

DRAFT Relocation Impact Study and Last Resort Housing Plan

for the

Santa Clara Valley Water District Coyote Creek Flood Management Measures Project and Coyote Creek Flood Protection Project

Prepared For

Santa Clara Valley Water District (Valley Water)



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Submitted By



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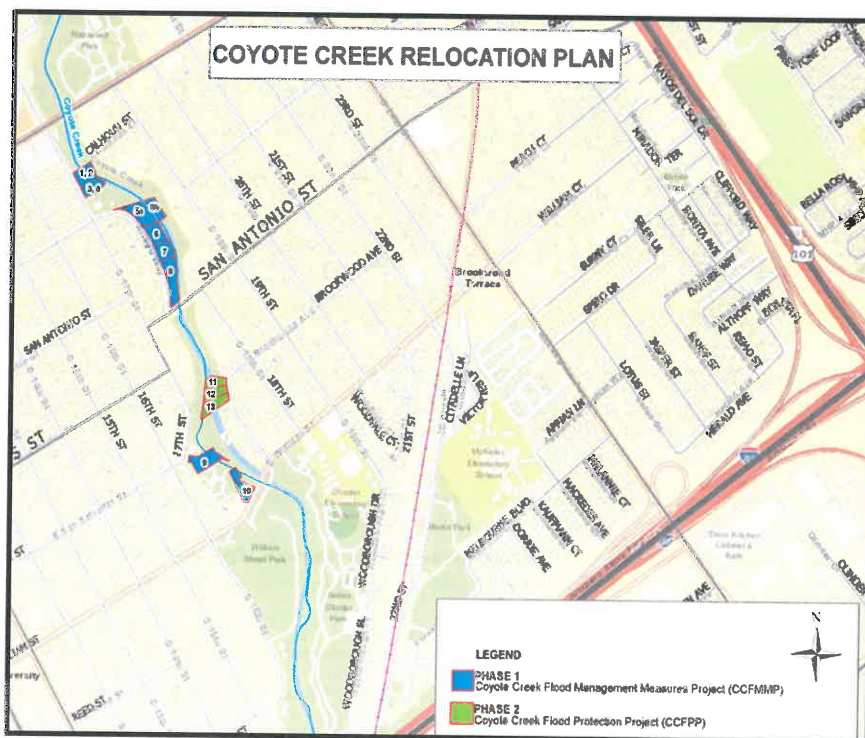
1.0 EXECUTIVE SUMMARY

1.1 PURPOSE

This Relocation Impact Study and Last Resort Housing Plan (Relocation Plan) will identify occupied properties associated with the Santa Clara Valley Water District's (Valley Water) Coyote Creek Flood Management Measures Project (CCFMMP) and the Coyote Creek Flood Protection Project (CCFPP) (collectively, the Projects) to assess potential relocation impact and to ensure that sufficient replacement housing is available for persons who may be required to relocate as a result of the Projects. This Relocation Plan must conform with the Uniform Relocation Act, California Relocation Assistance Law, and other applicable local ordinances.

1.2 BACKGROUND

In June 2017, Valley Water's Board of Directors committed to prioritize and accelerate the Coyote Creek Flood Protection Project (CCFPP) to implement flood improvement measures along Coyote Creek to protect against a flood event equivalent to the February 2017 flood or approximately a 20-year flood event. The CCFPP limits comprise approximately nine miles of Coyote Creek, between Montague Expressway and Tully Road, all within the City of San José.



The Federal Energy Regulatory Commission (FERC) has jurisdiction over Anderson Dam and Reservoir, located on Coyote Creek in Morgan Hill, and its associated safety measures. Pursuant to FERC’s authority, for public health and safety reasons, on February 20, 2020, Valley Water received an Order from FERC to further reduce risks to public safety by implementing certain risk reduction measures for dam operation and design. These measures include the construction of the Anderson Dam Tunnel Project (ADTP) anticipated to be completed in December of 2023. As a result of the water releases from the tunnel after its completion, a portion of CCFPP needed to be expedited to prevent flooding within urbanized areas of San José. Valley Water identified the CCFMMP, which is approximately 40-percent of the CCFPP, in response to the FERC Order. The CCFMMP will be constructed by December 2023. The remaining approximately 60% of the project is the CCFPP and will be constructed by the end of 2025.



The overall flood risk reduction objective protecting areas of Coyote Creek against a flood event approximately equivalent to the February 2017 flood event will be met by the completion of both the CCFMMP and the CCFPP.

During the planning process, the flood reduction alternatives for certain low-lying homes along Coyote Creek were narrowed down to either home elevation or acquisition and restoration to natural riparian habitat. Each identified low-lying property would be evaluated further during the design phase in early 2022, while also soliciting the owner’s preference, to determine the most suitable of the two alternatives for each property.

Valley Water has identified 13 low-lying homes along Coyote Creek that may be impacted by the Projects. These homes are occupied by both property owners and tenants and located on 12 parcels, as shown in the aerials below. Valley Water has not identified any other type of potential relocation impact.

Table 1.1 Low-Lying Homes Along Coyote Creek with Potential Relocation Impact

Phase 1: Coyote Creek Flood Management Measures Project (CCFMMP)				Phase 2: Coyote Creek Flood Protection Project (CCFPP)			
Count	Project Property ID	Potential Relocation Impact		Count	Project Property ID	Potential Relocation Impact	
		Permanent	Temporary			Permanent	Temporary
1	14	X		11	64	X	X
2	14	X		12	65	X	X
3	15	X		13	66	X	X
4	16	X					
5a	17	X	X				
5b	18	n/a	n/a				
6	19	X	X				
7	20	X	X				
8	21	X	X				
9	23	X	X				
10	24	X	X				

Map 1.1 Map of Low-Lying Homes Along Coyote Creek with Potential Relocation Impact



Valley Water's Relocation Assistance Program (Relocation Program) offers solutions for property owners and tenants in the low-lying homes. Valley Water will work with property owners to present the options based upon property evaluations conducted during the design phase and solicit property owner preferences for available alternatives.

- a) The first alternative is available for homes that have been deemed to be feasible for elevation. Property owners will need to move out from their homes temporarily during construction. Valley Water will provide temporary relocation assistance and cover reasonable out of pocket expenses during the construction period.
- b) The second alternative would allow property owners to sell the home to Valley Water. Valley Water would provide relocation assistance to all persons who live in the homes as owners or tenants. All relocation assistance will be provided in accordance with Valley Water's Relocation Assistance Program (Relocation Program) which is summarized in this Relocation Plan.

Relocation laws and regulations were designed to ensure that uniform, fair and equitable treatment is afforded to persons displaced from their homes, businesses, or farms as a result of the actions of a public entity in order that such persons should not suffer disproportionate injury as a result of an action taken for the benefit of the public as a whole. As presently planned, the Projects are funded with local funds. However, Valley Water may utilize federal funds in the future for the Projects. As a result, Valley Water has developed a Relocation Assistance Program that conforms with Federal law, 42 U.S.C. 4601 et seq. and implements regulations found in 49 CFR Part 24 (the Uniform Relocation Act), and applicable state laws and regulations found in California Government Code Section 7260 et seq., and the California Code of Regulations, Title 25, Chapter 6, Subchapter 1.

1.3 PROJECT ASSURANCES

Valley Water is committed to providing relocation assistance to all eligible residential occupants who move temporarily or permanently as a result of this Project. This can include residential owner occupants who move temporarily or permanently and residential tenants who move because of the sale of the property. Eligible residential occupants, whether owner or tenant, are defined in part by their length of occupancy and the terms under which they reside in the home.

Thirteen homes are situated on the properties Valley Water has identified as low-lying with respect to the approximately 20-year flood water surface elevation. For the purposes of this Relocation Plan, it is assumed that each household will be eligible for relocation assistance under Valley Water's Relocation Program. It is believed that eight properties are occupied by the respective property owners. These homes may be elevated, if deemed feasible, and the occupants will temporarily move during construction, or they may choose to sell their property and move permanently. Five homes are rented to tenants who will be required to move permanently.

Valley Water offers the following assurances:

- a) Fair and reasonable relocation payments will be provided to eligible persons as required by with Federal law 42 U.S.C. 4601 *et seq.* and implementing regulations found in 49 CFR Part 24 (the Uniform Relocation Act), and applicable state laws and regulations found in California Government Code Section 7260 *et seq.*, and the California Code of Regulations, Title 25, Chapter 6, Subchapter 1 Act and Guidelines.

- b) Valley Water has adopted a Relocation Assistance Program in compliance with the Act and Guidelines.
- c) All eligible persons will be adequately informed of the assistance, benefits, policies, practices, and procedures, including grievance procedures, provided for in the Act and Guidelines.
- d) For households who move temporarily, adequate temporary rental housing will be made available to them during the construction period.
- e) For households who move permanently, comparable replacement housing will be available within a reasonable period of time prior to displacement, sufficient in number, size and cost for the eligible persons who require them.
- f) Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
- g) This Plan has been prepared to meet the project planning and community participation requirements of the Act and Guidelines.
- h) All persons who will be displaced, neighborhood groups and any relocation committee shall be given an opportunity and shall be encouraged fully and meaningfully to participate in reviewing the relocation plan and monitoring the relocation assistance program.
- i) A Relocation Advisor will identify comparable replacement homes within each household's financial means that are available to them and will provide assistance in obtaining housing of their choice, including assistance in the referral of complaints of discrimination to the appropriate Federal, State, or local fair housing enforcement agency, if necessary.
- j) Valley Water shall fully inform eligible persons as to the availability of the assistance that is available under the Relocation Assistance Program.

1.3 PROJECT SCHEDULING

Project construction is scheduled to begin in October of 2022. In order to accommodate that schedule and to allow for sufficient time to relocate into the community, Valley Water initiated discussions with property owners and occupants in 2021 and made them aware of the available assistance. Full assistance will be provided once the parcels have been acquired, the Board approves a Final Plan, and staff is directed to move forward with the Relocation Assistance Program. The schedule provides for the facilitation and completion of all relocations in 2022 for properties located within CCFMMP and for the facilitation and completion of all relocations by June of 2023 for properties located within CCFPP.

2.0 RELOCATION PLANNING

2.1 STATUTORY REQUIREMENTS

The Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970, as amended (Uniform Act), and the California Relocation Act require public agencies to plan for the potential impact to persons and personal property caused by the construction of publicly funded projects. California law requires public agencies to prepare a formal Relocation Plan and make it available for a 30-day review and comment period prior to submitting it to the agency's decision-making body for review, consideration, and adoption.

The purpose of the Relocation Plan is to:

- a) Describe the flood protection and management portion of the project, its schedule and financing plan
- b) Identify the anticipated impact that the project would have on the occupants of property that may be acquired or require temporary housing
- c) Identify the availability of potential replacement sites for impacted occupants; and
- d) Explain Valley Water's Relocation Assistance Program.

The Draft Relocation Plan will be made available for public review. The public will be given an opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses were incorporated into the final Relocation Plan that will be submitted to Valley Water's Board of Directors for review, consideration, and adoption during its February 2022 Board meeting.

The Draft Relocation Plan will be mailed to each property owner and occupant and a copy will be available online at: www.valleywater.org/project-updates/creek-river-projects/E1-coyote-creek-flood-protection. A hard copy will be available at Valley Water office at 5750 Almaden Expressway, San Jose, CA, by appointment, contact Jose Villarreal at (408) 630-2879 or jvillarreal@valleywater.org and the Dr. Martin Luther King Jr. Main Library, located at 150 East San Fernando Street, San Jose, CA, during business hours.

2.2 PREPARATION OF PLAN

Valley Water contracted with Associated Right of Way Services, Inc. (AR/WS) to help plan how to assist property occupants who may be affected by the Project and to develop a Relocation Plan. Valley Water identified 13 low-lying homes along Coyote Creek that may be impacted by the Project. Valley Water sent letters to the five tenant occupied households to introduce the Project and invited the occupants to meet with Relocation Advisors from AR/WS. Information gathered from those meetings was incorporated into the findings of the Draft Relocation Plan. However, no specific occupant identification is included in this Plan in order to maintain the privacy of occupants, including those who may not need to be relocated based on final Project design and construction.

AR/WS analyzed the characteristics of the occupants to determine replacement site needs, relocation planning needs, and the estimated cost of providing Relocation Assistance under Valley Water's Relocation Assistance Program. Information was gathered from occupants on a voluntary basis. Some

occupants chose not to participate in the interview process. Additional information was gathered from interviews with Valley Water staff, property owners, and general public records.

2.3 BASIS OF FINDINGS

Valley Water's real estate team has worked with Phase 1 property owners to present information about the project and facilitate discussions related to the project. The team will engage Phase 2 property owners once design is completed. Property owners in Phase 1 who choose to sell their properties have worked with Valley Water to provide household information or contact information for tenant occupied rental properties. As properties are sold, Relocation Advisors meet with households to explain the Relocation Program, provide information to occupants about available replacement housing, and determine the feasibility of relocating the occupants into the surrounding community. Occupant interviews provide insight into household characteristics, replacement housing needs, and any special assistance that may be required to successfully relocate the occupants. A survey was conducted to determine the availability of comparable replacement housing in the community that could accommodate the needs of the affected occupants.

2.4 PROJECT FUNDING

The Projects are locally funded at this time. However, should federal funds become available, Valley Water may use federal funds to acquire the properties, relocate the occupants, and develop the flood protection elements. Funds to provide relocation assistance will be available as needed.

2.5 PRELIMINARY RELOCATION COST ANALYSIS

A preliminary relocation cost analysis was developed from information gathered in property owner and property occupant interviews, research of the area real estate market, federal and California relocation laws and regulations, and the experience of Valley Water's consultant.

The preliminary relocation cost estimate to provide benefits is estimated at this time to be approximately \$2,040,000 to \$2,800,000 or more. This preliminary analysis is based upon Valley Water's current understanding of the affected low-lying homes. The cost to acquire real property and improvements pertaining to realty are not included in this analysis.

Valley Water will not proceed with displacement activities until it has secured the funds to pay relocation assistance payments to eligible occupants. Funds will be sufficient to provide full relocation assistance in accordance with Valley Water's Relocation Assistance Program.

3.0 RELOCATION IMPACT

3.1 PROPERTY IDENTIFICATION

Valley Water has identified 13 low-lying homes along Coyote Creek that may be impacted by the Project. These homes are occupied by both property owners and tenants. Valley Water has not identified any other type of potential relocation impact.

Valley Water’s Relocation Program offers solutions for property owners and tenants in the low-lying homes. Valley Water will work with property owners to present the options based upon property evaluations conducted during the design phase and solicit property owner preferences for available alternatives.

- a) The first alternative is available for homes that have been deemed to be feasible for elevation. Property owners will need to move out from their homes temporarily during construction. Valley Water will cover reasonable out of pocket expenses during the construction period.
- b) The second alternative would allow property owners to sell the home to Valley Water. Valley Water would provide relocation assistance to all persons who live in the homes as owners or tenants. All relocation assistance will be provided in accordance with Valley Water’s Relocation Assistance Program which is summarized in this Relocation Plan.

Table 3.1 Low-Lying Homes Along Coyote Creek with Potential Relocation Impact

Phase 1: Coyote Creek Flood Management Measures Project (CCFMMP)				
Count	Project ID	APN	Potential Relocation Impact	
			Permanent	Temporary
1	14	467-29-038	X	
2	14	467-29-038	X	
3	15	467-29-038	X	
4	16	467-29-039	X	
5a	17	467-29-027	X	X
5b	18	467-29-037	n/a	n/a
6	19	467-29-026	X	X
7	20	467-29-036	X	X
8	21	467-29-035	X	X
9	23	467-39-102	X	X
10	24	467-50-065	X	X
Phase 2: Coyote Creek Flood Protection Project (CCFPP)				
Count	Project ID	APN	Potential Relocation Impact	
			Permanent	Temporary
11	64	467-51-069	X	X
12	65	467-51-071	X	X
13	66	467-51-070	X	X

The 13 potentially impacted households live in homes ranging from 1 to 5 bedrooms. Eight of the homes are occupied by property owners. The remaining five homes are occupied by tenants.

In June of 2021, Valley Water delivered a General Information Notice and Relocation Assistance Program Brochure (see Appendix) to the residents of each tenant-occupied home. These documents described the Project and provided information regarding the available assistance. Relocation Advisors have spoken with household members, have provided information about the available relocation assistance, and have gathered general information about the replacement housing needs of the occupants. In addition, property lease agreements were provided by landlords to aid in the development of this Plan.

Those interviewed reported that

- a) Household members were able to communicate in English
- b) Did not require additional assistance as a result of auditory or visual impairment
- c) Did not have more than two people per bedroom
- d) Tenant occupants were adults between the ages of 18 and 65
- e) Did not rely on public transportation
- f) Did not require replacement housing that would accommodate special needs
- g) Housing in the area would be sufficient for continued access to medical facilities, public transportation, employment, schools, places of worship

3.2 TYPICAL PHOTOGRAPHS OF POTENTIALLY IMPACTED HOMES



3.3 OVERCROWDED CONDITIONS

Based on occupant interviews it has been determined that no household is currently living in overcrowded conditions. Valley Water's Relocation Program provides assistance to ensure that all households who are required to permanently relocate are provided replacement housing that is sufficient in size to ensure that there are no more than two people in each bedroom and one person in the living room. Homeowner occupants who choose to elevate their homes will be provided housing adequate to meet their temporary housing needs.

3.4 ACCESSIBILITY NEEDS

When interviewed, no occupants reported that they have mobility or health issues that would require modifications to a home to ensure accessibility. However, if such needs are identified, Valley Water's Relocation Assistance Program will provide the funds needed to help make necessary accommodations. The Relocation Advisor will work closely with all households to ensure that replacement homes meet the special needs of persons required to relocate.

3.5 LANGUAGE ASSISTANCE NEEDS

All occupants reported that they are able to communicate fluently in English. If additional language assistance becomes necessary, Valley Water will make every attempt to communicate with those households and to provide the necessary advisory assistance to secure a replacement site.

3.6 CURRENT HOUSING COSTS AND AFFORDABILITY

Valley Water's Relocation Assistance Program provides assistance for increased housing costs so that temporary and permanent replacement housing is within each household's financial means.

Valley Water will cover all reasonable out of pocket expenses to temporarily house property owner occupants in nearby residential hotels during construction if they choose to raise their homes.

Valley Water's Relocation Assistance Program for **property owners** who sell their homes and choose to relocate permanently includes assistance with replacement housing costs to secure comparable housing, increased mortgage interest differential costs to ensure that the loan for the replacement home is comparable to their present loan, and with incidental expenses to cover certain closing costs to complete the purchase of a replacement home.

Current **residential tenant occupants** have reported that they are currently paying between \$2,650 - \$4,000 per month in rent. Valley Water's Relocation Assistance Program provides residential tenants with replacement housing payments to assist with renting comparable housing within their financial means for a 42-month period. The amount of assistance is determined after Valley Water has completed a study of the area housing market and has collected household documentation of utility costs and income.

A households may be eligible to receive assistance under Valley Water's Last Resort Housing Program if their total Replacement Housing Payment exceeds \$7,200. A household's income may be considered in the calculation of a Replacement Housing Payment if the household is considered to be a low-income Santa Clara County household based on the chart below.

Table 3.2 Santa Clara County 2021 Area Median Income (AMI) Chart

Income Level	Income Limits by Household Size							
	1	2	3	4	5	6	7	8
Low Income (LI) <i><80% of the Area Median Income</i>	\$82,450	\$94,200	\$106,000	\$117,750	\$127,200	\$136,600	\$146,050	\$155,450
Very Low Income (VLI) <i><50% of the Area Median Income</i>	\$58,000	\$66,300	\$74,600	\$82,850	\$89,500	\$96,150	\$102,750	\$109,400
Extremely Low Income (ELI) <i><30% of Area Median Income</i>	\$34,800	\$39,800	\$44,750	\$49,700	\$53,700	\$57,700	\$61,650	\$65,650

Please Note This chart reflects the most recent income limits as published by the U.S Department of Housing and Urban Development (HUD) as of April 1, 2021.

3.7 TRANSPORTATION NEEDS

After discussions with residential occupants, it is understood that the occupants do not rely on public transportation. However, if public transportation is a necessity to a tenant, the Relocation Advisor will work closely with them to ensure their replacement home is suitable for their needs.

4.0 REPLACEMENT SITE RESOURCES

4.1 HOUSING OBLIGATIONS AND ASSURANCES

Valley Water's Relocation Assistance Program ensures that Relocation Advisors will work with residential occupants to identify and help secure comparable replacement housing within each household's financial means. This section of the Relocation Impact Study and Last Resort Housing Plan (Plan) identifies potential replacement sites for residential occupants. The information on housing in the area is included as a general representation of available sites. The sites included herein may or may not be available when a household chooses to move.

Each of the residential occupants who move permanently will have the option to relocate to an area of their choice and into whatever type of housing they choose. Valley Water will be responsible to assist each household to relocate into comparable replacement housing, which, for the purposes of this Plan, is determined to be housing in San José that is comparable in size and structure to the existing homes and which accommodates the size of the household being displaced. All replacement housing must meet decent, safe and sanitary requirements which are described as properties that

- a) Are structurally sound, weather-tight and in good repair.
- b) Contain a safe electrical wiring system adequate for lighting and other devices.
- c) Contain a safe heating system capable of sustaining a healthful temperature.
- d) Are adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced household. Valley Water has determined that no more than two persons should occupy a bedroom at the replacement site.
- e) Contain unobstructed egress to safe, open space at ground level. If the home is on the second story or above, with access directly from or through a common corridor, the common corridor must have a least two means of egress.
- f) Is free of any barriers that would preclude reasonable ingress, egress, or use of the home by an occupant who may be physically impaired.

The search for replacement sites was conducted within the City of San José within close proximity to the occupants' current neighborhood. Relocation within the community will ensure that the occupants will have similar access to public services, public facilities, transportation, and employment.

4.2 CONCURRENT RESIDENTIAL DISPLACEMENT

There are no significant concurrent displacements in the City of San José that are expected to impact housing options for the households. If the 13 households relocate to housing in San José, the rental or purchase of replacement housing should not significantly impact the availability of housing for citizens searching for housing in the area. Temporary housing should be available as needed for the owner occupants who may have the alternative to temporarily move to long-term residential motels during construction.

4.3 OWNER OCCUPIED REPLACEMENT HOUSING

Due to the nature of the Projects, it is not presently known how many of the property owners will choose to move temporarily and how many will choose to sell their home and relocate permanently. Those who choose to relocate temporarily can be accommodated in nearby residential long-term stay hotels or into furnished rentals (such as those offered through AirBNB and VRBO) during construction. Valley Water will cover the cost of reasonable out of pocket expenses for temporary moves. All other owner occupant households will receive assistance to identify and secure similar homes for sale in the community. Based on the research of available replacement housing, it is reasonable to assume that these households could temporarily relocate into properties in the area.

Table 4.1 Low-Lying Owner-Occupied Homes Along Coyote Creek

Bedroom Count	Bathroom Count	Size
4	3.5	3,192 sf
2	2	1,300 sf
1	1	1,113 sf
2	1	1,984 sf
5	4	3,464 sf
3	3	2,319 sf
2	3	1,894 sf
2	2	1,048 sf

The owner-occupied properties range in overall size, bedroom count and condition. If property owners elect to sell their homes to Valley Water, a Relocation Advisor will work closely with each household to identify comparable homes in the area that are available on the market and meet the needs of the household. Homes in the community tend to sell quickly and many sell above the listed asking price. However, even in the current housing market, it is reasonable to assume that the property owners could relocate within the community into comparable homes with Valley Water's Relocation Assistance Program.

Property owners living in one- and two-bedroom homes may choose to relocate permanently. The inventory of one- and two-bedroom single family homes that match the size and condition of the homes in the Project area is currently limited. Therefore, this analysis was expanded to consider homes with three bedrooms. Likewise, five-bedroom homes in the area that may be comparable to the Project property are limited. As a result, larger four-bedroom homes were included in the analysis.

Table 4.2 Sample of Homes Available for Sale San José, California

Address	Bedroom	Baths	Square Footage	List Price
125 Patterson Street	1	1	1,045	\$624,000
736 Cannery Place	2	3	1,615	\$1,075,000
155 East Hedding Street	2	2	1,166	\$1,088,000
345 North 18 th Street	2	1	1,036	\$899,800
103 McCreery Avenue	3	3	2,181	\$1,200,000
673 South 13 th Street	3	1	1,503	\$1,425,000
849 South 7 th Street	3	1	1,440	\$900,000
348 North 8 th Street	3	2	1,160	\$979,000
436 North 6 th Street	3	2	1,534	\$1,199,000
751 North 12 th Street	3	3	1,344	\$1,099,950
449 North 18 th Street	3	2	1,324	\$995,000
750 North 19 th Street	3	4	1,128	\$1,088,888
263 Washington Street	4	3	1,974	\$1,199,000
424 North 3 rd Street	5	5	4,000	\$2,599,900

No determination has been made as to the direct comparability of these homes to the owner-occupied homes being impacted by the Project. A specific Housing Valuation Study will be developed to assess the cost and availability of comparable replacement homes once a property owner determines to sell their property.

4.4 TENANT OCCUPIED REPLACEMENT HOUSING

The market for rental housing in the area is in high demand. It is believed that five households live in homes they rent in the Project area. It is reasonable to assume that those households will be able to identify and secure comparable replacement housing in the community with Valley Water’s Relocation Assistance Program.

Table 4.3 Summary of Tenant Occupied Low-Lying Homes Along Coyote Creek

Current Housing Type in Project Area	Number of Homes Needed
Two-Bedroom Duplex or SFR	2
Three-Bedroom SFR	2
Four-Bedroom SFR	1
Total Homes Needed	5

The following survey of available homes was conducted in September and December of 2021. The survey utilized internet web sites, property management websites, and driving surveys. Not all available sites were included in this analysis. Therefore, it is assumed that over the ten-month relocation process, there will be an adequate supply of comparable housing to accommodate the households who will need to relocate.

The tables below show samples of similar two-bedroom (duplexes, townhomes, and condos) and three-bedroom (SFRs) homes that are currently available for lease. The listings below are provided as a sample of rental housing available in the area. No determination has been made as to the direct

comparability of these homes to those being impacted by the Project. A Housing Valuation Study will be prepared for each household as the Project proceeds that will consider comparability and condition of available homes to the homes impacted by the Project.

Table 4.4 Sample of Two-Bedroom Homes for Rent in San José

Address	Rental Rate
276 S 20 th Street, San José	\$2,850
1196 Sherwood Avenue, Unit A, San José	\$3,200
153 N 5 th Street, San José	\$2,400
6582 Crown Blvd., San José	\$3,195
1239 E San Fernando Street, San José	\$3,150
542 Page Street, San José	\$2,200

Table 4.5 Sample of Three-Bedroom Homes for Rent in San José

Address	Rental Rate
555 S 4th Street, San José	\$4,200
235 N 6th Street, San José	\$3,595
496 N 7th Street, San José	\$3,400
684 S 2nd Street, San José	\$3,495
556 N 20th Street, San José	\$3,300
85 S 33 rd Street, San José	\$3,500
969 S 7 th Street, San José	\$3,685
621 S 13 th Street, San José	\$3,995
530 S 14 th Street, San José	\$4,000

Table 4.6 Sample of Four-Bedroom Homes for Rent in San José

Address	Rental Rate
975 Riverside Drive, San José	\$5,300
28 Cecil Avenue, San José	\$4,000
2481 Whitehorne Drive, San José	\$4,295
3378 Lindenoaks Drive, San José	\$3,950
3275 Valley Square Lane, San José	\$4,500
3364 Merrimac Drive, San José	\$4,000
1201 Boynton Avenue, San José	\$4,300
739 North 11 th Street, San José	\$4,000

5.0 RELOCATION ASSISTANCE PROGRAM

This portion of the Plan summarizes Valley Water's Relocation Assistance Program. This summary of benefits has been provided for general information purposes only and should not be interpreted as law.

5.1 GOVERNING REGULATIONS

While the Project is locally funded at this time, federal funds may be used should they become available. Therefore, Valley Water will administer the Relocation Assistance Program in accordance with Federal law 42 U.S.C. 4601 *et seq.* and implementing regulations found in 49 CFR Part 24 (the Uniform Relocation Act), and applicable state laws and regulations found in California Government Code Section 7260 *et seq.*, and the California Code of Regulations, Title 25, Chapter 6, Subchapter 1. An explanation and application of these guidelines follows.

This Plan uses various acronyms and jargon that may be unfamiliar to some readers. Therefore, the definitions of various terms and conditions have been presented in this section to provide the reader with a greater understanding of the Relocation Assistance Program available to the project occupants.

5.1.1 Comparable Replacement Home. For the purposes of the Projects, a general definition of a comparable replacement home is a home that is of similar size and type to the acquired home. A more specific definition would include:

- a) Decent, safe, and sanitary as described below.
- b) Functionally equivalent to the displacement home. The term "functionally equivalent" means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
- c) In an area not subject to unreasonable adverse environmental conditions from either natural or human sources.
- d) Currently available to the project occupants.
- e) Within the financial means of the displaced person, either by their own means or through assistance from Valley Water.

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

- a) Be structurally sound, weathertight and in good repair.
- b) Contain a safe electrical wiring system adequate for lighting and other devices.
- c) Contain a safe heating system capable of sustaining a healthful temperature.
- d) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. Valley Water has determined that this shall be interpreted to mean that no more than two persons shall occupy a bedroom and one in the living room at the replacement site.
- e) Contain unobstructed egress to safe, open space at ground level. If the home is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

- f) For a person who is mobility impaired, be free of any barriers that would preclude reasonable ingress, egress, or use of the home by such person.

5.1.3 Eligible Residential Owner Occupant. Owner occupants whose homes are suitable for elevation and choose this alternative, will be eligible for temporary relocation assistance. Valley Water will provide Relocation Advisory Services and will cover all reasonable out of pocket expenses for the household to secure adequate housing on a short-term basis while their home is being elevated. Valley Water will also reimburse owner occupants with the actual, reasonable, and necessary costs to move personal property as needed during the elevation of their home.

Property owner occupants who choose to sell their home to Valley Water would be eligible for Relocation Advisory Assistance, Move Cost Assistance, and Replacement Housing Payments.

5.1.4 Eligible Residential Tenant Occupant. All persons who are legally occupying the rental homes in accordance with a rental agreement with the Property Owner and who did not waive their right to claim Relocation Assistance at the time of initial occupancy will be provided Relocation Assistance benefits in accordance with Valley Water's Relocation Assistance Program. Once information has been gathered, Valley Water will determine what households are fully eligible to receive benefits under its Relocation Assistance Program.

5.2 RELOCATION ADVISORY ASSISTANCE

A Relocation Advisor will be assigned to work with each eligible project occupant. The Relocation Advisor shall provide ongoing advisory assistance to the occupant by assisting the occupant in locating and securing a replacement home. In addition, the Relocation Advisor shall ensure that each eligible occupant receives the following:

- a) Each eligible occupant will receive written documentation informing them of their rights and the availability of relocation assistance and benefits.
- b) Each eligible occupant shall be interviewed by their Relocation Advisor in order to ascertain replacement needs. The Relocation Advisor shall request documentation concerning length of occupancy, occupant income and public assistance.
- c) The Relocation Team will study the availability of replacement housing in the area and prepare a Housing Valuation Study. Consideration will be given to the condition of the homes and whether or not they compare favorably to the affected site. A determination will then be made as to the reasonable cost for each type of comparable replacement home needed for the project. Each eligible residential occupant will then receive a Letter of Entitlement that will explain the specific relocation benefits to which they are entitled.
- d) Implementation of this Plan shall be scheduled that no person lawfully occupying a site that would be acquired by Valley Water shall be required to move from their home without a written 90-day notice from Valley Water of the date by which such a move is required. The 90-Day Notice to Vacate will also include a list of referrals to available replacement sites in the area.
- e) Each eligible occupant shall receive current and continuing information on the availability of comparable replacement sites in the area.
- f) Each eligible occupant shall be assigned a Relocation Advisor who shall act as a liaison with

prospective landlords, realtors, and Valley Water. The Relocation Advisor shall provide documentation to prospective landlords concerning residential rent differential payments and security deposits. In addition, the Relocation Advisor shall help each occupant complete relocation claims that will be submitted to Valley Water.

- g) Should an occupant have a grievance/appeal against Valley Water in regard to relocation policies and procedures, the Relocation Advisor will provide the occupant with information concerning Valley Water’s appeals procedures.
- h) The Relocation Advisor shall inspect each replacement site to ensure that the home meets decent, safe, and sanitary standards.
- i) The Relocation Advisor shall provide any services required to ensure that the relocation process does not result in different or separate treatment of occupants without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
- j) The Relocation Advisor shall provide referrals to other local assistance programs to eligible persons in order to minimize their hardships. When needed, referrals to housing, finance, employment, training, health and welfare, and other assistance programs will be provided.

5.3 MOVING COST ASSISTANCE

Each eligible household is entitled to receive a moving payment from Valley Water to move their personal property to their replacement home. Each household may elect one of the two options for cost reimbursement outlined below:

5.3.1 Moving Cost Allowance. A household may choose to move their own property to the replacement site. A claim will be submitted by the household based on the following Moving Cost Allowance Schedule. This allowance is in accordance with a schedule maintained by the Federal Highway Administration.

Table 5.1 FHWA Fixed Move Schedule For Residential Self Moves

Occupant owns Furniture - Number of Rooms of Furniture									Occupant does not own furniture	
1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	Additional room	1 room no furn.	Add'l room/ no furn.
\$780	\$1,000	\$1,250	\$1,475	\$1,790	\$2,065	\$2,380	\$2,690	\$285	\$510	\$100

5.3.2 Professional Moving Assistance. The household may choose to have a professional moving company move their personal property from their home to their replacement site. Valley Water will pay actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. Valley Water will pay all reasonable costs to pack, move, and unpack all personal property up to 50 miles from the displacement site. If an occupant chooses this option, a professional moving company will be paid directly by Valley Water to perform the move.

5.4 REPLACEMENT HOUSING PAYMENTS

5.4.1 Price Differential Payments. Price Differential Payments may be provided to eligible owner-occupants to assist the household with the additional cost to purchase a comparable, decent, safe, and sanitary replacement home in the area. The Relocation Advisor will prepare a Housing Valuation Study (HVS) to determine the market purchase price of a comparable, decent, safe, and sanitary home which is functionally equivalent to the acquired home. If the purchase price for the acquired property is less than the purchase price for a replacement site as determined by the HVS, the difference will be the maximum Price Differential Payment available to the household. The actual amount of the Price Differential Payment is computed based on the amount actually paid for a replacement site but will not exceed the maximum determined by the Housing Valuation Study. Valley Water will deposit the Price Differential Payment directly into the escrow to purchase the replacement home.

Each owner-occupant household will receive a Conditional Entitlement Letter (CEL) that describes all relocation benefits and the maximum Price Differential Payment to which the household is entitled. The CEL will also explain Incidental Expense Payments, Interest Differential Payments, and the “spend to get” requirement. The “spend to get” requirement means that benefit payments will be made by Valley Water only when the displacee demonstrates that entitlement amounts have been spent or will be spent. A Price Differential Payment must be used for reasonable and necessary expenses related to replacement housing.

Federal law provides that the maximum Price Differential Payment that eligible owner-occupants can receive is \$31,000 per property acquired by Valley Water (not per occupant). If the total Price Differential (without moving or incidental expense payments) is in excess of \$31,000, the Last Resort Housing Program will be used as described below.

If an owner occupant so chooses, they may convert their Price Differential Payment to Rent Differential Payments. If a household chooses this option, they should discuss this matter thoroughly with their Relocation Advisor prior to renting a replacement home.

5.4.2 Rent Differential Payments. A Rent Differential Payment is a payment made to a displaced residential tenant to assist with an increase in rent at the replacement site; and to make the replacement housing affordable to the displaced tenant. Valley Water will make all Rent Differential Payments either directly to a tenant or to the tenant’s designee. The purpose of a Rent Differential Payment is to allow a household to relocate to a comparable replacement home without having to pay an increase in rent for 42 months, and to make the home affordable to the tenant. If the household provides adequate documentation, Valley Water will calculate the Rent Differential Payment based on income and current rent. The household will be eligible to receive a payment based on whichever method proves to provide the greatest assistance. Rent Differential Payments are limited to \$7,200 unless it is demonstrated that the household cannot afford the comparable replacement housing and qualifies to receive additional assistance under Valley Water’s Last Resort Housing Plan.

Each tenant household will receive a Conditional Entitlement Letter that describes all relocation benefits and the maximum Rent Differential Payment to which the household is entitled. The Letter will also explain the “spend to get” requirement. The “spend to get” requirement means that benefit payments will be made by Valley Water only when the occupants demonstrate that entitlement amounts have been or will be spent. Rent Differential Payments must be used for reasonable and necessary expenses related to replacement housing.

If an occupant so chooses, they may use their Rent Differential Payment to purchase a replacement home. If the occupant chooses this option and with the assistance of their Relocation Advisor, the funds will be used for a down payment and for non-recurring closing costs for a decent, safe, and sanitary replacement home. Valley Water will deposit down payments directly into the escrow account to purchase the replacement site.

5.5 LAST RESORT HOUSING PLAN

Whenever a program or project cannot proceed in a timely manner because comparable replacement homes are not available within the maximum Replacement Housing Payment of \$31,000 for eligible owner-occupants or \$7,200 for eligible tenant-occupants, Valley Water is required to provide additional or alternative assistance under the provisions of 49 CFR 24.404 (Last Resort Housing). Last Resort Housing is a program that allows for the implementation of certain regulations to ensure that comparable replacement housing is within the financial means of the displaced person. If project occupants fall into this category, it will be necessary for Valley Water to provide Last Resort Housing for the occupants. Several methods to provide Last Resort Housing to qualified households are available to Valley Water:

- a) Provide supplemental funds in excess of the \$31,000 and \$7,200 limits to allow eligible occupants to purchase or rent a comparable replacement home. The actual amount of assistance is determined through a Housing Valuation Study. As with all other replacement housing payments, occupants must meet “spend to get” requirements in order to claim Last Resort Housing Payments.
- b) Rehabilitate or create additions to make a replacement home meet DS&S standards.
- c) Construct new replacement housing, rehabilitate existing housing, or provide funds for private parties to rehabilitate existing homes for occupancy by displaced households. For tenants, rents would be restricted to an amount per month not to exceed 30% of household’s gross monthly income, if the household is low-income based on HUD income limits, for a period of 42 months.

5.5.1 Recommended Action. The most flexible of the Last Resort options is for Valley Water to pay Replacement Housing Payments in excess of \$7,200 for residential tenant-occupants and \$31,000 for residential owner-occupants. Since there are adequate comparable replacement homes available, building replacement housing and managing the property is not Valley Water’s policy at this time. Nor is it possible for construction of new replacement homes to be completed to meet the project schedule.

A study of the local housing market indicates that there will be an adequate supply of replacement homes available to accommodate the displaced households. If the households are unable to afford the comparable replacement costs, then Last Resort Housing will be recommended.

5.6 THE APPEAL AND GRIEVANCE PROCESS

Any aggrieved person may file a written appeal with the Chief Executive Officer of Valley Water if the person believes Valley Water has failed to properly determine his or her eligibility for relocation assistance advisory services, or the amount of a relocation payment.

If the displacee has a grievance, they will be given a prompt and full opportunity to be heard. They will also have the right to be represented by legal counsel or other representatives in connection with the appeal (but solely at their expense).

Valley Water will promptly review their appeal and consider all pertinent justification and information available to ensure a fair and full review. Valley Water will provide the displacee with a written determination as well as an explanation of the decision. If they are still dissatisfied with the relief granted, Valley Water will recommend that they seek a judicial review.

5.7 CLAIM PROCESSING AND DISTRIBUTION OF PAYMENTS

All claims are to be filed through the Relocation Advisor in accordance with State and Federal laws and regulations. The Relocation Advisor will assist occupants in completing their claim forms and will notify occupants of the documentation needed. Each claim will be submitted to Valley Water for review and processing. Checks will be available for approved claims within 30 days of the date all documentation is submitted to the Relocation Advisor. Checks will be delivered to the occupant or to the occupant's designee. Valley Water can also deposit funds into an escrow account for occupants to use to purchase their replacement home. Valley Water shall provide advance payments whenever a later payment would result in financial hardship for the tenants.

6.0 APPENDIX

Example of General Information Notice

Santa Clara Valley Water District Relocation Assistance Program Handbook

**SAMPLE
GENERAL
INFORMATION
NOTICE**



DATE

NAME

ADDRESS

Re: Initial Contact Letter and General Information Notice
Santa Clara Valley Water District - Coyote Creek Flood Protection
Project Affected Property: ADDRESS
APN: XXX-XX-XXX

Dear NAME:

The Santa Clara Valley Water District (Valley Water) is working on the Coyote Creek flood management measures for the Federal Energy Regulatory Commission Order Compliance Project (“FOCP” or “Project”). The purpose of the Project is to reduce the risk of flooding to homes, schools, businesses, and transportation networks from higher flows and flooding that could occur as a result of implementing the FOCP. The Project includes the design and construction of floodwalls, levees, berms, passive barriers, as well as structure elevation or parcel acquisition, at various locations along Coyote Creek between Tully Road and Montague Expressway.

Valley Water is working with property owners along Coyote Creek to address the flooding issues. Valley Water has purchased the property where you live and you may be required to vacate your current dwelling. If you do relocate, you may be eligible to receive assistance under Valley Water’s Relocation Assistance Program. The purpose of this notice is to inform you of the planned Project schedule, your potential right to receive relocation assistance and benefits under State Laws and Federal Regulations, and to introduce you to your Relocation Advisor. Your Relocation Advisor, Ms. Emily Plurkowski of Associated Right of Way Services, Inc. (AR/WS) will gather general information from you and others who may be affected by the Project.

Persons who are required to move for public projects may be eligible for relocation advisory services and payments in accordance with California Relocation Assistance Law (Government Code §7260, et seq.), corresponding regulations found in the California Code of Regulations, Title 25, Chapter 6 and Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act), 42, U.S.C. Sections 4601 et seq. A brief explanation of the law and your rights can be found in the Relocation Assistance Brochure.

It is important that you understand that **this notice does not require you to move at this time**. This is not a notice to vacate the premises. If you are a tenant, it is important that you continue to honor the terms of your rental agreement. If you move prior to receiving a Notice of Eligibility from Valley Water, you may not be eligible to receive relocation benefits.

NAME

June 17, 2021

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If Valley Water requires you to vacate the property, a Relocation Advisor will contact you and provide you with advisory services, including referrals to replacement sites and advance written notice of the date you would be required to move. The following is information relates to general relocation services and payments.

Relocation Advisory Assistance. A Relocation Advisor would be available to help you through the relocation process. Your Relocation Advisor will provide you with information concerning your entitlements, project scheduling, available housing, and claim processing.

Moving Expenses. You would be eligible to receive reimbursement for certain moving expenses.

Replacement Housing Costs. You may be eligible to receive assistance with increased rental cost payments or a payment toward the purchase of a home. To qualify for this, you would need to have occupied your current home for at least 90 days immediately before Valley Water made its first written offer to purchase that property.

If you are an eligible occupant, you will not be required to move unless adequate decent, safe and sanitary replacement housing, which is open to all person regardless of race, color, religion, sex, or national origin, has been made available to you by Valley Water or you have secured such housing for yourself.

Timing of Payments. You will need to file all claims for relocation assistance with your Relocation Advisor. All approved claims will be made in a timely manner.

Your Right to Appeal. You may appeal if you believe Valley Water has failed to properly determine your eligibility or the amount of payment authorized by the Relocation Regulations. You have the right to be represented by legal counsel, but this is not required. If you still believe a proper determination has not been made, you may seek judicial review.

All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act.

Please contact your Relocation Advisor, Ms. Emily Plurkowski of AR/WS, to arrange a time to discuss the project and the Relocation Assistance Program.



Ms. Emily Plurkowski, Relocation Advisor
Associated Right of Way Services, Inc.
2300 Contra Costa Boulevard, Suite #525
Pleasant Hill, CA 94523
925-691-2863 (office) • eplurkowski@arws.com

NAME
June 17, 2021
Page 3 of 3

Thank you for working with us to help plan for this important project. Should you have additional questions or if I can be of additional service please contact me, the Real Estate Unit Manager by phone at (408) 630-3109.

Sincerely,

Eli Serrano, SR/WA
Real Estate Services Unit Manager
Real Estate Services Unit

cc: Emily Plurkowski, AR/WS

Certification of Delivery	
<input type="checkbox"/>	This letter was sent via first class and certified mail on _____.
<input type="checkbox"/>	This letter was personally delivered on _____.
Signature: _____	Date: _____

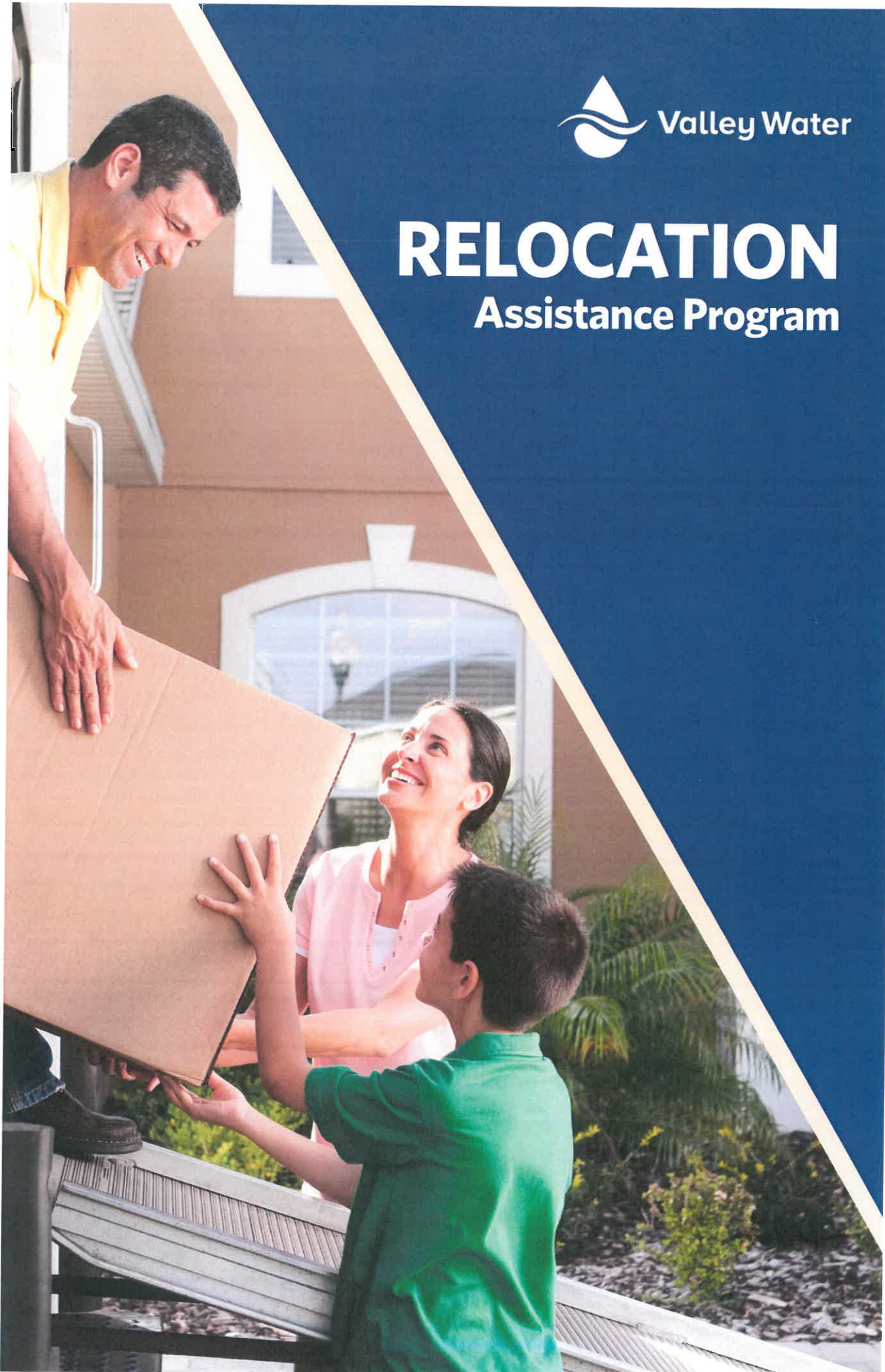
**RELOCATION
ASSISTANCE
PLAN**

HANDBOOK



RELOCATION

Assistance Program



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UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICY ACT OF 1970, AS AMENDED

DECLARATION OF POLICY

"The purpose of this title is to establish a uniform policy for fair and equitable treatment of persons displaced as a result of federal and federally-assisted programs in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

INTRODUCTION

In a changing America, government programs designed to benefit the public as a whole often result in acquisition of private property, and sometimes in the displacement of people from their residences, businesses, or farms.

As a means of providing uniform and equitable treatment for those persons displaced, your government passed the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970", the "Uniform Relocation Act Amendments of 1987", and "Moving Ahead for Progress in the 21st Century." These laws are the foundation for the information discussed in this brochure.

This brochure provides general information regarding relocation assistance advisory services and relocation payments. Section I contains information important to persons displaced from residences. Section II provides information about relocation assistance advisory services. Section III contains information for displaced businesses, farms, and nonprofit organizations. These policies and provisions are now contained in Title 49, Part 24 of the Code of Federal Regulations. The rule provides the regulations for all federal and federally-aided programs and projects, including those of the Santa Clara Valley Water District.

If you are required to move as a result of a District project, a relocation counselor will contact you. The counselor will answer your specific questions and provide additional information you may need.

If for any reason you have difficulty reading or understanding this brochure, you will be provided appropriate assistance. You should notify the District of any special requirements for assistance.

Pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible for relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent, or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

SOME IMPORTANT DEFINITIONS

Displaced Person

Any person (individual, family, partnership, association, or corporation) who moves from real property, or moves personal property from real property as a direct result of (1) the acquisition of the real property, in whole or in part, (2) a written notice of intent to acquire from the District, (3) the initiation of negotiations for the purchase of the real property by the District, or (4) a written notice requiring a person to vacate real property for the purpose of rehabilitation or demolition of the improvement(s), provided the displacement is permanent and the property is needed for a federal or federally-assisted program or project.

Business

Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property, or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or solely for the purpose of this Act, an outdoor advertising display or displays, when the display(s) must be moved as a result of the project.

Farm

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale and home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

Nonprofit Organization

A public or private entity that has established its nonprofit status under applicable federal or state law.

Owner of Personal Property Only

A person who is required to move personal property from real property but is not required to move from a dwelling, business, farm or nonprofit organization.

SECTION 1

**Information for Persons
Displaced From a Residence**



Moving Cost Reimbursement: Individuals and Families



If you qualify as a displaced person, you are entitled to reimbursement of your moving costs and certain related expenses incurred in moving. The methods of moving and the various types of moving cost payments are explained below.

Displaced individuals and families may choose to be paid on the basis of actual, reasonable moving costs and related expenses, or according to a fixed moving cost schedule. However, to assure your eligibility and prompt payment of moving expenses, contact the relocation counselor from the District before you move.



Actual Reasonable Moving Costs

Including:

Packing and Unpacking
Temporary Storage
Transportation
Moving Insurance
Other Related Costs

OR

Fixed Moving Cost Schedule

Schedule:

Based on
Number of rooms

OR

A combination of these two move options

Actual Reasonable Moving Costs

You may be paid for actual reasonable moving costs by a professional mover plus related expenses, or you may move yourself. Reimbursement will be limited to a 50 mile distance in most cases. Related expenses involved in the move may include:

- Packing and unpacking personal property.
- Disconnecting and reconnecting household appliances.
- Temporary storage of personal property.
- Insurance while property is in storage or transit.
- Transfer of telephone service and other similar utility reconnections.
- Other expenses considered eligible by the District.

All expenses must be considered necessary and reasonable by the District and supported by paid receipts or other evidence of expenses incurred.

Fixed Moving Cost Schedule

Or you may choose to be paid on the basis of a fixed moving cost schedule. The amount of the payment is based on the number of rooms containing the usual quantity of personal property as determined by the District in your dwelling. Your relocation counselor will be able to tell you the exact amount you will be eligible to receive if you select this option. The schedule is designed to include all of the expenses incurred in moving, including those services that must be purchased from others.

The owner of a displaced mobile home may be entitled to a payment for the cost of moving the mobile home to a replacement site on an actual cost basis. Displaced mobile home occupants (owners or tenants) may also be eligible for a payment for moving personal property from the mobile home such as furniture, appliances, and clothing on an actual cost basis, or on the basis of a moving cost schedule. For a complete explanation of all moving cost options involving a mobile home, please discuss the matter with your relocation counselor.

Replacement Housing Payments



Can be better understood if you become familiar with the definition of the following terms:

- **Comparable**
- **Decent**
- **Safe**
- **Sanitary**

These terms are explained on the following pages.

Comparable Replacement Guidelines

A comparable replacement dwelling must be decent, safe, and sanitary, and functionally similar to your present dwelling. While not necessarily identical to your present dwelling, a comparable replacement dwelling should be capable of contributing to a comparable style of living and should contain amenities similar to those found in the dwelling from which you are being displaced. In addition, a comparable replacement dwelling should be:

- Adequate in size to accommodate the occupants (e.g., you and your family).
- Located in an area that is not subject to unreasonable adverse environmental conditions.
- Located in an area that is not less desirable than your present location with respect to public utilities and commercial and public facilities.
- Reasonably accessible to your place of employment.
- Located on a site that is typical in size for residential development with normal site improvements.
- Currently available on the private market.
- Within your financial means.

A replacement unit rented by an eligible tenant is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and estimated average monthly utility costs for the replacement unit do not exceed the person's base monthly rental for the displacement unit, or if the portion of the payment for the replacement unit does not exceed 30% of the tenant's gross household monthly income.

If you are a homeowner and you have received a purchase supplement (see page 15), and any additional amount that might be required under Housing of Last Resort (see pages 26 and 27), the replacement dwelling is considered to be within your financial means.

Decent, Safe, and Sanitary*

Replacement housing must be decent, safe, and sanitary...which means it meets all of the minimum requirements established by federal regulations and conforms to applicable housing and occupancy codes. The dwelling shall:

- Be structurally sound, weathertight, and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices;
- Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) except in those areas where local climatic conditions do not require such a system.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced person(s).
- Contain a well-lighted and ventilated bathroom providing privacy to the user and containing a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and sewage drainage system.
- Contain a kitchen area with a fully-usable sink, properly connected to potable hot and cold water and to a sewage drainage system, with adequate space and utility connections for a stove and refrigerator.
- Have unobstructed egress to safe, open space at ground level.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling in the case of a handicapped displaced person.

* Decent, safe, and sanitary is frequently abbreviated as DS&S and will be so referenced for the remainder of this brochure.

Replacement Housing Payments Are Separated Into Three Basic Types:

- Purchase Supplement
- Rental Assistance
- Down Payment

The type of payment depends on whether you are an owner or a tenant, and how long you have lived in the property being acquired prior to negotiations.

Purchase Supplement	For owner occupants of 180 days +	See pg. 14
Rental Assistance	For owner occupants and tenants of 90 days +	See pg. 18
Down Payment	For owner occupants of 90 to 179 days and tenants of 90 days +	See pg. 22

Refer to next page for further details on length of occupancy requirements.

The Two Basic Occupancy Time Periods and What You Are Entitled To

There are two basic length-of-occupancy requirements which determine the type of replacement housing payment you are entitled to. Length-of-occupancy simply means counting the number of days that you occupied the dwelling before the date of initiation of negotiations by the District for the purchase of the property. The term "initiation of negotiations" means the date the acquiring agency makes the first personal contact with the owner of real property, or his/her representative, to provide a written offer for the property to be acquired.

If you are a tenant who has been in occupancy for 90 days or more prior to the initiation of negotiations, you may be eligible for a rental assistance payment or you may convert your rental assistance payment to a down payment to help you purchase a house. If you are an owner who has been in occupancy for less than 90 days prior to the initiation of negotiations, you may also be eligible for a rental assistance payment or a down payment; however, the down payment cannot exceed the amount of the payment you would have received if you had been a 90 day owner.

If you were in occupancy at the time of the initiation of negotiations, but less than 90 days prior to that date, you will be considered a displaced person entitled to relocation assistance advisory services and moving payments.

If your household is low income as classified by the U.S. Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs 4, then you may also be entitled to a rental assistance payment if comparable replacement rental housing is not available at a monthly rental rate of 30% or less of your gross monthly household income. If you are required to pay rent and utilities in excess of 30% for a comparable replacement dwelling unit, you may be eligible for a rental assistance payment under Housing of Last Resort because comparable replacement housing is not available within your financial means. If you do not meet the length-of-occupancy requirements you should meet with your relocation counselor for an explanation of the relocation benefits that you may be eligible to receive.

Purchase Supplement

For Owner Occupants of 90 Days or More



If you are an owner and have occupied your home for 90 days or more immediately prior to the initiation of negotiations for the acquisition of your property, you may be eligible—**in addition to the fair market value of your property**—for a supplemental payment for all costs necessary to purchase a comparable decent, safe, and sanitary replacement dwelling. The District will compute the maximum payment you are eligible to receive. You must purchase and occupy a DS&S replacement dwelling within 1 year.

The Purchase Supplement Includes:

Price Differential

The price differential payment is the amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling. The price differential payment and the following payment are in addition to the acquisition price paid for your property.

Increased Mortgage Interest Costs

You may be reimbursed for increased mortgage interest costs if the interest rate on your new mortgage exceeds that of your present rate on your new mortgage. To be eligible, your acquired dwelling must have been encumbered by a bona fide mortgage which was a valid lien for at least 180 days prior to the initiation of negotiations.

Incidental Expenses

You may also be reimbursed for other expenses such as reasonable costs incurred for title search, recording fees, and certain other closing costs, but not including prepaid expenses such as real estate taxes and property insurance.

Example of A Price Differential Payment Computation

Assume that the District purchases your property for \$600,000. After a thorough study of the available comparable residential properties on the open market, the District determines that a comparable replacement property will cost \$625,500. If you purchase a DS&S replacement property for \$625,500, you will be eligible for a price differential payment of \$25,500; see Example A.

If you purchase a DS&S replacement property costing more than \$625,500, you pay the difference as shown in Example B. If your purchase price is less than \$625,500 the price differential payment will be based on your actual cost; see Example C. The price differential payment you will receive depends on how much you actually spend on a replacement dwelling as shown in the following examples:

District's Computation

Cost of Comparable Replacement	\$625,500
Acquisition Price of Your Property	<u>-600,000</u>
Maximum Price Differential Payment	\$25,500

Example A

Actual Cost of Replacement Property (Same Purchase Price as Comparable)	\$625,500
Acquisition Price of Your Property	<u>-600,000</u>
Price Differential Payment	\$25,500

Example B

Actual Cost of Replacement Property	\$650,000
Acquisition Price of Your Property-	600,000
Difference	\$50,000
Maximum Price Differential Payment	<u>-25,500</u>
You Are Responsible For This Amount	\$24,500

Example C

Actual Cost of Replacement Property	\$615,000
Acquisition Price of Your Property	<u>-600,000</u>
Your Price Differential Payment is (Payment based on your actual cost)	\$15,000

Example...



↑
Difference Between
↓



Comparable
Price Differential Payment may be any amount up to \$25,500

Rental Assistance

For Owner Occupants of Less Than 90 Days and Tenants of 90 Days or More

Owner occupants of less than 90 days and tenants of 90 days or more may be eligible for a rental assistance payment up to a maximum of \$7,200. This \$7,200 maximum amount may only be exceeded if the owner occupants and tenants are eligible to receive last resort housing assistance pursuant to 49 CFR 24.404. To be eligible for a rental assistance payment, tenants must have been in occupancy at least 90 days immediately preceding the initiation of negotiations for the acquisition of the property. Owner occupants can claim this assistance if they are in occupancy less than 90 days immediately preceding the initiation of negotiations.

This payment was designed to enable you to rent a comparable decent, safe, and sanitary replacement dwelling for a 42-month period. If you choose to rent a replacement dwelling and the cost of rent and utilities are higher than you have been paying, you may be eligible for a rental assistance payment.

The District will determine the maximum payment you may be eligible to receive in accordance with established procedures. The rental assistance payment may be paid in installments or a lump sum, on a case by case basis. You must rent and occupy a DS&S replacement dwelling within 1 year to be eligible.

Example...



↑
Difference Between
↓



Comparable

Total Rental Assistance payment for 42 months is \$22,050 (42 x \$525)

For Instance

As an example of how a rental assistance computation is prepared by the District, let's assume that you have been paying \$2,500 per month rent for the dwelling unit occupied by you and purchased by the District. You also pay \$150 per month for utilities (heat, light, water, and sewer). After a study of the rental market, the District determines that a replacement rental unit, which is DS&S and comparable to your unit, is available for \$3,000 per month. It is estimated that average monthly utility costs for the replacement unit will be \$175 per month. The maximum rental assistance payment you can receive is \$120 per month for a 42-month period, or a total of \$22,050. The rental assistance payment computation always includes the cost of the four basic utilities (heat, light, water, and sewer), as well as the cost of the rent. If the rent includes utilities, a separate computation will not be necessary.

Option A

If you select a replacement dwelling unit that rents for \$3,100 per month plus utilities, despite the availability of comparable DS&S replacement rental units that rent for \$3,000 per month plus utilities, you will still receive only the maximum amount computed by the District, or \$22,050. In other words, you must pay the additional \$100 per month yourself.

Option B

If you select a replacement dwelling unit that rents for more than your present unit, but less than the amount determined by the District as necessary to rent a comparable unit, your payment will be based on actual cost. For example, assume you select a replacement dwelling unit that rents for \$2,980 per month plus \$175 for utilities. On the basis of actual cost, you will be eligible for a payment of \$505 per month for 42 months, or \$21,210.

Owners

Displaced owners who are interested in renting a replacement property should contact the District for a complete explanation of this option since the computation is more complex.

Down Payment Owner Occupants of Less than 90 Days and Tenants of 90 Days or More



Owner-occupants of 1 to 90 days and tenants of 90 days or more may be eligible for a down payment and incidental expenses. The District will determine the maximum down payment you may be eligible to receive based on its computation for a rental assistance payment discussed on page 21. However, the payment for a displaced owner-occupant cannot exceed the amount of the payment that would be received by a 180-day owner for the same property as explained on page 15. The relocation counselor will be able to explain how the District determines the maximum down payment assistance payment.

Incidental expenses include the reasonable costs of a title search, recording fees, and certain other closing costs but do not include prepaid expenses such as real estate taxes and property insurance. You may also be eligible for the reimbursement of loan origination or assumption fees, if such fees are normal to real estate transactions in your area and they do not represent prepaid interest.

You must purchase and occupy a DS&S replacement dwelling within 1 year after vacating the displacement dwelling to be eligible.

Explanation of Down Payment and Examples

If you are an owner-occupant of 1 to 90 days or a tenant of 90 days or more, you may be eligible for a down payment on the purchase of a home. The amount of a down payment you will receive is limited to the amount of the computed rental assistance payment for a tenant or an eligible homeowner. This explains the difference in the District payments depicted in the examples on page 24. Refer to page 21 for a detailed explanation of a rental assistance computation.

On the opposite page, in Example 1, the total amount needed to purchase the property exceeded the District payment of \$48,000, making it necessary for the displaced person to make up the difference of \$1,150. In Example 2, the displaced person must pay \$950 in addition to the District payment, but in Example 3, the District payment was sufficient to cover the total amount needed.

The computation of a down payment for an owner-occupant of 1 to 90 days is limited to the amount an owner would have received if the payment were computed on the basis of a purchase supplement for a 90-day owner. See pages 15 and 16 for an explanation of the purchase supplement and sample computations if you are a short-term owner of 1 to 90 days. Displaced owner occupants of 90 days or more are not eligible for down payment assistance.



Example: Down Payment Computation

	Example 1	Example 2	Example 3
Required Down payment	\$50,000	\$50,000	\$49,500
Closing & Incidental Costs	+ 4,950	+ 4,950	+ 4,750
Total Amount Needed	\$54,950	\$54,950	\$54,250
Computed Rental Assistance Payment	<u>-53,800</u>	<u>-54,000</u>	<u>-54,250</u>
Displaced Person Pays	\$1,150	\$950	\$0

Housing of Last Resort

Replacement Housing Payments are limited to \$31,000 and Rent Supplement or Down Payment Payments are limited to \$7,200. On some projects, an adequate supply of housing will be available for sale and for rent, and the benefits provided will be sufficient to enable you to relocate to comparable housing. However, when the supply of available housing is insufficient to provide the necessary housing for those persons being displaced, the District will solve the problem by the administrative process called Housing of Last Resort.

If comparable housing is not available, or it is not available within the maximum \$7,200 or \$31,000 payment limits, it must be provided before you are required to move.

The District may provide the necessary housing in a number of ways, on a case by case basis, such as:

1. Purchasing an existing comparable residential property and making it available to the displaced person in exchange for the displacement property.
2. The relocation and rehabilitation (if necessary) of a dwelling purchased from the project area by the District and making it available to the displaced person in exchange for the displacement property.
3. The purchase, rehabilitation, and/or construction of additions to an existing dwelling to make it comparable to a particular displacement property.
4. The purchase of land and the construction of a new replacement dwelling comparable to a particular displacement property when comparables are not otherwise available.
5. The purchase of an existing dwelling, removal of barriers, and/or rehabilitation of the structure to accommodate a handicapped displaced person when suitable comparable replacement dwellings are not available.

6. A replacement housing payment in excess of the maximum \$7,200 or \$31,000 payment limits.
7. A direct loan which will enable the displaced person to construct or contract for the construction of a decent, safe, and sanitary replacement dwelling.

All eligible displaced persons have a freedom of choice in the selection of replacement housing, and the District will not require any displaced person, without his/her written consent, to accept a replacement dwelling provided by the District. If a displaced person decides not to accept the replacement housing offered by the District, the displaced person may secure a replacement dwelling of his/her choice, providing it meets DS&S housing standards.

If you are eligible for replacement housing under the Housing of Last Resort program, you will be so informed by the relocation counselor, who will thoroughly explain the program.

To All Persons Displaced From A Residence



The most important thing to remember is that the replacement dwelling you select must meet the basic “decent, safe, and sanitary” standards. Do not execute a sales contract or a lease agreement until a Real Estate Agent from the District has inspected and certified in writing that the dwelling you propose to purchase or rent does meet the basic standards. Please do not jeopardize your right to receive a replacement housing payment by moving into a substandard dwelling.

Fair Housing



The Fair Housing Law (actually Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968) sets forth the policy of the United States to provide, within constitutional limitations, for fair housing throughout the United States. These Acts and Executive Order 11063 make discriminatory practices in the purchase and rental of most residential units illegal if based on race, color, religion, sex, or national origin.

Whenever possible, minority persons shall be given reasonable opportunities to relocate to decent, safe, and sanitary replacement dwellings not located in an area of minority concentration that are within their financial means. This policy, however, does not require an acquiring agency to provide a displaced person with a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling outside of an area of minority concentration.

Notes

SECTION 2

Information on Relocation Services



Relocation Assistance Services



Any individual, family, business, or farm displaced by the District shall be offered relocation assistance services for the purpose of locating a suitable replacement property. Relocation services are provided by qualified personnel employed by the District. It is their goal and desire to be of service to you and assist you in any way possible to help you successfully relocate.

Remember—they are there to help and advise you; be sure to make full use of their services. Do not hesitate to ask questions, and be sure you understand fully all of your rights and benefits.

Any individual who has a disability will be provided assistance needed to locate and move to a replacement dwelling or site. The individual should notify the District of any special requirements for assistance.

A Relocation Counselor Will Contact You

Residential Assistance

A relocation counselor from the District will contact you personally. Relocation services and payments will be explained to you in accordance with your eligibility. During the initial interview, your housing needs and desires will be determined as well as your need for assistance. You cannot be required to move unless at least one comparable replacement dwelling is made available to you. When possible, comparable housing will be inspected prior to being made available to you in order to assure that it meets decent, safe, and sanitary standards.

In addition, if you desire, the relocation counselor will give you current listings of other available replacement housing. Transportation will be provided to inspect available housing, especially if you are elderly or handicapped. The District will also provide counseling or help you get assistance from other available sources as a means of minimizing hardships in adjusting to your new location.

You will also be provided with information concerning other federal, state, and local housing programs offering assistance to displaced persons.

Business and Farm Assistance

The relocation counselor will maintain listings of commercial properties and farms whenever businesses and farms are displaced. Steps will be taken to minimize economic harm to displaced businesses and to increase the likelihood of their being able to relocate back into the affected community. The counselor will also explore and provide advice as to possible sources of funding and assistance from other local, state, and federal agencies.

Personal Property Only

The relocation counselor will provide you with information on available sites to store personal property and will advise you of the assistance available to help you move your personal property.

Social Services Provided By Other Agencies



Your relocation counselor will be familiar with the services provided by other public and private agencies in your community. If you have special problems, the counselor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Make your needs known in order that you may receive the help you need.

In Addition to Personal Contacts



In addition to personal contacts by the relocation counselor, the District may establish a relocation office on or near a project. Project relocation offices are usually open during hours convenient to those persons being displaced, including evening hours when considered necessary by the District. The persons employed in the project relocation office will be happy to assist you. The office maintains a variety of information that should be helpful to you, such as:

- Listings of Available Replacement Properties
- Local Housing Ordinances
- Building Codes
- Social Services
- Security Deposits
- Interest Rates and Terms
- Typical Down payments
- VA and FHA Loan Requirements
- Real Property Taxes
- Consumer Education Literature on Housing

Visit your relocation office if one has been established — you will be more than welcome.

Relocation Advisory Assistance

Checklist

This checklist is a summary of the relocation advisory assistance you may reasonably expect to receive if you are displaced by a federal or federally-assisted project. In addition to the services listed, the District is required to coordinate its relocation activities with other agencies causing displacements to ensure that all persons displaced receive fair and consistent relocation benefits.

The Relocation Counselor Must Personally Interview Displaced Persons to:

- **Determine Their Needs and Preferences**
- **Explain Relocation Benefits**
- **Offer Assistance**
- **Offer Transportation if Necessary**
- **Assure the Availability of a Comparable Property in Advance of Displacement**
- **Provide Current Listing of Comparable Properties**
- **Provide the Amount of the Replacement Housing Payment in Writing**
- **Inspect Houses for DS&S Acceptability**
- **Supply Information on Other Federal and State Programs Offering Assistance to Displaced Persons**
- **Provide Counseling to Minimize Hardships**

Another Important Benefit

No Adverse Effects on:

- **Social Security Eligibility**
- **Welfare Eligibility**
- **Income Taxes**



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).

Your Right of Appeal

Any aggrieved person may file a written appeal with the Chief Executive Officer of the District if the person believes the District has failed to properly determine his or her eligibility for relocation assistance advisory services, or the amount of a relocation payment.

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

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

SECTION 3

**Information for Business, Farms and
Nonprofit Organizations**



Moving Cost Reimbursement: Businesses, Farms and Nonprofit Organizations

Owners or tenants may be paid on the basis of actual reasonable moving costs and related expenses or, under certain circumstances, a fixed payment.

- A. Actual reasonable moving expenses may be paid when the move is performed by a professional mover or if you move yourself (page 41). Related expenses, such as personal property losses (page 42), expenses in finding a replacement site (page 43), and reestablishment expenses (page 44), may also be reimbursable.

- B. Or, you may be eligible for a fixed payment of not less than \$1,000 nor more than \$40,000 in lieu of the payments listed in A above. For a farm and business, the fixed payment is based on a two-year average of their operations annual net earnings. For a nonprofit, the fixed fee payment is based on the average of two years of annual gross revenues, less administrative expenses. To qualify for a fixed payment, certain conditions must be met. See page 45 for a detailed explanation of the fixed payment. If you represent a nonprofit organization, this payment is computed differently. Contact your relocation counselor for more detail.

Types of Payments for Farms, Businesses and Nonprofit Organizations

Actual Reasonable and Necessary Moving Costs

Including:

- Disconnecting, Packing, Moving, Reconnecting and Insuring Personal Property in Transit
- Certain Pre-Approved Storage Costs
- Certain Licenses, Permits and Fees
- Certain Pre-Approved Professional Services Related to the Planning of the Move of Personal Property
- Connection to Available Nearby Utilities
- Professional Services Performed Prior to the Purchase or Lease of a Replacement Site
- Impact Fees or One Time Assessment Fees
- Re-lettering of Signs and Replacement of Stationery
- Actual Direct Loss of Tangible Personal Property
- Substitute Personal Property
- Expenses in Finding a Replacement Location
- Reestablishment Expenses

OR

Fixed Payment in Lieu of Moving Costs, Etc. of \$1,000 to \$40,000

Equal to Average Annual Net Earnings

Two Ways to Move Your Enterprise

Actual Cost Move

You may be paid the actual reasonable and necessary costs of your move when the move is performed by a professional mover or when you elect to move yourself under this option; however, all of your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may also be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property. Other expenses such as professional services necessary for planning and carrying out the move, temporary storage costs, and a portion of the cost of license fees, permits, certifications, the cost of installing utilities from the right of way line to the structure(s) or improvements on the replacement site, professional real estate services needed for the purchase or lease of a replacement site, one time assessments or impact fees for anticipated heavy utility usage, may also be reimbursable. This is not intended to be an all-inclusive list of moving related expenses. Your relocation counselor will provide you with a complete explanation of reimbursable expenses.

Estimated Cost Move

If you agree to take full responsibility for all or part of the move of your business or farm operation, the District may approve a payment not to exceed the lower of two acceptable bids or estimates obtained by the District from qualified moving firms or from moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate at the District's discretion. The advantage of this moving option is the fact that it relieves the displaced business or farm operator from documenting all moving expenses. The District may make the payment without additional documentation as long as the payment is limited to the amount of the lowest acceptable bid or estimate.

Direct Losses of Tangible Personal Property

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment will be based on the lesser of:

- The fair market value of the item "as is" for continued use, less the proceeds from its sell; or
- The estimated cost of moving the item "as is."

Your relocation counselor will explain this procedure in detail if you are faced with this problem.

Substitute Personal Property

Displaced businesses, farms, and nonprofit organizations may be eligible for a payment for the cost to replace and install an item that is not moved. This payment will be based on the lesser of:

- The cost of the substitute item, including installation costs at the new site, minus any net proceeds from the sale of the original item; or
- The estimated cost to disconnect, move and reconnect the original item that is being substituted.

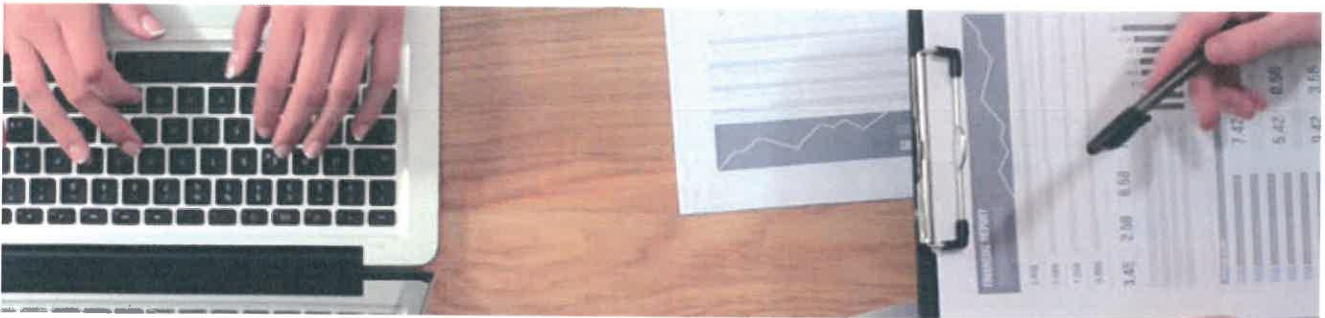
Your relocation counselor will explain this procedure in detail if you are faced with substituting items of personal property.

Searching Expenses for Replacement Property



Displaced businesses, farms, and nonprofit organizations are entitled to reimbursement for actual reasonable expenses incurred in searching for a replacement property, not to exceed \$2,500. Expenses may include transportation, meals, and lodging when away from home; the reasonable value of the time spent during the search, fees paid to real estate agents, brokers, or consultants; and other expenses determined to be reasonable and necessary by the District.

Reestablishment Expenses



A small business, farm, or nonprofit organization may be eligible for a payment, not to exceed \$25,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

1. Repairs or improvements to the replacement real property required by federal, state, or local laws, codes, or ordinances.
2. Modifications to the replacement real property to make the structure(s) suitable for the business operation.
3. Installation of exterior advertising signs.
4. Redecoration or replacement such as painting, wallpapering, paneling, and carpeting when required by the condition of the replacement site.
5. Marketing studies, feasibility surveys, and soil testing.
6. Advertising the new business location.
7. The estimated increased costs of operation at the replacement site during the first two years for items such as:
 - Lease or rental charges,
 - Personal or real property taxes,
 - Insurance premiums, and,
 - Utility charges (excluding impact fees).
8. Other items that the District considers essential for the reestablishment of the business or farm.

Fixed Payment (In Lieu)

Displaced businesses, farms, and nonprofit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expenses, and reestablishment expenses. The fixed payment may not be less than \$1,000 nor more than \$40,000.

For a business to be eligible for a fixed payment, the District must determine the following:

1. The business owns or rents personal property that must be moved due to the displacement.
2. The business cannot be relocated without a substantial loss of its existing patronage.
3. The business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaced by the District.
4. The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Any business operation that is operated at the displacement site solely for the purpose of renting the site to others is not eligible for a fixed payment. This includes the rental of space for residential or business purposes.

Eligibility requirements for farms and nonprofit organizations are slightly different than business requirements. If you are interested in a fixed payment, please consult your relocation counselor for additional information if you are being displaced from a farm or you represent a nonprofit organization.

The Computation of Your Fixed Payment (In Lieu)

The fixed payment for a displaced business or farm is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced.*

Example:



AVERAGE:

$$\text{\$16,500} + \text{\$18,500} = \text{\$35,000} \div 2 = \text{\$17,500}$$

\\$17,500 = Fixed Payment

The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified above.

You must provide the District with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the District.

* Or that two-year period deemed more representative by the District.

Notes



Valley Water

5750 Almaden Expressway
San Jose, CA 95118-3614