

**CITY OF GARDEN GROVE**

**INTER-DEPARTMENT MEMORANDUM**

**Garden Grove City Council  
and  
Garden Grove Agency for Community Development**

To: Matthew Fertal From: Economic Development

Dept: City Manager/Director

Subject: RELOCATION PLAN FOR SITE "C" Date: June 14, 2011  
LOCATED ON THE NORTHEAST  
CORNER OF HARBOR BOULEVARD  
AND TWINTREE LANE

**OBJECTIVE**

It is requested that the City Council adopt the attached Resolution (Attachment 1) approving a Relocation Plan for the Site "C" Project located on the northeast corner of Harbor Boulevard and Twintree Lane ("Relocation Plan") (Attachment 2). The Resolution authorizes the City Manager and his designees to implement the Relocation Plan, if and when displacement becomes necessary and may occur. It is requested that the Garden Grove Agency for Community Development (Agency) receive and file and authorize the Agency Director and his designees to implement the Relocation Plan.

**BACKGROUND**

The California Relocation Assistance Law, Government Code Section 7260, *et seq.*, and the implementing regulations in Title 25 Cal Code of Regulations Section 6000, *et seq.* are the state laws that govern relocation assistance and benefits (together, "Relocation Law"). The Relocation Law requires preparation, public availability, and action by the legislative body on a relocation plan if displacement might occur. The term displacement means when a person or business is caused to move from real property, as a direct result of the implementation of a public program or project. The City Council, as the legislative body of the Garden Grove Agency for Community Development ("Agency"), is vested with the authority to review and take action on Agency relocation plans.

The Agency is currently in negotiations to acquire and assemble eight (8) parcels ("Properties") owned by third parties and located within the Community Project Area. These third party Properties are adjacent to six (6) parcels currently owned by the Agency, which together comprise a proposed development site of approximately 5.18 acres on the northeast corner of Harbor Boulevard and Twintree Lane (Site "C"). The Agency and Land & Design, Inc., as the proposed developer of Site "C" ("Developer"), have negotiated the terms of a proposed Disposition and Development Agreement ("DDA") for the proposed development of Site "C", which

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agreement is also on the Agency's agenda tonight. Under the DDA, proposed development plans include the construction of an upscale select service hotel with a maximum of 700 rooms, 50,000 square feet of meeting/conference space, 15,000 square feet of restaurant space, a parking structure, a resort pool, and potentially up to two additional limited service hotels (together, "Proposed Project").

DISCUSSION

Implementation of the Proposed Project under the DDA, if it occurs, would lead to the relocation of four (4) businesses and six (6) residential households; thus, the Agency has prepared a Relocation Plan (attached) pursuant to Relocation Law. The Relocation Plan has been prepared based upon personal interviews with the residential households and businesses that were conducted by Agency's professional relocation consultant, Overland, Pacific & Cutler, Inc. The Relocation Plan includes a description of the residential comparable replacement re-housing needs of the households that may become displaced, an evaluation of comparable replacement housing resources, an assessment of last resort housing resources, along with a description of replacement business requirements, and an assessment of the relocation needs of the businesses that may become displaced. When and if actual displacement occurs, if at all, such will occur only upon and based on notices to vacate of not less than 90 days as issued by the Agency (if at all), then eligible displaced households and businesses will receive relocation assistance and benefits as required by and pursuant to the Relocation Law and the following will occur:

1. Full and comprehensible relocation advisory assistance will be provided to eligible residential persons/households and businesses that may be displaced both in person orally and in writing and in language(s) most easily understood by the displacee;
2. Eligible households/persons and businesses will be adequately informed of the relocation assistance, benefits, policies, practices and procedures, including grievance procedures, available to the them;
3. Fair and reasonable relocation payments will be provided to eligible residential households/persons and businesses;
4. Eligible households/persons and businesses will be provided with the services offered in the City's/Agency's relocation assistance program;
5. Orderly, timely, and efficient relocation to comparable replacement housing will be made to eligible persons without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected;
6. Orderly, timely, and efficient relocation to comparable replacement business locations will be made available to eligible businesses without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to such businesses.

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The estimated costs to relocate the residential households and businesses is estimated to be \$497,000, which includes estimated moving costs, rental assistance payments, including last resort housing payments to eligible residential households/persons and business relocation for the businesses pursuant to Relocation Law. The estimate does not account for occupant households/persons who could be eligible for Section 8 rental assistance that could lower relocation costs.

Citizen participation and making the Relocation Plan available for public review and comment has occurred for a period of thirty (30) days. General notice of the availability of the Relocation Plan for public review and comment has been provided to the four (4) businesses and six (6) residential households and was posted on the City's website at [www.ci.garden-grove.ca.us](http://www.ci.garden-grove.ca.us) and added to the informational scroll on the City's public access television station. Copies of the Relocation Plan were made available at the City Clerk's office and three (3) Orange County public libraries located within the City. The four (4) businesses and six (6) residential households were informed that the Relocation Plan would be made available in a language other than English as if necessary and requested.

FINANCIAL IMPACT

Relocation costs are estimated to be \$497,000 and will be paid from Agency funds.

RECOMMENDATION

Staff recommends that the City Council:

- Adopt the attached Resolution approving the Relocation Plan for Site "C" that authorizes the City Manager/Agency Director and his designees to implement the Relocation Plan.

Staff recommends that the Agency:

- Staff recommends that the Agency receive and file and authorize the Agency Director and his designees to implement the Relocation Plan for Site "C".

GREG BROWN   
Real Property Division Manager

By:   
Kathleen Angel  
Economic Development Specialist

Attachment 1: City Council Resolution  
Attachment 2: Updated Relocation Plan

**Recommended for Approval**

  
**Matthew Ferial**  
City Manager



## RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF CITY COUNCIL OF THE CITY OF GARDEN GROVE APPROVING THE RELOCATION PLAN FOR THE SITE "C" PROPOSED PROJECT AND MAKING CERTAIN OTHER FINDINGS IN CONNECTION THEREWITH**

**WHEREAS**, the Garden Grove Agency for Community Development ("Agency") is a public body corporate and politic and a community redevelopment agency organized and existing under the California Community Redevelopment Law, Health and Safety Code Sections 33000, *et seq.* ("CRL") and has been authorized to transact business and exercise the powers of a redevelopment agency pursuant to action of the City Council of the City of Garden Grove ("City Council"), a California municipal corporation ("City");

**WHEREAS**, the City Council originally adopted the Redevelopment Plan for the Garden Grove Community Project by Ordinance No. 1339 on June 26, 1973, and thereafter amended said Redevelopment Plan and Project Area by City Council Ordinance Nos. 1388, 1476, 1548, 1576, 1642, 1699, 1760, 1971, 2035, 2232, 2304, 2455, 2576, and 2709;

**WHEREAS**, the Redevelopment Plan for the Garden Grove Community Project, as amended, and the Garden Grove Community Project Area, as amended, are referred to, respectively, as the "Redevelopment Plan" and "Project Area";

**WHEREAS**, relocation assistance and benefits for eligible residential occupants and businesses in California are governed by and provided for in the California Relocation Assistance Law, Government Code §7260, *et seq.* ("CRAL") and the implementing regulations promulgated by the California Department of Housing and Community Development set forth in California Code of Regulations, Title 25, Housing and Community Development, Division 1, Chapter 6, §6000, *et seq.* ("Guidelines"), together the CRAL and Guidelines are referred to as the "Relocation Law";

**WHEREAS**, the Agency has authorized the preparation of a relocation plan pursuant to the Relocation Law ("Relocation Plan") to be undertaken in connection with the proposed assembly and acquisition of eight (8) parcels owned by third parties located on the northeast corner of Harbor Boulevard and Twintree Lane within the Community Project Area in the city of Garden Grove, California;

**WHEREAS**, these third party properties are adjacent to certain property currently owned by the Agency, which together comprise a proposed development site, consisting of approximately 5.18 acres, depicted in the attached Relocation Plan (referred to as "Site "C" ");

**WHEREAS**, Site "C" may become the subject of a Disposition and Development Agreement ("DDA") for a proposed development that as permitted by current zoning may include the construction of an upscale select service hotel with a maximum of 700 rooms, 50,000 square feet of meeting/conference space, 15,000 square feet of restaurant space, a parking structure, a resort pool, and potentially up to two additional limited service hotels (together, "Proposed Project" or "Project");

**WHEREAS**, the anticipated timeframe for the Proposed Project would be to commence construction in summer or fall of 2012 and complete construction in summer or fall of 2014;

**WHEREAS**, if the Proposed Project were to proceed to a DDA or other contract for development of the Proposed Project based on continued negotiations between the representatives of the Agency and Land & Design, Inc., as a potential developer ("Developer"), then the terms thereof would include acquisition of the properties, displacement of residential occupants and businesses, demolition of existing improvements, and conveyance of such assembled Site "C" to the Developer;

**WHEREAS**, in connection therewith and as a condition precedent to such conveyance the Agency will cause to be provided to the six residential households and four businesses, thereon relocation assistance and benefits in compliance with the Relocation Law and the Relocation Plan prepared for such Proposed Project;

**WHEREAS**, funding for the Proposed Project would be sourced from the Agency's tax increment funds (non-housing);

**WHEREAS**, in compliance with the Relocation Law, a Relocation Plan has been prepared to evaluate the present circumstances and replacement requirements of potential Project displacees that has been prepared in accordance therewith;

**WHEREAS**, residential households/persons and businesses in lawful occupancy that may be displaced, whether temporarily and/or permanently, as a direct result of the implementation of the Proposed Project would become eligible for relocation assistance and benefits pursuant to the Relocation Law;

**WHEREAS**, pursuant to the Relocation Law and in planning for implementation of the Proposed Project, the Agency and Developer have caused to be prepared a draft relocation plan in the event of displacement of lawful and eligible occupant households and businesses at Site "C" ("Relocation Plan");

**WHEREAS**, the Relocation Law requires that the local legislative body consider and approve relocation plans, which for the Agency is the City Council;

**WHEREAS**, in accordance with the Relocation Law, the Relocation Plan has been made available for public review and comment for a period not less than 30 days prior to submittal of the Relocation Plan to the City Council for consideration, action, and approval;

**WHEREAS**, the City Council has reviewed the Relocation Plan and considered public comment (both oral and written), if any, and the City Council believes the Proposed Project and implementation of the Relocation Plan are in the best interests of the City and the Agency and the health, safety, and welfare of the Garden Grove community and in accord with the public purposes and provisions of applicable legal requirements; and

**WHEREAS**, the City Council desires to approve the Relocation Plan and authorize the City Manager/Agency Director and his designees, to carry out the Relocation Plan, as and when

displacement may occur due to implementation of the Project pursuant to an agreement and subject to the conditions therein.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Garden Grove as follows:

**Section 1.** The foregoing recitals are a substantive part of this Resolution and fully incorporated herein.

**Section 2.** The City Council approves the Relocation Plan and authorizes the implementation of such Relocation Plan.

**Section 3.** The City Manager (and in his role as Agency Director) and his designees are hereby authorized to carry out the Relocation Plan.

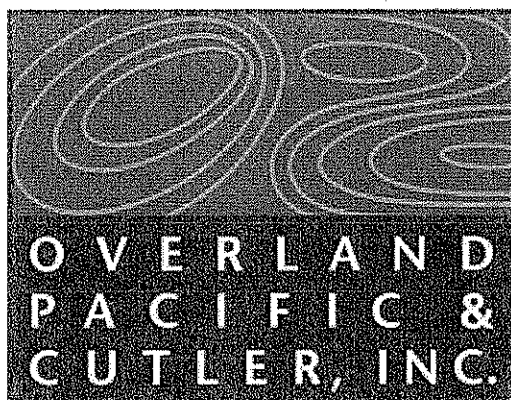
**Section 4.** In furtherance of such approval and authorization, the City Manager/Agency Director is authorized take all necessary actions and execute all documents necessary or appropriate to carry out the Relocation Plan. The City Manager/Agency Director is further authorized to the extent necessary during the implementation of the Relocation Plan to accept, process, and approve relocation claims, to provide interpretations and waivers, to cause issuance of warrants for payment of relocation claims, to cause issuance of warrants to pay consulting, legal, and other administrative costs incurred in connection therewith, and to administer the Agency's obligations, responsibilities, and duties to be performed under the Relocation Plan pursuant to the Relocation Law.

**Section 5.** A copy of the final, approved Relocation Plan shall be placed on file in the City Clerk's official records.

**Section 6.** The City Clerk shall certify to the adoption of this Resolution.

**EXHIBIT A**  
**RELOCATION PLAN**  
(to be attached)





*Site "C" Project*  
FINAL RELOCATION PLAN

Prepared for:  
The Garden Grove Agency for Community Development  
11222 Acacia Parkway  
Garden Grove, CA 92842  
(714) 741-5788

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

June 9, 2011

Adopted

Date \_\_\_\_\_

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EXHIBIT A:	Residential Interview Form
EXHIBIT B:	Business Interview Form
EXHIBIT C:	HUD Income Levels – Orange County
EXHIBIT D:	Residential Information Statement
EXHIBIT E:	Business Information Statement
EXHIBIT F:	Public Comments and Response

## INTRODUCTION

The Garden Grove Agency for Community Development (the "Agency") has authorized the preparation of a Relocation Plan to be undertaken in connection with the acquisition and proposed clearance of 14 parcels in Garden Grove, CA. The parcels are located in a redevelopment project zone and are being assembled as part of the proposed Site "C" Project ("Project"). At this time, there is no approved development agreement, although the Agency is currently in negotiations with Land & Design, Inc. (the "Developer".) The Agency proposes to acquire the properties and convey them to the Developer, and the Agency will relocate the Project occupants and demolish all existing improvements.

The site is zoned for hotel, restaurant and other similar commercial uses and development plans include the construction of an upscale select service hotel with a maximum of 700 rooms, 50,000 square feet of conference space, 15,000 square feet of restaurant space, a parking structure and a resort pool. The anticipated timeframe is to commence construction in summer or fall of 2012 and complete construction in summer or fall of 2014.

Existing improvements located on the site may be relocated or demolished, as appropriate, in order to clear the properties, which will cause the relocation of six residential households and four businesses. The needs and characteristics of the displacee population, available relocation resources and the Agency's program to provide assistance to each affected person are general subjects of this Relocation Plan (Plan).

Funding for the Project comes from Redevelopment Agency tax increment (non-housing) funds. Overland, Pacific & Cutler, Inc. ("OPC"), an experienced relocation and acquisition firm, has been selected to prepare this Relocation Plan and provide all subsequent required relocation assistance. In compliance with statutory requirements, the Plan has been prepared to evaluate the present circumstances and replacement requirements of potential Project displacees and, further, has been prepared in accordance with the requirements of the California Relocation Assistance Law, Government Code Section 7260, et seq. (Law), the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development and Title 25, California Code of Regulations Section 6000, et seq. (Guidelines).

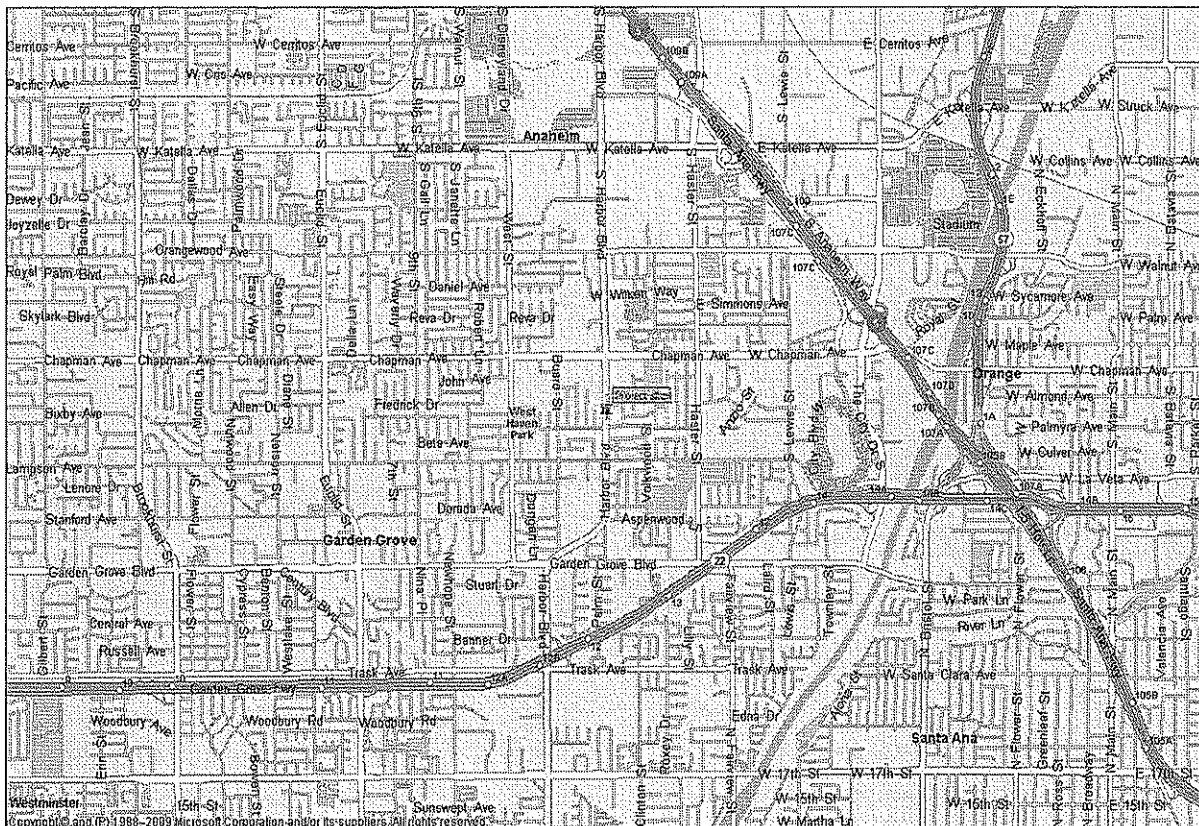
This Plan is organized in five sections:

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

# I. PROJECT DESCRIPTION

## A. REGIONAL LOCATION

The Project is located in the City of Garden Grove within Orange County. Garden Grove is located in the north-western section of Orange County, approximately 25 miles south of downtown Los Angeles and is immediately accessible from State Routes 22 and 39 and Interstate Freeways 5 and 405. Adjacent communities include Stanton, Westminster, Santa Ana, Anaheim, Cypress and Los Alamitos. (See Figure 1: Regional Project Location)



**Figure 1: Regional Project Location**

## B. PROJECT SITE LOCATION AND DESCRIPTION

The total Project site is comprised of 14 parcels totaling 5.18 acres on Harbor Boulevard generally bordered by Choisser Road to the east, Twintree Lane to the south, Thackery Drive to the west and Chapman Avenue to the north. (See Figure 2: Project Site Location)

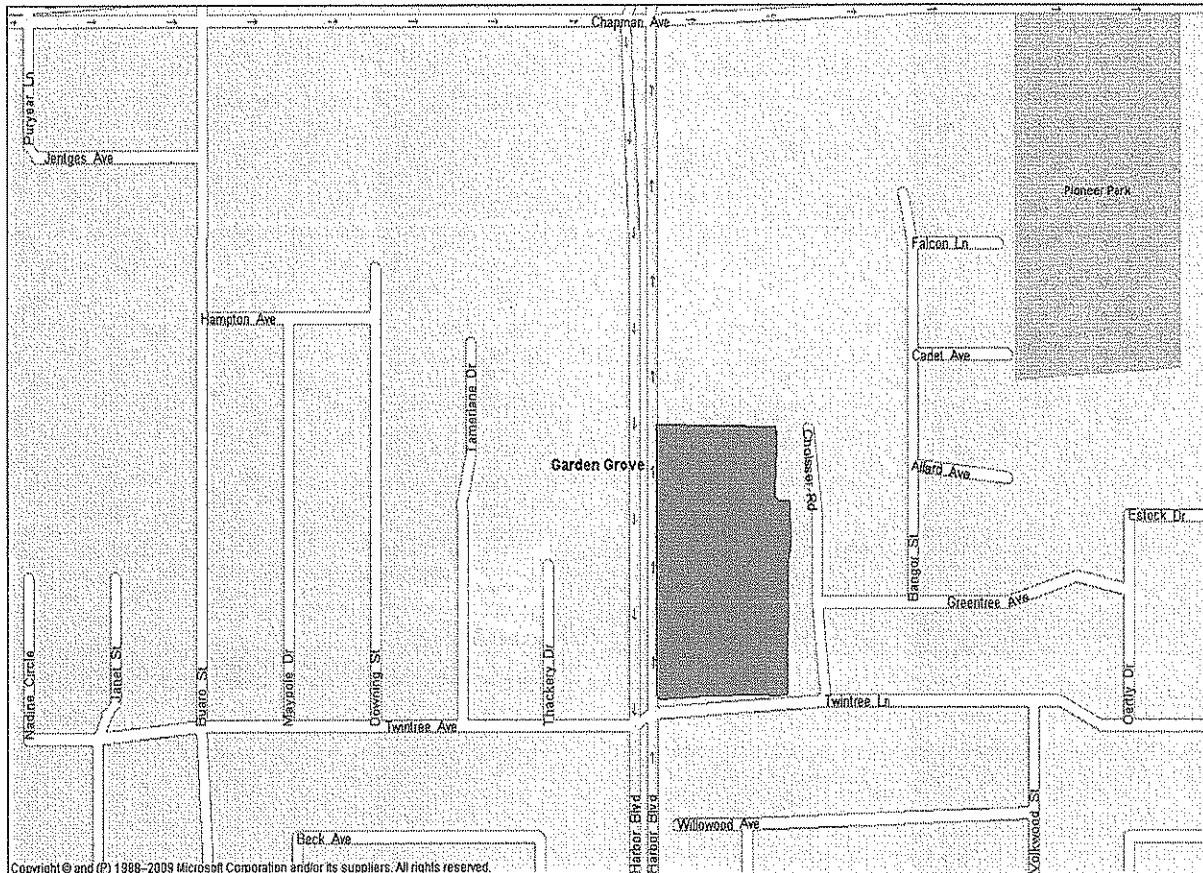


Figure 2: Project Site Location

### C. GENERAL DEMOGRAPHIC AND HOUSING CHARACTERISTICS

According to the 2000 U.S. Census, the population of the City of Garden Grove is 165,196 and the population of the impacted Census Tract 884.03/Block 2000 is 750 (see **Table 1**). Corresponding Census data concerning the housing mix is shown in **Table 2**.

Population	Tract 884.03 2000	%	City	%
Total Population	750	100.0%	165,196	100.0%
White	331	44.1%	77,443	46.9%
Black or African American	6	0.8%	2,168	1.3%
American Indian or Alaska Native	3	0.4%	1,260	0.8%
Asian	104	13.9%	5,190	11.2%
Native Hawaiian or Other Pacific Islander	17	2.3%	1,081	0.7%
Some Other Race	263	35.1%	25,362	15.4%
Two or More Races	26	3.5%	6,804	4.1%
Hispanic or Latino (of Any Race)	384	51.2%	53,608	32.5%

Source: U.S. Census Bureau, QT-PL. Race, Hispanic or Latino, and Age: 2000

Type	Tract 884.03 2000	%	City	%
Total Occupied Units	197	100%	45,791	98.0%
Owner-Occupied	138	70.1%	27,286	59.6%
Renter-Occupied	59	29.9%	18,505	40.4%
Vacant Housing Units	10	0.8%	912	2.0%
Available for Sale Only (of Total Vacant Units)	0	0.0%	191	20.9%
Available for Rent – Full Time Occupancy (of Total Vacant Units)	4	40.0%	372	40.8%
Sold or Rented – Not Occupied	0	0.0%	78	8.6%
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	3	30.0%	83	9.1%
Other Vacant	3	30%	188	20.6%

Source: U.S. Census Bureau, QT-H1. General Housing Characteristics: 2000

## II. ASSESSMENT OF RELOCATION NEEDS

### A. SURVEY METHOD

To obtain information necessary for the preparation of this Plan, personal interviews with the residents and business owners to be permanently displaced were conducted in March 2011. The interviewers were successful in interviewing four business occupants and five residential households on the Project site. One residential household did not respond to a letter requesting an interview or to cards left on their door, and they were unavailable each time the interviewer attempted to contact them on site or via telephone. Limited information was given to OPC staff by neighbors regarding the un-contacted residents.

The data in this section of the Plan are based solely on the unconfirmed responses of the individuals who participated in the survey. However, budgetary projections were based on expected relocation costs associated with the relocation of all Project occupants.

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

### B. ~~FIELD SURVEY DATA~~

#### 1. Current Residential Occupants

There are six residential households to be relocated for the Project. At the time of the interviews, for those five households that responded and based on information from neighbors regarding the sixth household, there are 14 adults and three children (17 years or younger) on-site to be permanently displaced.

Three tenant households occupy three-bedroom single-family dwellings, one tenant household occupies a two-bedroom single-family/duplex-type dwelling, and one tenant household occupies a travel trailer. In addition, there is one owner-occupied household in a three-bedroom single-family residence. The commonly accepted standard for housing density allows two persons per bedroom and one person in the common living area. Based on this criterion and available tenant data, there are no overcrowded units among the Project households.

#### a. Replacement Housing Needs

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



bedroom unit, seven persons in a three-bedroom unit and nine or more persons in a four-bedroom unit.

Replacement units required for the Project occupants include: one two-bedroom low-density dwelling for rent, three three-bedroom single-family residences for rent, one three-bedroom single family-residence for purchase and space in an RV or mobile home park for the resident of the travel trailer.

**b. Income**

Income information was provided by the five respondent households. According to income standards for the County of Orange (**Exhibit B**) adjusted for family size as published by the United States Department of Housing and Urban Development (HUD): two Project households qualify as Very Low (31% - 50% of median), two Project households qualify as Low income (51%-80% of median) and one Project household qualifies as Moderate income (81%-120% of median). The income of the sixth household is unknown.

**c. Ethnicity/Language**

Three of the six Project households reported their ethnicity as White, and three households reported Hispanic as their ethnicity. All but one household stated English as their primary language.

**d. Senior/Handicapped Households**

With the possible exception of the un-contacted household, there are no senior (62 years or older) or disabled households on the Project site.

**e. Preferred Relocation Areas**

Four of five respondent households expressed a preference to remain within the Garden Grove community in order to remain within a reasonable distance from their employment, schools and medical facilities. One household was interested in Anaheim for less expensive rental opportunities.

**2. Current Commercial Occupants**

There are four non-residential entities potentially affected by the Project. Survey information was obtained from all four business owners. Each of the business owners is leasing their premises.

The following information in **Table 3** reflects information gathered from personal interviews as well as observations made in the field.

<b>Business Type</b>	<b>Move-in Date</b>	<b>Est. Sq. Footage</b>	<b>Monthly Rent</b>	<b># of Empl</b>	<b>Relocation Preference</b>
Nail salon	1999	1,500	\$1,650	3	Unknown
Legal services	1997	1,000	Unknown	1	Garden Grove
Retail – tobacco products	1999	1,000	\$1,550	1	Garden Grove
Food service	1999	1,000	\$3,000	12-20	Anaheim

### III. RELOCATION RESOURCES

#### A. METHODOLOGY

A resource survey was conducted to identify available rental units beginning within a five mile radius from the subject properties in Garden Grove and expanded to surrounding communities. The following sources were utilized:

- Classified rental listings from *For Rent* publications
- Internet sources, including the MLS and Loopnet
- HCD listing of California travel trailer and mobile home parks by location

#### B. REPLACEMENT HOUSING/COMMERCIAL SITE AVAILABILITY

##### 1. Residential Rental Housing

The rental replacement housing survey considered single-family residences, low-density dwellings, RV parks and mobile home parks in Garden Grove and surrounding communities. This data is summarized in **Tables 4 & 5** below.

Bedroom Size	Two	Three
# Found (# Needed)	18 (1)	55 (3)
Rent Range	\$1,200-\$1,850	\$1,200-\$2,100
Median Rent	\$1,500	\$1,800

Available Site	Rent Range	Median Rent
RV/Mobile Home Park	\$550 - \$1,200	\$720

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

##### 2. Residential Housing for Purchase

Real estate listings were obtained for single-family residences for sale in Garden Grove. Available comparable homes for sale were identified and are summarized in **Table 6** below.

Bedroom Size	Three
# Found (# Needed)	32 (1)
Listing Price Range	\$249,000 - \$375,000
Median List Price	\$349,900

**3. Commercial Space Availability**

The availability of commercial sites in Garden Grove and surrounding communities was researched. Table 7 below summarizes the availability of the commercial properties for lease.

Type of Property	Total Found	Price Range	Median Price
800 – 1,100 sq ft Office	18	\$.94 - \$1.70	\$1.35
800 – 1,600 sq ft Retail / Services	49	\$1.00 – \$3.55	\$1.75

**4. Summary**

Considering the above described availability of replacement housing resources gathered for the Plan, it appears that there are more than adequate replacement resources for the residential occupants. But, while adequate replacement resources exist, based on surveyed results of rental opportunities, some tenant occupants will likely have increase in monthly rent. This possible increase, if any, will be met through the Agency’s obligation under the relocation regulations, including Last Resort Housing (LRH) requirements (See Section IV, D).

Regarding non-residential resources, the data collected presents a multitude of business sites that are currently available for lease. Therefore, it is believed adequate replacement sites for non-residential occupants exist.

**C. RELATED ISSUES**

**1. Concurrent Residential Displacement**

At this time, there are no other current public projects causing significant displacements underway in the city of Garden Grove or adjacent communities which would compete with the Project for needed housing resources. No residential displacee will be required to move without both 90 days notice to vacate and access to available affordable decent, safe and sanitary housing. No commercial occupant will be required to move without 90 days notice to vacate.

**2. Temporary Housing**

No need for temporary housing is anticipated.

## IV THE RELOCATION PROGRAM

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

The Agency has retained Overland, Pacific & Cutler, Inc. ("OPC") to administer the Relocation Program. OPC has worked on more than 3,000 public acquisition and relocation projects over the past 30 years. Experienced Agency staff will monitor the performance of OPC and be responsible to approve or disapprove OPC recommendations concerning eligibility and benefit determinations and interpretations of the Agency's policy.

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

### A. ADVISORY ASSISTANCE

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

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

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

1. Distribute appropriate written information concerning the Agency's relocation program;
2. Inform eligible project occupants of the nature of, and procedures for, obtaining available relocation assistance and benefits. (See **Exhibits D & E**)
3. Determine the needs of each residential and commercial displacee eligible for assistance;
4. Provide residential displacees with at least three referrals to comparable replacement housing within a reasonable time prior to displacement;
5. Maintain an updated database of available replacement resources, and distribute referral information to displacees for the duration of the Project;
6. Provide transportation to residential displacees, if necessary, to inspect replacement sites within the local area;

7. Offer special assistance to help elderly or disabled tenants find housing near friends, relatives, medical facilities, and services and convenient transportation;
8. Supply information concerning federal and state programs and other governmental programs providing assistance to displaced persons;
9. Assist each eligible residential occupant and business in the preparation and submission of relocation assistance claims;
10. Provide additional reasonable services necessary to successfully relocate residents and businesses;
11. Make benefit determinations and payments in accordance with applicable law and the Agency's adopted relocation guidelines;
12. Assure that no occupant is required to move without a minimum of 90 days written notice to vacate.
13. Inform all persons subject to displacement of the Agency's policies with regard to eviction and property management;
14. Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the Agency's decision with respect to relocation assistance; and,
15. Provide assistance that does not result in different or separate treatment due to race, color, religion, national origin, sex, marital status or other arbitrary circumstances.

## **B. RELOCATION BENEFITS – RESIDENTIAL OCCUPANTS**

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

Relocation benefits will be paid to eligible displacees upon submission of required claim forms and documentation in accordance with the Agency's administrative procedures. The Agency may process advance payment requests to mitigate hardships for residential occupants who do not have access to sufficient funds to initially secure replacement housing such as paying an escrow deposit or first month's rent and security deposit. Approved requests will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

### **1. Residential Moving Expense Payments**

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

**a. Actual Cost (Professional Move)**

The displacee may elect to retain the services of a licensed professional mover, in which case the Agency will pay the actual cost of moving services, based on the lowest of three (3) acceptable bids. (The Agency may, at its discretion, solicit competitive bids to determine the lowest, reasonable move cost.) After the move is complete, the displacee may request a direct payment from the Agency to the mover.

**b. Fixed Payment (based on Room Count Schedule)**

The displacee may, while taking full responsibility for the move, elect to receive a fixed payment for moving expenses based on a room count in the displacement dwelling. The fixed payment is a one-time, all inclusive allowance that does not require back-up documentation. The current schedule for fixed payments is set forth in Table 8:

<b>TABLE 8: Schedule of Fixed Moving Payments</b>									
Unfurnished Dwelling									
Room count	1	2	3	4	5	6	7	8	Each additional
Amount	\$625	\$800	\$1,000	\$1,175	\$1,425	\$1,650	\$1,900	\$2,150	\$225
Furnished Dwelling									
Room count	1	each additional							
Amount	\$400	\$65							

Source: California Department of Transportation

One Project occupant only owns personal property contained within his travel trailer that can be driven to the replacement site via his vehicle. Therefore, a fixed moving payment would only consist of a payment for mileage to the replacement site based on the current IRS mileage rate.

**2. Rental Assistance to Tenants Who Choose to Rent**

A tenant displaced from the park may be entitled to a Replacement Housing Payment in the form of rental or downpayment assistance not-to-exceed \$5,250 (prior to consideration of eligibility for Last Resort Housing benefits – see Last Resort Housing, Section IV, G), if the displacee:

1. Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and
2. Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling or site within one year (unless the Agency extends this period for good cause) after the date he or she moves from the displacement dwelling.

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

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

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

- (i) The average monthly cost for rent and utilities at the displacement dwelling or site 90 days prior to the offer on the property. For owner-occupants or households, which pay no rent, Fair Market Rent will be used as a substitute for actual rent; or
- (ii) Thirty percent (30%) of the displaced person's average, monthly, adjusted gross household income. If a displacee refuses to provide appropriate evidence of income or is a dependent, the base monthly rent shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling; or
- (iii) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities.

One tenant on the Project site resides in a travel trailer they own and that is pulled by his vehicle. He pays for "space" rent on the site. Any eligible payments for rental assistance will be calculated based on the displacement *site* rent & utilities or 30% of gross household adjusted income, comparable *site* rent and utilities and replacement *site or dwelling* rent and utilities. (If the tenant chooses to move into a conventional dwelling, the replacement dwelling rent and utilities will be compared to the comparable *site* rent and utilities.)

**Table 9** below illustrates the computation of a rental/downpayment assistance payment.



<b>TABLE 9: Computation of Rental Assistance Payments (Tenants)</b>		
1. Old Rent	\$650	Old Rent, plus Utility Allowance
<b>or</b>		
2. Ability to Pay	\$700	30% of the Adjusted Gross Household Income*
3. Lesser of lines 1 or 2	\$650	Base Monthly Rental
<b>Subtract From:</b>		
4. Actual New Rent	\$750	Actual New Rent including Utility Allowance
<b>or</b>		
5. Comparable Rent	\$775	Determined by Agency, includes Utility Allowance
6. Lesser of lines 4 or 5	\$750	
7. Yields Monthly Need	\$100	Subtract line 3 from line 6
<b>8. Rental Assistance Payment</b>	<b>\$4,200</b>	<b>Multiply line 7 by 42 months</b>

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

### 3. Downpayment Assistance to Tenants Who Choose to Purchase

Displaces otherwise eligible to receive a Rental Assistance payment as previously described, may choose to utilize the full amount of their rental assistance eligibility amount (including Last Resort benefit) to purchase a home. Such payments shall be deposited directly into an escrow account with provisions that allow the Agency to recover its funds should the escrow be cancelled or not proceed in a timely manner. These funds can be used as a downpayment and/or to pay for eligible non-recurring closing costs.

### 4. Payment to Non-Tenured Residential Tenants

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

### 5. Replacement Housing Assistance for Homeowners

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

- (a) The household has owned and occupied their unit for not less than 180 days prior to the Initiation of Negotiations, and
- (b) The household purchases and occupies a replacement unit within one year from:
  - (i) the date that the household receives the final payment from the displacing entity for all the costs of the acquired unit - or -
  - (ii) the date that the household vacates the acquired unit, whichever is later.

Displaced homeowner households will receive assistance in locating a "comparable replacement" unit and will be eligible for the following benefits, not-to-exceed \$22,500:

1. Purchase Price Differential:

The displaced owner households will be entitled to receive an amount equal to the difference between the price paid for the acquired unit and the amount required to purchase a "comparable replacement" unit. The displacing entity is allowed the following options in paying any price differential as explained in section 6102 of the Guidelines:

- (a) Comparative Method: On a case-by-case basis, the displacing entity will determine the price of a "comparable replacement" unit, which is most representative of the acquired unit, by selecting and considering the listing price of at least three (whenever possible) "comparable replacement" units.
- (b) Schedule Method: The displacing entity may establish a schedule of reasonable acquisition costs of "comparable replacement" units based on a current analysis of the housing market.
- (c) Alternate Method: When neither the Comparative nor Schedule methods are feasible, the displacing entity may use another reasonable method.

2. Other Payments:

Moreover, displaced homeowners will receive the following assistance:

- (a) Payments to cover the cost between the difference of the household's current debt or mortgage service and any increase in debt or mortgage costs necessary to acquire a "comparable replacement" housing unit; and
- (b) Incidental and reasonable one-time costs for acquiring a replacement unit, such as escrow costs, and recurring and credit reporting fees.

**6. Rental Assistance to Owner-Occupants Who Choose to Rent**

An owner displaced from a dwelling may be entitled to a Replacement Housing Payment in the form of rental or downpayment assistance not-to-exceed \$5,250 (prior to consideration of eligibility for Last Resort Housing benefits – see Last Resort Housing, Section IV, G), if the displacee:

- a.. Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and
- b. Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within one year (unless the Agency extends this period for good cause) after the date he or she moves from the displacement dwelling.

A rental assistance payment will be calculated per the method described in IV, B, 2. However, such replacement housing payments may not exceed the payments for which the household would have been entitled, if it had elected to purchase a replacement unit.

**C. DETERMINATION OF COMPARABLE HOUSING**

Relocation staff will evaluate the cost of comparable replacement sites in the preparation of each individual Notice of Eligibility issued to residential displacees. For residential tenant occupants, the cost of comparable replacement sites will be determined primarily by the schedule method, which determines the median rent in the local market.

**D. RELOCATION BENEFITS - COMMERCIAL TENANTS**

Eligible businesses will have two options with respect to claims for relocation assistance benefits:

- 1) compensation for actual reasonable and necessary moving and related expenses,
- or
- 2) a fixed payment not to exceed \$20,000.

**1. Payment for Actual, Reasonable and Necessary Moving and Related Expenses**

Any business which qualifies as a displaced person is entitled to payment for such actual moving expenses, as the Agency determines to be reasonable and necessary, including expenses for:

- a. Transportation of persons and property from the present location to the replacement location (transportation costs for a distance beyond 50 miles are not eligible, unless the Agency determines that relocation beyond 50 miles is justified);
- b. Packing, crating, uncrating, and unpacking personal property;

- c. Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. Includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure or to the utilities or to adapt the utilities to the personal property;
- d. Storage of personal property for a period not to exceed 12 months, unless the Agency determines that a longer period is necessary;
- e. Insurance of personal property while in storage or transit and the replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person) in the process of moving, where insurance is not readily available;
- f. Any license, permit, or certification required by the displaced business, to the extent that the cost is necessary for reestablishment at the replacement location. (These costs may be pro-rated based on the remaining useful life of any existing license, permit or certification);
- g. Reasonable and pre-authorized professional services, including architects', attorneys', engineers' fees, and consultants' charges, necessary for: (1) planning the move of the personal property; (2) moving the personal property; or, (3) installing the relocated personal property at the replacement location;
- h. The purchase and installation of substitute personal property limited to the lesser of: (1) an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the Agency, subject to certain limitations, or, (2) the replacement cost, less any proceeds from its sale or trade in;
- i. The modification of machinery, equipment or other personal property necessary to adapt these to the replacement location or to utilities available at the replacement location;
- j. Relettering signs and replacing stationary on hand at the time of displacement that are made obsolete as a result of the move;
- k. Actual direct losses of tangible personal property resulting from moving or discontinuing a business or non-profit organization, not-to-exceed the lesser of: (1) the fair market value of the property for continued use at its location prior to displacement less any proceeds from sale of the property; or, (2) an amount equal to the reasonable expenses that would have been required to relocate the property, as determined by the Agency, subject to certain limitations;

- l. Actual and reasonable expenses incurred in searching for a replacement business or non-profit organization location, not-to-exceed \$1,000.00, and including compensation for transportation expenses; time spent searching for a reasonable location, meals, and lodging; real estate broker or agent fees; time spent in obtaining permits and attending zoning hearings; and time spent negotiating the purchase of a replacement site;
- m. Low Value/High Bulk: when the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the Agency, the allowable moving cost payment shall not exceed the lesser of: (1) the amount which would be received if the property were sold at the site or (2) the replacement cost of a comparable quantity delivered to the new business location. Examples of personal property covered by this provision include, but are not limited to, stockpiled sand, gravel, minerals, metals and other similar items of personal property as determined by the Agency;
- n. A Reestablishment allowance of up to \$10,000, available to farms, nonprofit organizations and small businesses with no more than 500 employees. Reestablishment allowance payments are made in addition to compensation provided for actual, reasonable and necessary moving expenses. Reestablishment allowance expense categories include but are not limited to:
  - 1) Repairs or improvements to the replacement property as required by Federal, State or local law, code or ordinance;
  - 2) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting business;
  - 3) Construction and installation costs for exterior signing to advertise the business;
  - 4) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint paneling or carpeting;
  - 5) Advertisement of replacement location;
  - 6) Impact fees or one-time assessments for anticipated heavy utility usage;
  - 7) Provision of utilities from right-of-way to improvements on the replacement site;
  - 8) Feasibility surveys, soil testing and marketing studies;
  - 9) Professional services in connection with the purchase or lease of a replacement site;

- 10) Estimated increased costs of operation during the first two years at the replacement site for such items as:
  - a. Lease or rental charges
  - b. Personal or real property taxes
  - c. Insurance premiums, and
  - d. Utility charges, excluding impact fees
- 11) Other items essential to the reestablishment of the business.

## 2. Self-Moves

If the displaced business elects to take full responsibility for the move of the business, the Agency will make a payment for the business's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates submitted to the Agency. At the Agency's discretion, a payment for a low cost or uncomplicated move may be based on a single bid or estimate.

## 3. Fixed Payment in Lieu of a Payment for Actual Reasonable Moving and Related Expenses

The option to claim a fixed payment enables both for-profit and non-profit businesses to receive relocation assistance compensation without providing documentation of bids and actual expenses. The payment amount available to any individual business is based on an average of annual net earnings over a two year period. For businesses which have not been in operation for two years, income figures can be annualized. The method for establishing income is through tax returns and/or certified financial statements. The payment to an eligible business may not be less than \$1,000, or more than \$20,000.

To qualify for this payment, it must be determined that, a displaced business:

- owns or rents personal property, which must be moved in connection with such displacement and for which an expense would be incurred in such move;
- is not operated at the displacement site solely for the purpose of renting the dwelling or site to others;
- cannot be a part of a commercial enterprise having at least three other establishments which are not being acquired by the Agency, and which is under the same ownership and engaged in the same or similar business activities;
- must not be able to relocate without substantial loss of patronage; and
- contributed materially, as defined by the Agency, to the income of the displaced person during the two taxable years prior to displacement.

## **E. LOSS OF BUSINESS GOODWILL**

Business goodwill consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in probable retention of old, or acquisition of new patronage. Where claims for loss of business goodwill are anticipated, state law (California Code of Civil Procedure Section 1263.510) requires business owners to prove all of the following:

1. The loss is caused by the taking of the property;
2. The loss cannot reasonably be prevented by relocation of the business, or by taking steps and adopting procedures that a reasonably prudent person would take to preserve the goodwill; and
3. The compensation for the loss has not been included as a relocation payment, or duplicated in compensation otherwise awarded to the owner.

Claims for loss of business goodwill are normally considered by the Agency in connection with Code of Civil Procedure section 1263.510. Claims for loss of business goodwill may be considered by the Agency outside the context of a filed eminent domain action, provided the claimant provides to the Agency the information necessary to review and evaluate the claim, and for this purpose, the Agency's practice is to include a goodwill loss questionnaire with the offer letter provided in connection with Government Code section 7267.2, or related notifications. Consistent with Title 25, California Code of Regulations, section 6100 (a)(2), any payment of relocation benefits to a business or farm operation which is considered to be payment for goodwill, and is made prior to final settlement of a claim for compensation for loss of business goodwill, will be offset against such claim, and any compensation paid pursuant to such claim will be reduced in the same amount.

When a fixed payment will precede settlement of a claim for compensation for loss of good will under the Eminent Domain Law (See Section IV, H), the Agency, before tendering payment shall state in writing what portion of the payment, if any, is considered to be compensation for loss of goodwill and shall explain in writing that any payment made pursuant to Code of Civil Procedure, Section 1263.510 et seq. (the Eminent Domain Law, Chapter 9, Article 6 - "Compensation for Loss of Goodwill") will be reduced in the same amount. The portion considered to be compensation for loss of goodwill shall not exceed the difference between the fixed payment made and an amount which reasonably approximates the payments for which the displaced person otherwise would be eligible to receive as outlined in Section IV, D, 1, above.

## **F. GENERAL INFORMATION REGARDING THE PAYMENT OF RELOCATION BENEFITS**

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

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance;

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

#### **G. LAST RESORT HOUSING**

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

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

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

For owner-occupants/homeowners, if there is not enough "comparable replacement housing" available (related to purchase price), the displacing entity shall pay whatever costs are necessary beyond the statutory cap of \$22,500 to acquire a "comparable replacement" unit, including reasonable incidental expenses.



A displaced homeowner household, which has purchased and occupied its current unit for less than 180 days but at least 90 days prior to the "initiation of negotiations", is eligible for all the assistance and benefits that are available to a tenant household.

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

#### **H. RELOCATION TAX CONSEQUENCES**

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

## V. ADMINISTRATIVE PROVISIONS

### A. NOTICES

Each notice, which the Agency is required to provide to a Project occupant, shall be personally delivered or sent certified or registered first-class mail, return receipt requested and documented in the case file. Each notice will be written in plain, understandable language. Each notice will indicate the name and telephone number of a person who may be contacted for answers to questions and other needed help.

There are three principal notices:

- 1) the Information Statement
- 2) the Notice of Relocation Eligibility, and
- 3) the 90-Day Vacate Notice.

The Informational Statement is intended to provide potential relocatees with a general written description of the Agency's relocation program and basic information concerning benefits, conditions of eligibility, noticing requirements and appeal rights. Informational Statements were provided to the Project occupants at the time of the interviews. (See **Exhibit C**)

A Notice of Relocation Eligibility (NOE) will be distributed to each residential relocatee. The NOE to residential relocatees contains a determination of eligibility for relocation assistance and a computation of a maximum entitlement based on information provided by the affected household and the analysis of comparable replacement properties undertaken by the relocation staff.

No lawful occupant will be required to move without having received at least 90 days advance written notice of the earliest date by which the move will be necessary. The 90-Day Vacate Notice will state a specific date as the earliest date by which the occupant may be required to move or state that the occupant will receive a further notice indicating, at least 60 days in advance, the specific date of the required move. The 90-Day Notice will not be issued to any residential displacee before a comparable replacement dwelling has been made available.

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

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

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

## **B. PRIVACY OF RECORDS**

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

## **C. GRIEVANCE PROCEDURES**

A person who is dissatisfied with a determination as to eligibility for benefits, a payment amount, the failure to provide comparable temporary housing, or the Agency's property management practices may file a Relocation Assistance Appeal Form or any other written form of appeal with the Agency. The Agency's appeal policies will follow the standards described in Article 5, Section 6150 et seq., Title 25, Chapter 6, State of California, Department of Housing and Community Development Program guidelines. Specific details for the Agency's appeals policy will be furnished upon request.

## **D. EVICTION POLICY**

The Agency recognizes that eviction is permissible only as a last resort, and that relocation records must be documented to reflect the specific circumstances surrounding any eviction. Eviction will ~~only take~~ place in cases of nonpayment of rent, serious violation of the rental agreement, a ~~dangerous~~ or illegal act in the unit, or if the household refuses all reasonable offers of alternate accommodation. In the event of an eviction for cause, the displacee may forfeit their eligibility for relocation benefits.

## **E. CITIZEN PARTICIPATION**

As the process for considering the Project moves forward, the Agency will observe the following protocol:

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

6. Schedule a community meeting to provide information on the proposed Project to the surrounding neighborhood as well as a relocation-oriented meeting for the Project occupants.

**F. PROJECTED DATE OF DISPLACEMENT**

The Agency anticipates that a date specific Notices to Vacate will not be issued prior to January 2012. No occupant will be required to vacate without a minimum of 90 days notice. However, an occupant may choose to vacate prior to a vacate notice being issued, once they have received their Notice of Eligibility, and be assured they will receive any relocation assistance to which they may be entitled.

**G. ESTIMATED RELOCATION COSTS**

The total budget estimate for relocation-related payments for this Project, including a 10 percent contingency, is **\$497,000**.

The estimated relocation budget does not include any payments related to property acquisition, the acquisition of leasehold interests, the acquisition of furniture, fixtures and equipment or loss of business goodwill payments. In addition, the budget does not consider the cost of any services necessary to implement the Plan and complete the relocation element of the Project.

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

**EXHIBIT A**  
**RESIDENTIAL INTERVIEW FORM**

# Residential Relocation Interview

<b>Client/Project:</b>		<b>Case ID:</b>		
<b>Site Address:</b>		<b>Total occupants:</b>	<b>Interview Date:</b>	<input type="checkbox"/> <b>Unoccupied</b>
<b>City, St, ZIP:</b>			<b>Interviewer:</b>	<input type="checkbox"/> <b>No Contact</b>

**INDIVIDUAL OCCUPANTS (use additional pages as needed)**

<b>1. Name:</b>		<b>Gender:</b> F M	<b>Employer/School:</b>		
<b>Relationship (list 1):</b> HEAD OF HOUSEHOLD	<input type="checkbox"/> ID verified	<b>Income srce (list 2):</b>	<b>Income/empl. description:</b>	<b>Hire/start date:</b>	<b>Mo Income:</b>
<b>Lawful presence (list 3):</b>	<b>Date of birth:</b>				
<b>Phone/fax/email:</b>	<b>Move-in date:</b>				

Notes/special needs:

<b>2. Name:</b>		<b>Gender:</b> F M	<b>Employer/School:</b>		
<b>Relationship (list 1):</b>	<input type="checkbox"/> ID verified	<b>Income srce (list 2):</b>	<b>Income/empl. description:</b>	<b>Hire/start date:</b>	<b>Mo Income:</b>
<b>Lawful presence (list 3):</b>	<b>Date of birth:</b>				
<b>Phone/fax/email:</b>	<b>Move-in date:</b>				

Notes/special needs:

<b>3. Name:</b>		<b>Gender:</b> F M	<b>Employer/School:</b>		
<b>Relationship (list 1):</b>	<input type="checkbox"/> ID verified	<b>Income srce (list 2):</b>	<b>Income/empl. description:</b>	<b>Hire/start date:</b>	<b>Mo Income:</b>
<b>Lawful presence (list 3):</b>	<b>Date of birth:</b>				
<b>Phone/fax/email:</b>	<b>Move-in date:</b>				

Notes/special needs:

<b>4. Name:</b>		<b>Gender:</b> F M	<b>Employer/School:</b>		
<b>Relationship (list 1):</b>	<input type="checkbox"/> ID verified	<b>Income srce (list 2):</b>	<b>Income/empl. description:</b>	<b>Hire/start date:</b>	<b>Mo Income:</b>
<b>Lawful presence (list 3):</b>	<b>Date of birth:</b>				
<b>Phone/fax/email:</b>	<b>Move-in date:</b>				

Notes/special needs:

<b>5. Name:</b>		<b>Gender:</b> F M	<b>Employer/School:</b>		
<b>Relationship (list 1):</b>	<input type="checkbox"/> ID verified	<b>Income srce (list 2):</b>	<b>Income/empl. description:</b>	<b>Hire/start date:</b>	<b>Mo Income:</b>
<b>Lawful presence (list 3):</b>	<b>Date of birth:</b>				
<b>Phone/fax/email:</b>	<b>Move-in date:</b>				

Notes/special needs:

<b>6. Name:</b>		<b>Gender:</b> F M	<b>Employer/School:</b>		
<b>Relationship (list 1):</b>	<input type="checkbox"/> ID verified	<b>Income srce (list 2):</b>	<b>Income/empl. description:</b>	<b>Hire/start date:</b>	<b>Mo Income:</b>
<b>Lawful presence (list 3):</b>	<b>Date of birth:</b>				
<b>Phone/fax/email:</b>	<b>Move-in date:</b>				

Notes/special needs:

DWELLING			HOUSEHOLD		
Mailing Address:			<input type="checkbox"/> Primary residence of all occupants? (If not, explain in notes)		
City, St, ZIP:			<input type="checkbox"/> Can someone read/understand English? If not, language:		
Carbon Copy Address:			Race/Ethnicity: <input type="checkbox"/> American Indian/Alaskan <input type="checkbox"/> Asian		
City, St, ZIP:			<input type="checkbox"/> Black/African-American <input type="checkbox"/> Hawaiian/Pacific Islander		
Dwelling Type (list 4):			<input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> White <input type="checkbox"/> Other <input type="checkbox"/> Mixed		
Bedrooms:	Attic/Utility/Storage:	Approx Sq Ft:	Subscribe to: <input type="checkbox"/> Land phone <input type="checkbox"/> TV service <input type="checkbox"/> Internet		
Kitchen:	Basement:	Bathrooms:	<input type="checkbox"/> Home-based business? (describe in notes)		
Living/family rooms:	Garage:	Garage Spaces:	<input type="checkbox"/> Rent rooms in dwelling? (describe in notes)		
Dining room:	Other/Extra:	Carport Spaces:	<input type="checkbox"/> On fixed income or public assistance? (describe in Occupants)		
Den/Office:	Total physical and content rooms to move:	Parking Spaces:	<input type="checkbox"/> Disabled occupants? (describe modifications/needs in Occupants)		
Total Rooms:		Number of cars:	<b>Replacement site special needs (mark and describe in Notes)</b>		
Air Cond: <input type="checkbox"/> Central <input type="checkbox"/> Wall/Window <input type="checkbox"/> Heat Pump <input type="checkbox"/> Evap./Swamp <input type="checkbox"/> None			<input type="checkbox"/> Employment access <input type="checkbox"/> Shopping		
Heating: <input type="checkbox"/> FAU <input type="checkbox"/> Radiant <input type="checkbox"/> Hot Water <input type="checkbox"/> Space Htr <input type="checkbox"/> Solar <input type="checkbox"/> Heat Pump			<input type="checkbox"/> Public transport <input type="checkbox"/> Religious		
Dwelling Condition: <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor			<input type="checkbox"/> Medical facilities/services <input type="checkbox"/> Social/Public services		
Neighborhood Condition: <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor			<input type="checkbox"/> School needs <input type="checkbox"/> Relatives/Ethnic		
Amenities:			<input type="checkbox"/> Childcare <input type="checkbox"/> Other special needs		
			<input type="checkbox"/> All occupants to move to the same dwelling? (if not, explain in notes)		
TENANT			Replacement dwelling preference: <input type="checkbox"/> Rent <input type="checkbox"/> Buy		
Rent terms: <input type="checkbox"/> Month-Month <input type="checkbox"/> Lease, months left:			Can relocate from: <input type="checkbox"/> Neighborhood <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> State		
<input type="checkbox"/> Rent reduced in exchange for service		<input type="checkbox"/> Unit furnished by tenant	Preferred relocation areas:		
Monthly contract rent: \$		Security deposit: \$	HOMEOWNER		
Landlord/manager name/ph:			Lot Size (sq ft):	Date purchased:	Age (yrs):
<input type="checkbox"/> Written rental agreement available?		<input type="checkbox"/> Rent receipts available?	<input type="checkbox"/> Own clear with no mortgages/loans		# of stories:
<input type="checkbox"/> Receiving Section 8 or other housing assistance?			1st Loan Information		2nd Loan Information
Caseworker name/ph:			Lender:		Lender:
Monthly tenant portion of rent: \$			Loan Type (list 5):		Loan Type (list 5):
Annual family/child care expenses to allow work: \$			Current % Rate:		Current % Rate:
Annual non-reimbursed medical expenses: \$			Principal Balance: \$		Principal Balance: \$
Annual non-reimb. handicapped assistance expenses: \$			Original Date:		Original Date:
Utilities paid by tenant:		Pets:	Remaining months:		Remaining months:
<input type="checkbox"/> Gas: \$			Monthly P&I payment:		Monthly P&I payment:
<input type="checkbox"/> Electric: \$		Energy source: Gas Electr Oil Other	MOBILE HOME		
<input type="checkbox"/> Water: \$		Cooking Stove: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____	Pad space: <input type="checkbox"/> Rent <input type="checkbox"/> Own		Coach: <input type="checkbox"/> Rent <input type="checkbox"/> Own
<input type="checkbox"/> Sewer: \$		Water Heater: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____	Pad rent: \$		Make/Model:
<input type="checkbox"/> Trash: \$		Space Heat: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____	Coach length (ft):		Year:
<input type="checkbox"/> NONE		Air Conditioning: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> _____	Coach width (ft):		Decal #:





**EXHIBIT B**  
**BUSINESS INTERVIEW FORM**

# Business Relocation Interview

<b>Client/Project:</b>	<b>Case ID:</b>
<b>Site Address:</b>	Interview Date: <input type="checkbox"/> Unoccupied
<b>City, St, ZIP:</b>	Interviewer: <input type="checkbox"/> No Contact

## Business Claimant Information

Legal business name (from tax return):	Person interviewed (name/title):	
Name under which claimant conducts operations (dba):	<b>Ownership type:</b> <input type="checkbox"/> Sole Proprietor <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> Non-profit	<b>Business type:</b> URA type (list 1): OPC type (list 2): Goods, products or services provided:
Mailing address (if different):		
Date business established:	This site move-in:	

## Business Contacts Information

	Contact 1 (PRIMARY)	Contact 2	Contact 3
Name:			
Title/position:			
Business phone:			
Cell phone:			
Fax #:			
Email:			
Authority (Y/N):			

Can the person(s) with authority to sign claims and agreements read/understand English? If not, language:

## Business Professionals Involved (Attorney, Accountant, Broker, Move Planner, Contractor)

	Professional 1	Professional 2	Professional 3
Name:			
Title/position:			
Specialty (list 3):			
Company:			
Address:			
Business phone:			
Cell phone:			
Fax #:			
Email:			
CC address (Y/N):			

## Business Description and Features

Business hours and days of operation:

Customer trade area:

Is this a franchise business? If yes, is copy of franchise agreement available?

Describe any other businesses on site:

List any sub-leases:

List the same or similar operations owned elsewhere:

List residents living on the property:

Intend to relocate this business (Y/N): If yes, plans for new market, product or service?:

Describe best time to move:

Months of year with least inventory: With most inventory:

Estimated time it would take to move business:

Describe business conducted on the Internet:

Describe types of advertising used:

List printed materials to become obsolete:

Annual gross income:	Full-time employees:
Annual net income:	Part-time employees:

**Property Site Features**

Site layout available (provide):	Zoning designation:	<b>Occupancy status</b>
Total building sq.ft.:	Parking spaces:	<input type="checkbox"/> Month-to-month rental
Total land sq.ft.:	Loading spaces:	<input type="checkbox"/> Lease: expires: options:
<b>Area Breakdown</b>	Dock spaces:	<input type="checkbox"/> Mortgage: balance:
Office/retail sq.ft.:	Clearance/height:	<input type="checkbox"/> Own clear
Warehouse/shop sq.ft.:	Railroad access:	Monthly payment:
Yard sq.ft.:		Lease copy available?:

**Business Equipment/Improvements**

Inventory list available?:	<b>Phone system</b>	<b>Computer system</b>
Electrical (Amps):	Type/brand:	Number of PCs:
3 phases (Y/N):		Server room (# of racks, A/C, power, etc.):
Describe plumbing:	Age:	Other equipment (printers, security, WAP, registers, inventory control, etc):
	Voice lines:	
Other special utility:	Fax lines:	Internet service/provider (list 4):
	Other lines:	

**Indicate quantity of each type of equipment on site:**

Bridge crane:	<input type="text"/>	Freezer:	<input type="text"/>	Sinks:	<input type="text"/>	Dry-cleaning plant:	<input type="text"/>	Air lines:	<input type="text"/>
Jib crane:	<input type="text"/>	Walk-in cooler:	<input type="text"/>	Clarifier:	<input type="text"/>	UST:	<input type="text"/>	Water lines:	<input type="text"/>
Hood:	<input type="text"/>	Walk-in freezer:	<input type="text"/>	Boiler:	<input type="text"/>	Racking/shelving:	<input type="text"/>	Hoist:	<input type="text"/>
Refrigerator:	<input type="text"/>	Spray booth:	<input type="text"/>	Compressor:	<input type="text"/>	System furniture:	<input type="text"/>		

Other significant improvements/machinery/equipment:

Leased equipment onsite:

Obsolete equipment or equipment that cannot be moved:

**Permits / Required Specialists**

List required special permits and licenses with number (provide copy):

Operate under Conditional Use Permit? (provide copy)

Will CUP be required at a new location?:

Assistance required in obtaining any permits/licenses?:

Describe any wastewater/air/stack discharge/emissions:

List hazardous materials used or stored (including handling and disposal):

Needs for outside specialists for a move:

**Preferred replacement site attributes**

Relocation area:	Property access (RR, dual):
Zoning/type of use:	Truck access:
Lease / purchase:	Freeways/arterials proximity:
Building size/layout:	Public transport access:
Single/multistory building:	Pedestrian access:
Clearance/height:	Parking spaces:
Lot/yard size:	Shipping/receiving type:
Special utility needs:	Demographic needs:
Internet service needs:	Traffic count needs:
Franchise/ordinance restrictions:	Visibility needs:

**Specific concerns and anticipated move challenges**

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**List of any identified replacement sites**

	Address	Bldg size	Lot size	Lease amount	Status	Broker info
1						
2						
3						

**ADDITIONAL INTERVIEW NOTES (explain all special circumstances, including those noted above)**

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- 1. URA business type: Business, Farm, Non-Profit
- 2. OPC business type: Agricultural, Industrial, Office, Retail Sales, Retail Service, Special Purpose (detail online)
- 3. Professional Specialty: Attorney, Accountant, Broker, Move Planner, Contractor
- 4. Internet service: DSL, cable, T1, fiber, satellite, other

***I certify that all information in this survey is true and complete to the best of my knowledge. The information contained herein shall be treated confidential to the extent permitted by law.***

Claimant Name: \_\_\_\_\_ Date: \_\_\_\_\_ Signature: \_\_\_\_\_

## EXHIBIT C

### HUD INCOME LIMITS – ORANGE COUNTY

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

<b>Area Median: \$87,200</b>			
<b>Family Size</b>	<b>Extremely Low</b>	<b>Very Low</b>	<b>Lower</b>
<b>1 Person</b>	19,500	32,500	52,050
<b>2 Person</b>	22,300	37,200	59,450
<b>3 Person</b>	25,100	41,850	66,900
<b>4 Person</b>	27,850	46,450	74,300
<b>5 Person</b>	30,100	50,200	80,250
<b>6 Person</b>	32,350	53,900	86,200
<b>7 Person</b>	34,550	57,600	92,150
<b>8 Person</b>	36,800	61,350	98,100

Figures are per the Department of Housing and Community Development (California), Division of Housing Policy Development, **May 20, 2010**.

**EXHIBIT D**  
**RESIDENTIAL INFORMATION STATEMENT**

# Relocation Assistance Informational Statement for Families and Individuals

(CA State)

Displacing Agency:  
**The Garden Grove Agency for Community Development**

Project Name:  
**Site "C" Project**

Displacing Agency Representative:



Overland, Pacific & Cutler, Inc.  
20 Fairbanks, Suite 178  
Irvine, CA 92618  
Phone: (800) 901-5263

## Informational Statement Content:

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

Spanish speaking representatives are available. Si necesita esta información en español, por favor llame a su representante.

# Informational Statement for Families and Individuals

(CA State)

## 1. GENERAL INFORMATION

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

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

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

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

## 2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Displacing Agency, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself.

When a suitable replacement dwelling unit has been found, your relocation consultant will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

## 3. MOVING BENEFITS

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



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

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

**A. Fixed Moving Payment**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Displacing Agency, and ranges, for example, from \$400.00 for one furnished room to \$2,150.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation representative will inform you of the amount you are eligible to receive, if you choose this type of payment.

If you select a fixed payment, you will be responsible for arranging for your own move, and the Displacing Agency will assume no liability for any loss or damage of your personal property. A fixed payment also includes utility hook-up, credit check and other related moving fees.

<b>Fixed Moving Schedule CALIFORNIA (Effective 2008)</b>	
<b>Occupant Owns Furniture:</b>	
1 room	\$625
2 rooms	\$800
3 rooms	\$1,000
4 rooms	\$1,175
5 rooms	\$1,425
6 rooms	\$1,650
7 rooms	\$1,900
8 rooms	\$2,150
Each additional room	\$225
<b>Occupant does NOT Own Furniture:</b>	
1 room	\$400
Each additional room	\$65

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

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

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

You may be eligible for a payment of up to \$5,250.00 to assist you in renting or purchasing a comparable replacement dwelling. In order to qualify, you must either be a tenant who has occupied the present dwelling for at least 90 days prior to the initiation of negotiations or an owner who has occupied the present dwelling between 90 and 180 days prior to the initiation of negotiations.

**A. Rental Assistance.** If you qualify, and **wish to rent** your replacement dwelling, your maximum rental assistance benefits will be based upon the difference over a forty-two (42) month period between the rent you must pay for a comparable replacement dwelling and the lesser of your current rent and estimated utilities or thirty percent (30%) of your gross monthly household income. You will be required to provide your relocation representative with monthly rent and household income verification prior to the determination of your eligibility for this payment.

- OR -

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

Where a tenant is sharing a dwelling with an owner-occupant and paying the owner-occupant rent for the privilege, the tenant shall not be entitled to more than one-half of the rental assistance otherwise payable.

## 5. SECTION 8 TENANTS

When you do move, you may be eligible to transfer your Section 8 eligibility to a replacement site. In such cases, a comparable replacement dwelling will be determined based on your family composition at the time of displacement and the current housing program criteria. This may not be the size of the unit you currently occupy. Your relocation representative will provide counseling and other advisory services along with moving benefits.

## 6. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

- A. If you own and occupy a dwelling to be purchased by the Displacing Agency for **at least 180 days** prior to the initiation of negotiations, you may be eligible to receive a payment of up to \$22,500.00 to assist you in purchasing a comparable replacement unit. This payment is intended to cover the following items:
1. **Purchase Price Differential** - An amount which, when added to the amount for which the Displacing Agency purchased your property, equals the lesser of the actual cost of your replacement dwelling; or the amount determined by the Displacing Agency as necessary to purchase a comparable replacement dwelling. Your relocation representative will explain both methods to you.
  2. **Mortgage Interest Differential** - The amount which covers the increased interest costs, if any, required to finance a replacement dwelling. Your relocation representative will explain limiting conditions.
  3. **Incidental Expenses** - Those one time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.
- B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment of up to the amount that you could have received under the Purchase Price Differential, explained above. The payment will be based on the difference between an economic rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

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

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

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one year from the following:**

- For a tenant, the date you move from the displacement dwelling.
- For an owner-occupant, the latter of:
  - a. The date you receive final payment for the displacement dwelling, or, in the case of condemnation, the date the full amount of estimated just compensation is deposited in court.; or
  - b. The date you move from the displacement dwelling.

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

## **8. LAST RESORT HOUSING ASSISTANCE**

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

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

## **9. RENTAL AGREEMENT**

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

## **10. EVICTIONS**

Any person, who occupies the real property and is not in unlawful occupancy, is presumed to be entitled to relocation benefits. Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Agency will be required to move without having been provided with at least 90 days written notice from the Agency. Eviction will be undertaken only in the event of one or more of the following reasons:

- Failure to pay rent; except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Performance of dangerous illegal act in the unit;

- Material breach of the rental agreement and failure to correct breach within the legally prescribed notice period;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings; or
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

## **11. APPEAL PROCEDURES - GRIEVANCE**

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

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

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. No federal dollars are anticipated for this project. Therefore, federal regulations may not apply and the IRS may consider relocation payments as income. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

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

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

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

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

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

**EXHIBIT E**  
**BUSINESS INFORMATION STATEMENT**

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

(CA State)

Displacing Agency:

**The Garden Grove Agency for Community Development**

Project Name:

**Site "C" Project**

Displacing Agency Representative:



Overland, Pacific & Cutler, Inc.  
20 Fairbanks, Suite 178  
Irvine, CA 92618  
Phone: (800) 901-5263

Spanish speaking representatives are available. Si necesita esta información en español, por favor llame a su representante.



## Informational Statement for Business, Farm & Non-Profit

(CA State)

### Introduction

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

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

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

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

### Summary of Available Relocation Assistance:

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

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

## **SOME GENERAL QUESTIONS**

### **How will I know I am eligible for relocation assistance?**

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

### **How will the Displacing Agency know how much help I need?**

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

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

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

### **I Own the Property. Will I Be Paid for It Before I Have to Move?**

If you reach a voluntary agreement to sell your property to the Displacing Agency, you will not be required to move before you receive the agreed purchase price. If the property is acquired through an eminent domain proceeding, you cannot be required to move before the estimated fair market value of the property has been deposited with the court. (You should be able to withdraw this amount immediately, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property).

### **Will I Have to Pay Rent to the Displacing Agency Before I Move?**

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

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

Your relocation representative will provide you with current and continuing information on available replacement locations that meet your needs. You will also be provided with the names of local real estate agents and brokers who can assist you in finding the type of replacement location you require. However, you are urged to take an active role in identifying, and relocating to, a location of your choice. No one knows your needs better than you do. You will want a facility that provides sufficient space for your planned activities. You will also want to ensure that there are no zoning or other requirements



which will unduly restrict your planned operations. Your relocation representative will explain which kind of moving costs are eligible for reimbursement and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

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

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

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

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

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

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

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

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

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

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

These payment options are described below:

#### **Option A: Payment for Actual Reasonable Moving and Related Expenses**

If you choose a Payment for Actual Reasonable Moving And Related Expenses, you may claim the cost of:

1. Transportation of personal property from your present location to the replacement location. (Generally, transportation costs are limited to a distance of 50 miles. If you plan to move beyond 50 miles, discuss your planned move with the Displacing Agency.)
2. Packing, crating, uncrating, and unpacking personal property.
3. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, and certain substitute personal property. This includes connection to utilities available within the building. It also includes modifications to the personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement

site, and modifications necessary to adapt the utilities at the replacement site to the personal property.

4. Storage of the personal property determined to be necessary by the Displacing Agency, not to exceed 12 months, unless the Displacing Agency determines that a longer period is warranted.
5. Insurance for the replacement value of the personal property in connection with the move and necessary storage.
6. The replacement value of property lost, stolen or damaged in the process of moving (not through fault or negligence of the displaced person, his or her agent or employee), where insurance covering such loss, theft or damage is not reasonably available.
7. Any license, permit, fees or certification required of your business at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.
8. Reasonable and preauthorized professional services, the Displacing Agency determines to be necessary for (i) planning the move of the personal property, (ii) moving the personal property, and (iii) installing the relocated personal property at the replacement location.
9. Re-lettering signs and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move.
10. Actual direct loss of personal property incurred as a result of moving or discontinuing your business. The payment will consist of the lesser of:
  - (i) The fair market value in place of the item, as is for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, you must make a good faith effort to sell the personal property, unless the Displacing Agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value will be based on the cost of the goods to the business, not the potential selling price.); or
  - (ii) The estimated cost of moving the item as is, but with no allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. (If you elect to discontinue your business, the estimated cost will be based on a moving distance of 50 miles.)
11. Purchase of substitute personal property. If an item of personal property which is used as part of your business is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, you will be entitled to payment for the lesser of:
  - (i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
  - (ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the Displacing Agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.
12. The reasonable cost incurred in attempting to sell an item that is not relocated.

13. Searching for a replacement location. Your business is entitled to reimbursement for actual expenses, not to exceed \$1,000 as the Displacing Agency determines to be reasonable, which are incurred in searching for a replacement location including:

- Transportation expenses
- Time spent searching for a replacement location, based on a reasonable salary or earnings
- Reasonable fees paid to real estate agents or brokers to find a replacement location (not fees related to the purchase of a site)
- Meals and lodging away from home

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

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

You may elect to pay your moving costs yourself and be reimbursed by the Displacing Agency or, if you prefer, you may have the Displacing Agency pay the mover directly. In either case, let the Displacing Agency know before you move. Select your mover with care. The Displacing Agency representative can help you select a reliable and reputable mover.

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

In addition to the reimbursable expenses described above, a small business, farm or non-profit organization may be eligible to receive a payment of up to \$10,000 for expenses actually incurred in relocating and reestablishing such operation at a replacement site. Eligible expenses must be reasonable and necessary, as determined by the Displacing Agency. They may include but are not limited to the following:

1. Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
2. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
3. Construction and Installation costs for exterior signage to advertise the business.
4. Provision of utilities from right-of-way to improvements on the replacement site.
5. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
6. Licenses, fees, and permits where not paid as part of moving expenses.
7. Feasibility surveys, soil testing and marketing studies.

8. Advertising of replacement location.
9. Professional services in connection with the purchase or lease of a replacement site.
10. Estimated increased costs of operation during the first 2 years at the replacement site, for such items as:
  - Lease or rental charges
  - Personal or real property taxes
  - Insurance premiums
  - Utility Charges (excluding impact fees)
11. Impact fees or one-time assessments for anticipated heavy utility usage.
12. Other items that the Displacing Agency considers essential to the reestablishment of the business.

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

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

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

A displaced business, non-profit organization or farm may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses. The payment may not be less than \$1,000.00 or more than \$20,000.00. For a business or farm, the payment is based on the average annual net earnings before Federal, State and local income taxes during the 2 taxable years immediately prior to the taxable year in which it was displaced. For a non-profit organization, the payment is based on the average of 2 years annual gross revenues less administrative expenses.

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

**A displaced business:**

1. Is not operated solely for rental purposes.
2. Cannot be relocated without a substantial loss of its existing patronage, based on a consideration of all pertinent circumstances including such factors as the type of business conducted, the nature of clientele, the relative importance to the displaced business of its present and proposed location, and the availability of a suitable relocation site.

3. Is not part of a commercial enterprise having no more than three (3) other establishments which are not being acquired for a project and which is engaged in the same or similar business activities.
4. Had average annual gross receipts of at least \$5,000.00 during the two taxable years prior to displacement; or the business had average annual net earnings of a least 1,000.00 during the two taxable years prior to displacement; or the business contributed at least 33 1/3 percent of the total gross income of the owner(s) during each of the two taxable years prior to displacement.

**A displaced nonprofit organization:**

1. Cannot be relocated without a substantial loss of its existing patronage (the term "existing patronage" as used in connection with a nonprofit organization includes the membership, persons, community, or clientele served or affected by the activities of the nonprofit organization); and,
2. Is not a part of an enterprise having more than three (3) other establishments not being acquired which is engaged in the same or similar activity.

**A displaced farm operation:**

1. Must meet the definition of a farm operation prior to its acquisition.

The average annual net earnings of a business or farm operation are one-half of its net earnings before Federal, State, or local income taxes during the two (2) taxable years immediately prior to the taxable year in which it was displaced. If not in business for a full two years prior to displacement, the net earnings shall be based on the actual period of operation at the acquired site projected to an annual rate. Average net earnings may be based on a different period of time when the Displacing Agency determines it to be more equitable. Net earnings include any compensation paid to the owners of the business, a spouse or dependents. The displaced person shall furnish the Displacing Agency proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence which the Displacing Agency determines is satisfactory.

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

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

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

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

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

### **How do I File a Claim for a Relocation Payment?**

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

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

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

### **Non-Discrimination**

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

### **Appeals**

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

### **Tax Status of Relocation Benefits**

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. No federal dollars are anticipated for this project. Therefore, federal regulations may not apply and the IRS may consider relocation payments as income.

The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

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

### **Additional Information**

If you have further questions after reading this brochure, contact Overland, Pacific & Cutler, Inc. and discuss your concerns with your relocation representative. You may wish to review the California Relocation Assistance Act regulations which describe the relocation process in more detail.

## **EXHIBIT F**

### **PUBLIC COMMENTS AND RESPONSES**

One comment was received during the 30 day public review and comment period between May 6, 2011 and June 6, 2011.

#### **Public Comments:**

A residential tenant is concerned about the relocation of one of the businesses located on the proposed Project site. The resident is employed at the business and is concerned about a loss of income, if the business cannot successfully relocate without "down time," during which she would be unable to work there.

#### **Agency Response:**

The Agency, with assistance from OPC, will do its best to assist the business in finding a nearby replacement location and keep the business in Garden Grove, if possible. During the relocation process, the Agency and OPC will do their best to assist the business in reopening without a significant period of closure.