relocation Payment Will I Receive?**

As the owner of an outdoor advertising display, you are eligible for a Relocation Payment For Actual Reasonable Moving and Related Expenses. You are not eligible to receive a Payment In Lieu of a Payment For Actual Reasonable Moving and Related Expenses.

If you choose not to relocate or replace the sign, the payment for "direct loss of personal property" would be the lesser of: (1) the depreciated reproduction cost of the sign, as estimated by the City, less the proceeds from its sale, or (2) the estimated cost of moving the sign without temporary storage. The City will inform you as to the exact costs that may be reimbursed.

#### **11. How do I Receive a Relocation Payment?**

You must file a claim for a relocation payment. The City's relocation agent will provide you with the required claim forms, assist you in completing them, and explain the type of documentation that you must submit in order to receive your relocation payments. If you must pay any relocation expenses before you move (e.g., because you must provide a security deposit if you lease your new location), discuss your financial needs with the City. You may be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

If you are a tenant, you must file your claim within 18 months after the date you move. If you own the property, you must file within 18 months after the date you move, or the date you receive the final acquisition payment, whichever is later. However, it is to your advantage to file as soon as possible after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, the City may extend this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you may take to resolve the matter.

#### **12. Non-Discrimination**

No person shall on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under the

City's relocation assistance program pursuant to Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, and other applicable state and federal anti-discrimination laws. You may file a complaint if you believe you have been subjected to discrimination. For details, contact the City.

### **13. Appeals**

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by the City's Relocation Assistance Program may have the appeal application reviewed by the City and the City in accordance with the appeals procedure. Complete details on appeal procedures are available upon request from the City.

### **14. Tax Status of Relocation Benefits**

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of 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. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

*(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein)*

### **15. Additional Information**

If you have further questions after reading this brochure, please contact the City's relocation agent at **OPC**.

**ATTACHMENT 5:  
APPEALS / GRIEVANCE PROCEDURES**

## **Purpose**

The purpose of this article is to set forth the City of Madera’s guidelines for processing appeals from determinations as to eligibility or the amount of a relocation payment. The City of Madera is referred to herein as the “City”.

## **Right of Review**

(a) Any complainant, that is any person who believes himself/herself aggrieved by a determination by the City as to eligibility or the amount of a relocation payment may, at his or her election, have his/her claim reviewed and reconsidered by the City in accordance with the procedures set forth in this article, as supplemented by the procedures the City shall establish for such review and reconsideration.

(b) A person or organization directly affected by the relocation project may petition the California Housing and Community Development Department (“HCD”) to review the final relocation plan to determine if the plan is in compliance with state laws and guidelines, or review the implementation of a relocation plan to determine if the City is acting in compliance with its relocation plan.

## **Notification to Complainant**

If the City denies or refuses to consider a claim, the City’s notification to the complainant of its determination shall inform the complainant of its reasons, and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English.

## **Stages of Review by the City**

(a) **Request for Further Written Information.** A complainant may request the City to provide him or her with a full written explanation of its determination and the basis therefore, if he/she feels that the explanation accompanying the payment of the claim or notice of the City’s determination was incorrect or inadequate. The City shall provide such an explanation to the complainant within three weeks of its receipt of his or her request.

(b) **Informal Oral Presentation.** A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed with the City within the period described in subsection (d) of this section. The City shall afford the complainant the opportunity to make such presentation before a management-level City staff person within the Community and Economic Development Agency designated by the City. The complainant may be represented by an attorney or other person of his/her choosing at his/her expense. This oral presentation shall enable the complainant to discuss the claim with the designated City staff person. The City shall be given the opportunity to respond to the presentation and participate in the discussion. The designated City staff

person shall make a summary of the matters discussed in the oral presentation to be included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.

(c) **Written Request for Review and Reconsideration.** At any time within the period described in subsection (d), a complainant may file a written request with the City for formal review and reconsideration. The complainant may include in the request for review any statement of fact within the complainant's knowledge, belief or other material that may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefore, the City may grant the complainant's request allowing a specified period of time to gather and prepare additional material.

(d) **Time Limit for Requesting Review.** A complainant desiring either an informal oral presentation or seeking formal review and reconsideration shall make a request to the City within eighteen months following the date he/she moves from the property.

### **Formal Review and Reconsideration by the City**

(a) **General.** The City shall consider the request for formal review and shall decide whether a modification of City's initial determination or the City staff determination pursuant to the informal review process above, as applicable, is necessary. This formal review shall be conducted by the City. The City shall consider the complaint regardless of form, and Board staff shall, if necessary, provide assistance to the claimant in preparing the written claim. When a claimant seeks review, Board staff shall inform him/her that he/she has the right to be represented by an attorney at the claimant's expense, to present his/her case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he/she has exhausted the administrative appeal. The City shall be given the opportunity to respond to the claim and participate in the formal review before the Board.

(b) **Scope of Review.** The Board shall review and reconsider the City's initial determination or the City staff person's determination, as applicable, of the claimant's case in light of: (1) all material upon which City based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness; (2) the reasons given by the claimant for requesting review and reconsideration of the claim; (3) any additional written or relevant documentary material submitted by the claimant; (4) any further information which the Board, in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

(c) **Determination on Review by the City.** The determination on review by the Board shall include, but is not limited to: (a) the Board's decision on reconsideration of the claim; (b) the factual and legal basis upon which the decision rests, including any

pertinent explanation or rationale; and (c) a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought. The determination shall be in writing with a copy provided to the claimant and the City. The Board's decision shall be binding on the City.

(d) **Time Limits.** The City shall issue its determination on review as soon as possible but no later than six weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later. In the case of complaints dismissed for un-timeliness or for any other reason not based on the merits of the claim, the City shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than two weeks from receipt of the last material submitted by the claimant, or the date of the hearing, whichever is later.

### **Refusals to Waive Time Limitation**

Whenever the City rejects a request by a claimant for a waiver of the time limits, the claimant may file a written request for reconsideration of this decision, except that such written request for reconsideration shall be filed within 90 days of the claimant's receipt of the City's determination.

### **Extension of Time Limits**

The time limits specified may be extended for good cause by the City.

### **Recommendations by Third Party**

Upon agreement between the claimant and the City, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the City for its final determination.

In reviewing the claim and making recommendations to the City, the third party or parties shall be guided by the provisions of this Appeals/Grievance Procedure.

### **Review of Files by Claimant**

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

### **Effect of Determination on Other Persons**

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

### **Right to Counsel**

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

### **Stay of Displacement Pending Review**

If a complainant seeks to prevent displacement, the City shall not require the complainant to move until at least 20 days after the City has made a determination and the complainant has had an opportunity to seek judicial review. In all cases the City shall notify the complainant in writing 20 days prior to the proposed new date of displacement.

### **Joint Complainants**

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

### **Judicial Review.**

Nothing in this Appeals/Grievance Procedure shall in any way preclude or limit a claimant or City from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available herein.