

# DRAFT Relocation Impact Study and Last Resort Housing Plan

for the

## City of Oakley Access Road Development Project

*Prepared For*

City of Oakley

December 2017

Submitted By



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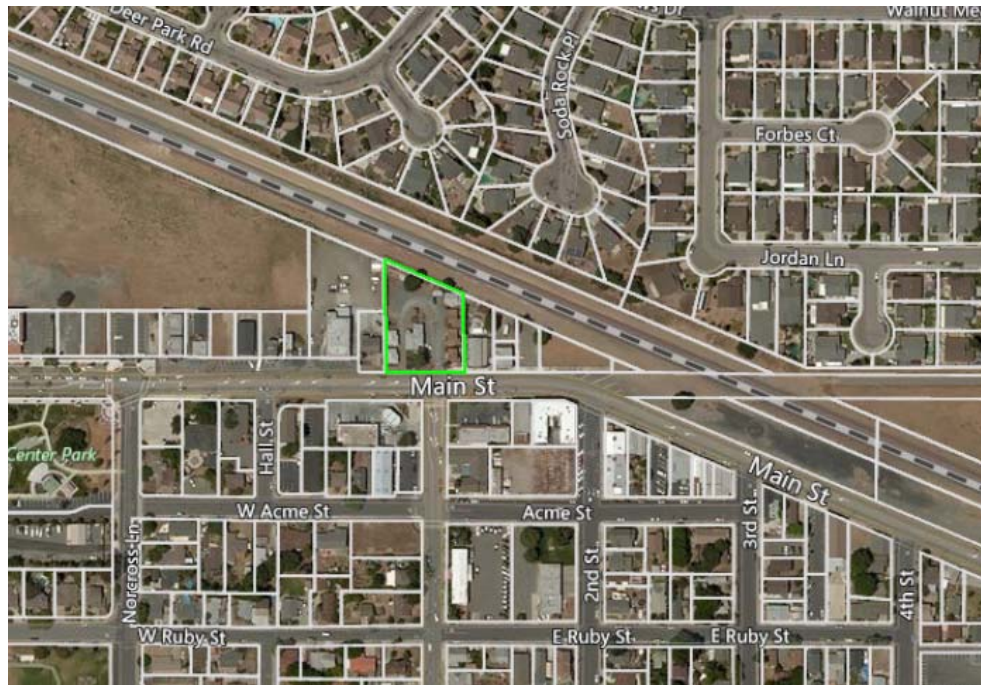
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Example of General Information Notice  
Residential Relocation Assistance Handbook

# Executive Summary

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The City of Oakley (City) is moving forward with its plan to extend O'Hara Avenue to the north, widen Main Street and develop an access road that is intended to provide improved traffic flow and access along Main Street in Oakley. In order for this access road to be built, the City would need to acquire the property located at 3486 Main Street (APN 037-160-021-4). The property contains one Single Family Residence (SFR), six cottage-style residences, and two storage sheds. It is assumed that each residence is occupied by a household and that there are items of personal property in the storage sheds. If the City is able to acquire this property, seven households and two storage tenants would be displaced. All legal occupants would be eligible to receive benefits under the City's Relocation Assistance Program.



**Property Map**

The California Relocation Assistance Act of 1970, as amended (California Government Code 7260), and the California Department of Housing and Community Development Guidelines promulgated thereto (California Code of Regulations, Title 25, Chapter 6) were designed to ensure that uniform, fair and equitable treatment is afforded 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. The City has developed a Relocation Assistance Program (Program) that conforms to State law and regulations to ensure that all eligible households and storage tenants are provided the necessary assistance to secure replacement housing and storage units.

The City, through its Relocation Advisor, has attempted to gather information about the property occupants in order to adequately plan for the relocation efforts. Although the Relocation Advisor mailed the General Information Notices, and visited the property in an attempt to speak to the residents, only one household agreed to be interviewed. Therefore, general assumptions have been made about the project impact and the residential and storage tenants of the property in order to plan for this relocation effort. This Relocation Impact Study and Last Resort Housing Plan (Plan) has been prepared to provide the occupants of the properties, the citizens of Oakley, and the City with information concerning the anticipated and assumed impacts of the Project and the measures that will be taken to mitigate such impacts. Specifically, this Plan concerns itself with the resources available to relocate the residential occupants and storage tenants to replacement sites in the greater community. Three principal topics will be highlighted in this relocation plan.

**Relocation Impact:**

This section of the Plan describes the effects of the Project on the project occupants. Information in this section is the result of general research and previous experience with multi-tenant parcels. An interview was conducted with one household, and the information obtained through that interview will be used in this Plan. Certain assumptions were made concerning the household characteristics of the remaining occupants who chose not to be interviewed.

**Relocation Resources:**

An analysis was completed on the availability of housing replacement sites and storage options in Oakley and the surrounding areas to determine the feasibility of relocating occupants into the area.

**Relocation Assistance Program:**

This section outlines the policies and procedures provided to govern the treatment of all project occupants. These policies and procedures are regulated by State laws and regulations and have been adopted by the City to mitigate the impact of public activities.

**Project Assurances.** The City is committed to providing relocation assistance to all eligible occupants who reside on the property, and who are required to relocate as a result of this public project. Eligible residential occupants are defined in part by their length of occupancy and the terms under which they originally rented their unit. There are seven residential units and two storage units on the property. For the purposes of this Plan, it is assumed that all households and storage tenants will be fully eligible for the Relocation Program.

The City offers the following assurances:

1. Fair and reasonable relocation payments will be provided to eligible persons as required by Government Code Section 7260, et seq. and the California Code of Regulations, Title 25, Chapter 6 (Act and Guidelines).
2. The City will adopt a Relocation Assistance Program in compliance with the Act and Guidelines.
3. 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.
4. 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.
5. 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.
6. This Plan has been prepared to meet the project planning and community participation requirements of the California Code of Regulations, Title 25, Section 6038.
7. 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.
8. A Relocation Advisor will identify comparable replacement dwellings within each tenant 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.
9. The City shall fully inform eligible persons as to the availability of the assistance that is available under the Relocation Assistance Program.

**Project Scheduling.** Project construction is scheduled to begin in the Summer of 2018. In order to accommodate that schedule and to allow for sufficient time to relocate into the community, the City has already attempted to initiate discussions with property occupants and has made them aware of the available assistance. Full assistance will be provided once the parcel has been acquired, City Council 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 between February and July of 2018.

**Basis of Findings.** In order to determine the project impact and the feasibility of relocating the occupants into the surrounding community, the Relocation Advisor attempted to contact each household and the property owner. One household agreed to be interviewed. Occupant interviews offer insight into what specific needs each household requires, but for purposes of this Plan, we will be assuming characteristics for six of the households and two storage tenants. The City of Oakley housing market was also studied to determine the availability of housing and storage units to accommodate the needs of the affected occupants.

**Project Funding.** The City will use local funds to acquire the property, relocate the occupants, and develop the access road. Funds to provide relocation assistance will be available as needed.

**Concurrent Residential Displacement.** There is no significant concurrent displacement in the City of Oakley that is expected to impact housing options for the households. Given the current availability of housing in Oakley, these displacements should not significantly impact the availability of housing for citizens searching for housing in the City of Oakley area.

**Estimate of Project Relocation Costs.** The following estimates are for budgeting purposes only. These figures should not be interpreted as firm, “not to exceed” or actual entitlement costs. These figures are based on the data obtained through the single occupant interview, current project scope, replacement site availability, and the judgment and experience of the Relocation Advisor. The estimates do not include payments to consultants or to contractors.

<u>Most Probable Cost</u>	<u>High Estimate</u>
\$210,000	\$280,000

# Relocation Impact

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The proposed project would affect two storage tenants and seven tenant households; six households living in cottage-style single level units, and one SFR, located just east of the downtown area. The parcel includes all seven households, two storage sheds, and gravel parking for its residences.

In December of 2017 the City delivered to each household a General Information Notice that described the Project and provided information regarding the assistance available to all eligible tenants. Interviews between the Relocation Advisor and the tenants are voluntary. A Relocation Advisor met with one household and provided additional information concerning the Relocation Program and gathered general household information in order to consider and address their replacement housing needs. General household characteristics for the remaining occupants was assumed in the analysis of the project impact and cost. As the Project progresses, it is likely that all households will participate in the Relocation Program and provide the necessary information needed to successfully relocate them.

Altogether, there are seven residential units on the property and two storage sheds. Each residential dwelling is single level, with the cottages being on the outer edge facing in towards the single-family residence. Towards the rear of the property, there are two storage sheds adjacent to the railroad tracks. Within the parcel, there is a horseshoe shaped gravel lot that provides vehicle access and parking for all residents. Two of the cottages on the eastern portion of the property have a single carport built into their unit. This parcel is located at the intersection of Main Street and O’Hara Avenue, and is bordered by an empty lot to the east, a chiropractor to the west and the railroad tracks to the north.

Description of Residential Unit	Number of Households Occupying Such Units	Number of Occupants
One-Bedroom Cottage	2	4
Two-Bedroom Cottage	4	12
Three-Bedroom SFR (no garage)	1	5
<b>TOTAL</b>	<b>7</b>	<b>21*</b>

\*number of occupants is assumed



3486 Main Street, Units 1-4 (APN 037-160-021-4)



3486 Main Street, Unit 6 (APN 037-160-021-4)



**Overcrowded Conditions.** It is assumed that none of the households are currently living in overcrowded conditions based upon the City's housing occupancy standards for relocation programs. These occupancy standards allow for no more than two people per bedroom and one in the living room.

**Accessibility Needs.** It is assumed that none of the households has accessibility needs. However, if such needs are identified, the City's Relocation Assistance Program will provide the funds needed to help make necessary accommodations. The Relocation Advisor will work closely with each household to ensure that replacement dwellings meet the special needs of these affected households.

**Language.** It is assumed that all occupants are able to communicate in English fluently. If additional language assistance is necessary, the City will make every attempt to communicate with those households and to provide the necessary advisory assistance to secure a replacement site.

**Current Rent and Affordability.** Only one rental agreement was provided for review. Based on that rental agreement, it is assumed that rents range from \$750 - \$1,500, depending on the dwelling.

According to State relocation regulations, replacement housing that exceeds 30% of a household's adjusted gross monthly income is not "affordable housing" nor is it "within the financial means of the displaced household as defined in the California Code of Regulations, Title 25, Chapter 6, §6008(c)(5)(A)." Therefore, these households will be assisted through the Last Resort Housing Program (as outlined in this Plan) so that rent for a comparable replacement site will not exceed 30% of that household's adjusted gross monthly income. The market analysis for this Relocation Plan has demonstrated that almost all households will be required to pay higher rents for comparable replacement dwellings in the area. Households may be eligible to receive assistance under the City's Last Resort Housing Program if their total Rental Assistance exceeds \$5,250.

**Transportation.** It is assumed that the households 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 dwelling is suitable for their needs.

**Home-based Businesses.** It is assumed that none of the tenants conduct a business from their home.

**Storage Tenants.** There are two storage units on the property. It is assumed that these units are rented. If there is personal property in the units, these persons will receive relocation assistance to locate storage units in the area and will receive reimbursement for the cost to move the items in the units up to 50 miles.

# Relocation Resources

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The City’s Relocation Assistance Program helps find replacement sites in the area that are comparable to the properties being affected. 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 at the time of displacement.

Each of the residential occupants will have the option to relocate to an area of their choice and into whatever type of housing they choose. The City 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 the Oakley area 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. In order to meet these criteria, a replacement site must:

- Be structurally sound, weather-tight and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced household. The City has determined that no more than two persons should occupy a bedroom at the replacement site.
- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit 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.
- For a person who is mobility impaired, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such person.

The search for replacement sites was conducted within the city of Oakley. Relocation within the community will ensure that the occupants will have similar access to public services, public facilities, transportation, and employment.

Current Housing Type In Project Area	Number of Units Needed
One-Bedroom Cottage	2
Two-Bedroom Cottage	4
Three-Bedroom SFR	1
Total Units Needed*	7

\*assuming that none of the units are overcrowded

The following survey of available residential units was conducted in December of 2017. The survey utilized internet web sites, property management websites, and driving surveys. Not all available sites were included in this analysis. It should also be noted that due to the time of year in which this study was conducted, there were a smaller pool of rentals to choose from as most properties do not list until after the holidays. It is highly anticipated that many more one-bedroom, two-bedroom, and three-bedroom units in Oakley will become available in 2018. Therefore, it is assumed that over the six-month relocation process, there will be an adequate supply of comparable housing for the displaced residents to choose from.

The tables below show samples of similar one-bedroom, two-bedroom, and three-bedroom rentals that are available for rent. No determination has been made as to the direct comparability of these units to the affected one-bedroom units. That determination will be made based on a closer examination of both the affected units and the available replacement sites. Since there is currently a limited number of rentals available in Oakley, we also pulled from the surrounding cities of Brentwood and Antioch.

<b>One-Bedroom's Available For Rent</b>	
<b>Address</b>	<b>Rental Rate</b>
200 Village Drive, Brentwood	\$1,600
129 Hyde Place, Antioch	\$1,600
677 Indiana Avenue, Brentwood	\$1,595
1275 Central Blvd., Brentwood	\$1,940

<b>Two-Bedroom's Available For Rent</b>	
<b>Address</b>	<b>Rental Rate</b>
537 O'hara Avenue, Apt. A, Oakley	\$1,895
450 Almondtree Circle, Oakley	\$2,195
910 Dainty Ave., #4, Brentwood	\$1,625
1701 Noia Avenue, Antioch	\$1,750

<b>Three-Bedroom's Available For Rent</b>	
<b>Address</b>	<b>Rental Rate</b>
4612 Bayside Way, Oakley	\$1,950
117 Star Street, Oakley	\$2,095
4561 Oak Forest Avenue, Oakley	\$2,200
1360 Port Court, Oakley	\$2,195

# Relocation Assistance Program

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

**Governing Regulations.** This Project is being funded by the City of Oakley. Therefore, the City will administer the Relocation Assistance Program in compliance with the California Relocation Assistance Act of 1970, as amended (*California Government Code 7260*), and by the California Department of Housing and Community Development Guidelines promulgated thereto (*California Code of Regulations, Title 25, Chapter 6*). 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.

**Comparable Replacement Dwelling.** For the purposes of this Project, a general definition of a comparable replacement dwelling is a dwelling that is of similar size and type to the acquired dwelling. A more specific definition would include:

- Decent, safe and sanitary as described below.
- Functionally equivalent to the displacement dwelling. 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.
- In an area not subject to unreasonable adverse environmental conditions from either natural or human sources.
- Currently available to the project occupants.
- Within the financial means of the displaced person, either by their own means or through assistance from the City.

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

- Be structurally sound, weathertight and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The City 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.

- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit 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.
- For a person who is mobility impaired, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such person.

**Eligible Occupant.** All persons who are legally occupying the rental units 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 the City's Relocation Assistance Program. Once information has been gathered, the City will determine what households are fully eligible to receive benefits under its Relocation Assistance Program.

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

1. Each eligible occupant will receive written documentation informing them of their rights and the availability of relocation assistance and benefits.
2. Each eligible occupant shall be interviewed by their Relocation Adviser in order to ascertain replacement needs. The Relocation Adviser shall request documentation concerning length of occupancy, occupant income and public assistance.
3. 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 dwellings 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 dwelling 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.
4. Implementation of this Plan shall be scheduled that no person lawfully occupying a site that would be acquired by the City shall be required to move from their dwelling without a written 90-day notice from the City 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.
5. Each eligible occupant shall receive current and continuing information on the availability of comparable replacement sites in the area.
6. Each eligible occupant shall be assigned a Relocation Adviser who shall act as a liaison with prospective landlords, realtors, and the City. The Relocation Adviser shall provide documentation to prospective landlords concerning residential rent differential payments and security deposits. In addition, the Relocation Adviser shall help each occupant complete relocation claims that will be submitted to the City.
7. Should an occupant have a grievance against the City in regards to relocation policies and procedures, the Relocation Adviser will provide the occupant with information

concerning the City's grievance procedures.

8. The Relocation Advisor shall inspect each replacement site to ensure that the unit meets decent, safe and sanitary standards.
9. 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.
10. 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.

**B. Moving Cost Assistance.** Each eligible household is entitled to receive a moving payment from the City to move their personal property to their replacement home. Each household may elect one of the two options for cost reimbursement outlined below:

**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.

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' room/ no furn.
\$725	\$930	\$1,165	\$1,375	\$1,665	\$1,925	\$2,215	\$2,505	\$265	\$475	\$90

**Professional Moving Assistance.** The household may choose to have a professional moving company move their personal property from their home to their replacement site. The City will pay actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. The City 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 the City to perform the move.

**C. 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. The City 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 dwelling without having to pay an increase in rent for 42 months, and to make the unit affordable to the tenant. If the household provides adequate documentation, the City 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 \$5,250 unless it is demonstrated that the household cannot afford the comparable replacement housing and qualifies to receive additional assistance under the City'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 the City only when the displacee demonstrates 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 dwelling. 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 dwelling. The City will deposit down payments directly into the escrow account to purchase the replacement site.

**Last Resort Housing Plan.** Housing of Last Resort is a program that allows for the implementation of certain regulations if the Rent Differential Payment or the Purchase Differential Payment exceeds the standard limits as set by State regulations. These regulations stipulate that any tenant occupant who is eligible to receive a Rent Differential Payment in excess of \$5,250--or any tenant who pays in excess of 30% of their adjusted gross monthly income towards rent--is to be considered for Housing of Last Resort. If project occupants fall into this category, it will be necessary for the City to provide Last Resort Housing for the occupants. Several methods to provide Last Resort Housing to qualified households are available to the City:

1. Provide supplemental funds in excess of the standard limit to allow occupants to replace their current unit with an affordable dwelling. All payments are based on the most comparable replacement property as approved in the City’s Housing Valuation Studies. As with all other replacement housing payments, occupants must meet “spend to get” requirements in order to claim Last Resort Housing Payments. A Rent Differential Payment under Last Resort Housing shall be computed for a 42-month period.
2. Build new replacement housing or rehabilitate existing units or provide funds for private parties to rehabilitate existing units for occupancy by displaced households. Rents would be restricted to an amount per month not to exceed 30% of households’ gross monthly income, for a period of 42 months.
3. Secure replacement units for households in affordable housing developments.

**Recommended Action.** The most flexible of the Last Resort options is for the City to pay Rent Differential Payments in excess of \$5,250. Openings in affordable housing units often require long lead time for wait lists so such options are limited given the required relocation schedule. Since there are adequate replacement dwellings vacant and available, building replacement housing units and managing the property is not the City’s policy at this time. Nor is it possible for construction of new replacement units 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 dwellings available to accommodate the displaced households. Some of these units, however, would not be affordable to some of the households if the standard relocation payments were made.

## Other Important Program Information

**The Appeal and Grievance Process.** In the event an occupant believes he or she has been denied an eligible benefit, or disputes the amount of any payment, or has been discriminated against in any manner, the occupant will be afforded an opportunity to file an appeal or grievance with the City. An occupant should first contact the Relocation Advisor to see if the situation can be mutually resolved. If that remedy does not satisfy the occupant, he or she can then present the appeal to the City Manager who can decide on the City's response. If the appellant does not agree with the City Manager's determination, the appellant can submit a request in writing for a hearing before the Relocation Appeals Board. The Board shall transmit its findings and recommendations to the City. The City will promptly issue a final written decision based on the findings and recommendations of the Relocation Appeals Board. If an occupant chooses to file an appeal, their Relocation Advisor can provide additional information on the appeals process in writing. All appeals must be filed within 18 months of the date that the occupant vacates the acquired site.

**Claim Processing and Distribution of Payments.** All claims are to be filed through the Relocation Advisor in accordance with State 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 the City for review and processing. Checks will be available for approved claims within three weeks of the date all documentation is submitted to the Relocation Advisor. Checks will be delivered to the occupant or to the occupant's designee. The City shall provide advance payments whenever a later payment would result in financial hardship.



# Appendix

Example of General Information Notice  
Residential Relocation Handbook

CITY COUNCIL  
Sue Higgins, Mayor  
Randy Pope, Vice Mayor  
Claire Alaura  
Doug Hardcastle  
Kevin Romick



CITY HALL  
3231 Main Street  
Oakley, CA 94561  
925.625.7000 tel  
925.625.9859 fax  
[www.ci.oakley.ca.us](http://www.ci.oakley.ca.us)

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Re: **Initial Contact Letter and General Information Notice**  
City of Oakley Access Road Development Project  
Affected Property: 3486 Main Street, Oakley, California  
APN: 037-160-021-4

Dear Occupants:

The City of Oakley ("City") is moving forward with its plan to extend O'Hara Avenue to the north, widen Main Street and develop an access road that is intended to provide improved traffic flow and access along Main Street in Oakley. The City has been negotiating with the property owners for the purchase of the property and will continue those negotiations as it proceeds with the eminent domain process. If the City is able to acquire the property, you would be required to move from the home you are renting sometime prior to July of 2018. If you do relocate, you may be eligible to receive assistance under the City's Relocation Assistance Program. We are working with Associated Right of Way Services, Inc. (AR/WS) to help us provide assistance to you throughout this process.

We would like to invite you to meet with your AR/WS Relocation Advisor, Ms. Emily Plurkowski, who can answer questions you may have related to the project, the project schedule, and your rights to receive relocation assistance in accordance with State law and regulations. Ms. Plurkowski is available to meet with you in your home, beginning the week of December 11, 2017. Please call her to coordinate a convenient time that works for you and your family. She will also gather general information from you and others who may be affected by the project in order to prepare a Relocation Impact Study and Last Resort Housing Plan ("Plan"). The Plan will address the needs of the project occupants and the assistance that will be available.

Displaced households may be eligible for relocation advisory services and payments in accordance with California Relocation Assistance Law (Government Code §7260, et seq.) and implementing regulations found in the California Code of Regulations, Title 25, Chapter 6. A brief explanation of the law and your rights can be found in the Relocation Assistance Brochure. A copy of that brochure will be given to you when you meet with your Relocation Advisor.

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. It is important that you continue to honor the terms of your rental agreement. Please contact us before you make any moving plans. If you move

prior to the City making an offer to purchase the property and before you receive a Notice of Eligibility from the City, you will not be eligible to receive relocation benefits.

If the City acquires the property, we will provide 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 will 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.** If you are required to move as a result of this project, 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 the City makes 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 the City 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 the City 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 meet with her in your home to discuss the project and the Relocation Assistance Program. She is available to meet with you at a time that is convenient for you. (Please find her contact information on the following page).



ASSOCIATED  
RIGHT OF WAY  
SERVICES, INC.

Ms. Emily Plurkowski, Relocation Advisor  
Associated Right of Way Services, Inc.  
2300 Contra Costa Boulevard, Suite #525  
Pleasant Hill, CA 94523

(800) 558-5151 toll-free • [emilurkowski@arws.com](mailto:emilurkowski@arws.com)

Thank you for working with the City to help to plan for this important community project. Should you have additional questions or if I can be of additional service please contact me, the Project Manager by phone at 925-625-7025.

Sincerely,

Bryan H. Montgomery  
City Manager

cc: Emily Plurkowski, AR/WS

**Certification of Delivery**

- This letter was sent via first class and certified mail on \_\_\_\_\_.
- This letter was personally delivered on \_\_\_\_\_.

Signature:

Date:

# Relocation Assistance Handbook

Occupants of Rental Property



This handbook is presented to you as a courtesy of City of Oakley and Associated Right of Way Services, Inc. and is intended to summarize your rights under the California Relocation Assistance Act of 1970 (Gov. Code §7260 *et seq.*) and implementing regulations found in the Relocation Assistance and Real Property Acquisition Guidelines (Cal. Code Regs., tit. 25, §6000 *et seq.*). A Relocation Advisor will also be available to help explain the assistance that is available through this program. This summary has been provided for general information purposes only and it is not meant to be interpreted as law.

## Relocation Assistance for Occupants of Rental Property

This handbook provides information to persons who are renting residential property that might be developed for a public project. Public property acquisition and relocation efforts are governed by state laws and regulations. These laws and regulations can be found under the California Relocation Assistance Act of 1970 (Gov. Code §7260 *et seq.*) and implementing regulations found in the Relocation Assistance and Real Property Acquisition Guidelines (Cal. Code Regs., tit. 25, §6000 *et seq.*). A Relocation Advisor will also be available to work with each affected household to help them to understand the assistance that is available to you through this program.

It is important that each household meet with a Relocation Advisor to understand their rights and responsibilities under the Relocation Assistance Program (“Program”) described herein. If a household is determined to be eligible to receive Relocation Assistance under the Program, then the household will be given a **Notice of Eligibility** and later a **Conditional Entitlement Letter**. Each household will also be given a copy of this **Relocation Assistance Handbook**. These documents will identify all of the benefits and conditions for receipt of benefits by the household. These benefits and conditions are briefly described below.

Si usted necesita una traducción de esta carta, favor de llamar  
AR/WS a 1-800-558-5151.

## Relocation Advisory Assistance

The City of Oakley (“City”) is prepared to provide the following Relocation Assistance Program in order to provide displaced persons with the benefits to which they are entitled under governing regulations. The Relocation Assistance Program was developed in compliance with the following laws and regulations:

**Law:** California Government Code Section 7260, et seq.

**Regulations:** California Code of Regulations, Title 25, Chapter 6, Section 6000, et seq.

The State of California has determined that any person being affected by a publicly funded project has the right to receive assistance in understanding the laws and regulations that protect them if they are required to move for a project. A knowledgeable Relocation Advisor must be available to each household to help them through the process, to provide them with notices as required, and to provide them with verbal and written information. Ms. Emily Plurkowski of Associated Right of Way Services, Inc. (“AR/WS”) will be providing Relocation Advisory Assistance for the households affected by this project and will be available to answer questions and to help the households throughout this process.



A Relocation Advisor is available to find comparable, decent, safe, and sanitary replacement housing within the financial means of each affected household. The housing must be available to the displaced persons. A Relocation Advisor will provide advisory 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. Each affected household should meet with their Relocation Advisor and provide them with information as requested so that assistance can be provided as needed. A Relocation Advisor will also prepare claim forms on behalf of each household and will help to file those claims for reimbursement under the Relocation Assistance Program (“Program”).

All services will be provided in such as way as to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state and federal anti-discrimination laws, or any other arbitrary circumstances.

**Definition of Terms.** This Program incorporates certain language that may be unfamiliar to the reader. Therefore, the following terms have been defined.

**Comparable Replacement Dwelling.** A definition of a comparable replacement dwelling is a dwelling that is of similar size and type to the acquired dwelling. A more specific definition would include:

- Decent, safe, and sanitary as described below.
- Functionally equivalent to the displacement dwelling. 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.
- In an area not subject to unreasonable adverse environmental conditions from either natural or manmade sources.
- Available to all persons regardless of race, color, religion, sex, marital status, or national origin.
- Within the financial means of the displaced person (housing costs do not exceed 30% of the household’s average monthly income), either by their own means or through assistance from the Relocation Program.

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

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons.
- Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.
- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit 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.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

**Displaced Person/Household.** Lawful occupants who are required to move from a property that is being acquired for a public project. Displaced persons will be eligible to receive Relocation Advisory Assistance, Moving Expense Payments, and Replacement Housing Payments (eligibility for replacement housing payments will be determined on a case-by-case basis with consideration given to length of occupancy and income).



## Moving Cost Assistance

Each displaced household is entitled to receive a moving payment to cover the cost to move their personal property to their replacement home. The Relocation Program covers specific costs related to the move. Each household may elect one of the three options for cost reimbursement as outlined below for each move:

**Fixed Moving Expense and Dislocation Allowance.** A household may choose to move their own personal property to the replacement site and to submit a claim based on the following Moving Expense and Dislocation Allowance Schedule published by the Code of Federal Regulations.

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' room/ no furn.
\$725	\$930	\$1,165	\$1,375	\$1,665	\$1,925	\$2,215	\$2,505	\$265	\$475	\$90

**Actual Reasonable Moving Costs and Related Expenses.** Payment is made to reimburse actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. Compensable costs include all reasonable costs to pack, move, and unpack all personal property. A direct payment can be made to the professional moving carrier under this option and will allow reimbursement to the displaced household for any one-time utility reconnection fees, such as phone, gas, electric, and cable.

**Combination of Options.** A displaced person can be reimbursed using a combination of the two moving options, depending upon specific circumstances.

**Storage Costs.** An eligible residential household may be reimbursed for certain costs to store personal property in a professional storage facility for a period not to exceed 12 months. The need for such storage must be determined to be reasonable and necessary. Only property that is currently located at the affected site would be eligible for storage cost reimbursement. This option is available to persons who do not choose to be reimbursed under the Fixed Moving Payment and Dislocation Allowance option.

## Replacement Housing Payments

A Rent Differential Payment up to \$5,250 is available to assist permanently displaced households in either renting or purchasing a replacement dwelling. To qualify for this payment, an eligible displaced person must have lived in the affected property as a legal resident for 90 days prior to the initial written offer to purchase the property. In addition, the person must be able to demonstrate that the property was their primary residence for that 90-day period. To claim the payment, the displaced person must occupy a decent, safe, and sanitary replacement dwelling within 12 months after moving to a replacement property.

The purpose of Replacement Housing Payments is to provide assistance with actual and reasonable increased housing costs so that replacement housing is available within the financial means of the affected household. The assistance is calculated as shown below and is available to help with actual increased housing costs for 42 months. This amount will be paid directly to the tenant or to the tenant's designee. Assistance may be paid as a lump sum, monthly installments, or other periodic payments.

<b>Computation for Monthly Replacement Housing Payments</b>	
<b>Lesser of:</b>	
	Cost to Rent Comparable Replacement Housing + Estimated Utility Costs
	or
	The Actual Cost to Rent Comparable Replacement Housing + Estimated Utility Costs
<b>Minus the Lesser of:</b>	
	Current Rent + Average Monthly Utilities
	or
	30% of the Household's Adjusted Gross Monthly Income

A Housing Valuation Study will be prepared for the type of housing unit needed to determine the cost of a comparable replacement dwelling. Each 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 only when the household demonstrates that entitlement amounts have been or will be spent for reasonable and necessary expenses related to replacement housing.

A Relocation Advisor is available to provide specific information about entitlement in writing to each eligible household. The Relocation Advisor will also contact property owners, landlords, lenders, and Realtors as needed and as directed by the household to help to secure replacement housing and to explain the assistance that is available under the Relocation Program. Any person with special needs should communicate these needs to a Relocation Advisor early in the search for housing so that those needs can be accommodated.

**Purchasing a Replacement Dwelling.** If a displaced household chooses to buy (rather than rent) a replacement dwelling, the Replacement Housing Payment could be converted into a down payment to purchase a decent, safe, and sanitary replacement home within one year of the date the household moves from the affected property. The amount of the down payment shall not exceed the amount of a reasonable down payment for a comparable dwelling plus expenses incident to the purchase. For additional information regarding this payment option, please contact a Relocation Advisor.

## The Last Resort Housing Program

Housing of Last Resort 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. Last Resort Housing is a procedure wherein the Replacement Housing Payment may exceed the \$5,250 monetary limit to enable a displaced person to rent comparable replacement housing within their financial means. Several methods to provide Last Resort Housing to qualified displaced persons are available:

1. Provide supplemental funds in excess of the standard limit to allow occupants to replace their current home with an affordable dwelling. All payments are based on the most comparable replacement property as approved in the Housing Valuation Study. As with all other replacement housing payments, displaced occupants must meet spend to get requirements in order to claim payments.
2. New replacement housing could be constructed, existing housing could be rehabilitated, or funds could be provided for private parties to rehabilitate existing units for occupancy by displaced households.

The City of Oakley has determined that it will provide supplemental replacement housing funds to bring the most comparable replacement housing within the financial means of each eligible displaced household. The actual amount of assistance will be determined once a Housing Valuation Study has been completed and each household has provided financial information. All households who are eligible to receive assistance under Housing of Last Resort, will be notified in writing.

## Additional Program Information

**Appeal and Grievance Process.** As required under the relocation guidelines, displaced persons will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, payment amounts, or the failure to provide comparable replacement housing referrals or the City of Oakley's property management practices.

**Eviction Policy.** Should an occupant be evicted for failure to meet any tenant obligations or for violating the terms and conditions of their lease or rent agreement, then under the applicable relocation law, the evicted tenant(s) will not be considered a "displaced person" and, therefore, will not be eligible for relocation benefits. Eviction will not affect a tenant's eligibility for relocation benefits if a tenant is evicted as a last resort to remove the tenant from the affected property.

**Claim Processing and Distribution of Payments.** All claims are to be filed through a Relocation Advisor. The Relocation Advisor will assist the displaced person in completing their claim forms, will notify each displaced person of the documentation needed in order to file the claim, and will inspect all replacement properties as needed. Each claim will be submitted along with documentation to City of Oakley 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 household or to the household's designee. Advance payments may be provided whenever a later payment would result in financial hardship.

**Relocation Payments are Not Considered Income.** Government Code §7269 states that no payment required under the Relocation Assistance Program shall be considered as income for the purposes of Personal Income Tax Law, Part 10 (commencing with Section 17001). Nor are payments considered as income or resources to any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled under any other provisions of law. Please consult your tax advisor for additional information.

**This is not a notice to vacate.** No eligible household will be required to move until there is comparable replacement housing available to within their financial means and they have received at least 90 days advance written notice of the date by which they must vacate.

**Current Rental Agreement.** It is important that each household continues to pay rent to City of Oakley. Failure to pay rent to the City can result in a deduction from payments owed to the household and/or eviction. If a household receives a Notice to Vacate from the City and the City is required to take legal action to move the household from the property, the City of Oakley will seek rent and damages.

Please understand that this is a summary of the assistance that may be available to eligible displaced persons. No handbook summarizing relocation law can anticipate every circumstance or question regarding the Relocation Program. It is important that each household works closely with a Relocation Advisor to identify any special circumstances that need to be addressed when searching for replacement housing. No household should commit to renting or purchasing a replacement dwelling until the home has been inspected by a Relocation Advisor. A Relocation Advisor is available to assist in the relocation process and will explain each person’s rights and help to obtain the relocation payments and other assistance for which they are eligible.

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