



*Site “C” Project*  
DRAFT AMENDED RELOCATION PLAN

Prepared for:

City of Garden Grove  
and

Successor Agency to the Garden Grove Agency for Community Development

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Adopted

Date \_\_\_\_\_

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## INTRODUCTION

### *Background about the Dissolution Law*

As background relating to this Amended Relocation Plan ("Plan") on June 27, 2011 Governor Brown signed Assembly Bill x1 26 ("AB x1 26") that added Parts 1.8 and 1.85 to Division 24 of the California Health and Safety Code ("Dissolution Law"). Thereafter, on December 29, 2011 the California Supreme Court issued its decision in the legal action *California Redevelopment Association, et al. v. Ana Matosantos, et al.* ("Matosantos") that challenged the constitutionality and validity of that bill, which decision held that AB x1 26 is constitutional and valid (and the companion bill AB x1 27 unconstitutional and invalid.) Thereafter, the Dissolution Law has been further amended by Assembly Bill 1484 effective June 28, 2012, and other subsequent legislation, including without limitation Senate Bill 341 effective January 1, 2014 and Senate Bill 107 (Chapter 325, effective September 22, 2015), which laws together, as amended, are referred to as the "Dissolution Law". These laws caused the dissolution of all California redevelopment agencies, including the former Garden Grove Agency for Community Development ("Former Agency") and establish the procedures of dissolution process, the fulfillment of the Former Agency's "enforceable obligations", and the wind-down of the affairs of the Former Agency, all overseen by a seven-member, representative "Oversight Board" and administered with final review and decisions issued by the State of California, Department of Finance ("DOF") and the State Controller's Office ("SCO"), along with remittance of funding to the successor agency to pay enforceable obligations by and through the county auditor-controllers ("CAC"). The non-housing assets and enforceable obligations of the Former Agency were first assumed by the City of Garden Grove ("City") serving as the Successor Agency to the Garden Grove Agency for Community Development ("Successor Agency") and thereafter Section 34173(g), as amended by AB 1484, established the Successor Agency as a public body separate from the City. The affordable housing assets, functions, duties and obligations of the Former Agency were assumed by the Garden Grove Housing Authority, acting as housing successor, pursuant to the Dissolution Laws and as approved by the DOF.

### *Background about Site C and the Project*

On June 14, 2011, the Former Agency and Land & Design, Inc. ("Developer") entered into a Disposition and Development Agreement ("DDA") relating to a proposed commercial development including a combination of hotels, retail, restaurant, and entertainment venues, and related parking facilities ("Project") on an approximate five-acre site located at the northeast corner of Harbor Boulevard and Twintree Lane ("Site" or "Site C"). A small portion of Site C is owned by the City, and the remainder of Site C had been acquired and was owned by the Former Agency prior to dissolution, and is now a real property asset held by the Successor Agency. Site C in total 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.

In conjunction with the Former Agency's consideration and approval of the DDA, the Garden Grove City Council ("City Council") conducted a joint public hearing with the Former Agency, considered the evidence and testimony presented at the public hearing, and adopted Resolution No. 9045-11 making certain findings and consenting to the Former Agency's approval of the DDA.

The findings contained in Resolution No. 9045-11 and the evidence and testimony presented at the June 14, 2011 joint public hearing are available in the City Clerk's Office at City Hall.

On November 13, 2012, the City Council adopted Resolution No. 9153-12 approving the International West Hotel - Harbor East (Site C) Mitigated Negative Declaration and Mitigation Monitoring Program, which analyzed the anticipated environmental impacts of the Project and provides for specified mitigation measures.

In connection with the dissolution of the Former Agency and the Successor Agency submitted a formal request to the DOF seeking a determination that the DDA is an "enforceable obligation"; however, on December 12, 2012, the DOF issued a decision letter finding the DDA is not an "enforceable obligation" under the Dissolution Law.

Thereafter, the City and the Developer entered into that certain Grove District Resort Hotel Development Agreement ("Agreement") dated April 9, 2013 under which the Developer agrees to construct a the Project on the Site, which Project more specifically is described in the Agreement as a resort hotel development that must meet certain quality thresholds and consisting of up to three hotels, event/meeting space, a retail/restaurant/ entertainment component, and adequate structured parking (herein the "Site C Project"), and the Developer will operate the separate components of the Project in accordance with specified covenants. To assure the financial feasibility necessary to allow the construction and operation of the Site C Project, the City agreed to convey the Site to the Developer, to make certain annual financial assistance payments to the Developer in an amount measured by the tax revenues to the City generated by the Project over a period of up to twenty (20) years, and to provide certain other economic assistance (collectively, the "Covenants Consideration"). Under the Agreement, the City's obligation to convey the Site to the Developer is expressly contingent upon the approval by the Successor Agency, the Oversight Board, and the DOF of a Long Range Property Management Plan providing for transfer of the portion of the Site owned by the Successor Agency to the City at no cost for development purposes.

Site C is zoned for hotel, restaurant and other similar commercial uses; the anticipated timeframe is to commence construction of the Site C Project is in the summer or fall of 2016, with completion of construction in 2018.

The Former Agency caused to be prepared by Overland Pacific and Cutler ("OPC"), an experienced relocation and acquisition firm, a Relocation Plan for the Site C Project ("Original Plan") that evaluated the circumstances and replacement requirements of potential displaces and which plan was prepared, reviewed, made available to the public and approved by the City Council on April 26, 2011, all in accordance with the requirements of the California Relocation Assistance Law, Government Code Section 7260, *et seq.* ("CRAL"), the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development ("HCD") set forth at Title 25, California Code of Regulations Section 6000, *et seq.* ("Guidelines") (together, the CRAL and Guidelines are referred to as "Relocation Law"). This Original Plan addressed the needs of all occupants at Site C that were to be relocated (six residential households and four businesses). Since adoption of the Original Plan in April 2011 to the present, all occupants of Site C were successfully relocated or were evicted for cause in compliance with the Relocation Law and other applicable laws and regulations with the exception of two residential households.

The Successor Agency and City (together referred to as “Garden Grove”) have caused to be prepared by OPC this updated, Amended Relocation Plan (“Amended Plan”) to address the relocation needs and to successfully cause the relocation of the remaining two residential households in occupancy on Site C, which are to be completed as a condition precedent to undertaking the disposition and development related to the Site C Project. This Amended Plan addresses the needs and characteristics of the two remaining residential households/occupants, available relocation resources, and Garden Grove’s program to provide relocation advisory assistance and monetary benefits to each affected household. Garden Grove will cause these two household relocations to occur in compliance with this Amended Plan and the Relocation Law, and thereafter cause to be demolished the remaining existing improvements on Site C.

The Project will be funded by Garden Grove (non-housing funds). As noted, OPC prepared the Original Plan and this Amended Plan and will provide all subsequent required relocation assistance in cooperation and coordination with Garden Grove staff and counsel.

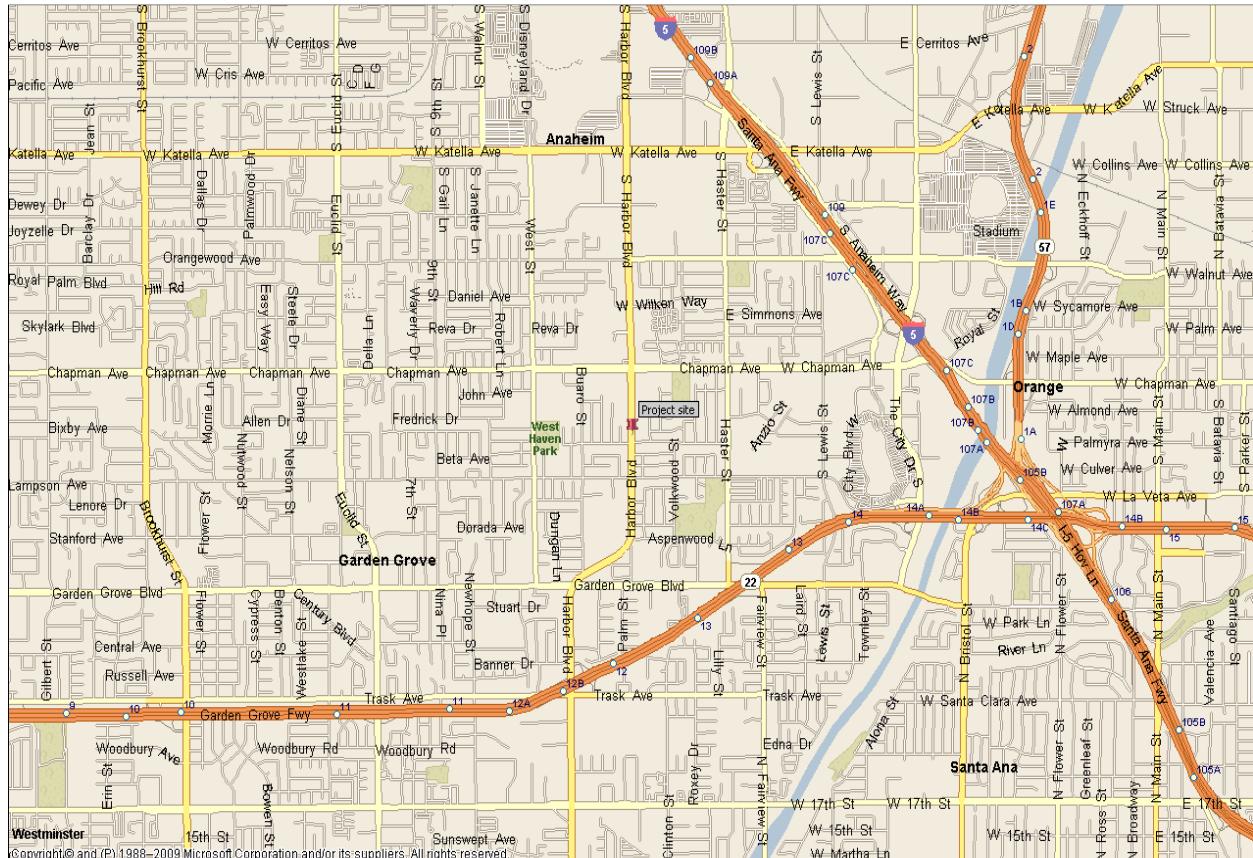
In compliance with the requirements of the Relocation Law, this Amended Plan has been prepared to evaluate the present circumstances and replacement requirements of the remaining occupants/displacees at Site C. This Amended Plan is organized in five (5) sections:

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 within the City of Garden Grove and surrounding communities (**SECTION III**);
4. Description of Garden Grove’s relocation program (**SECTION IV**);
5. Description of Garden Grove’s outreach efforts, Site C Project timeline and budget (**SECTION V**).

# I. PROJECT DESCRIPTION

## A. REGIONAL LOCATION

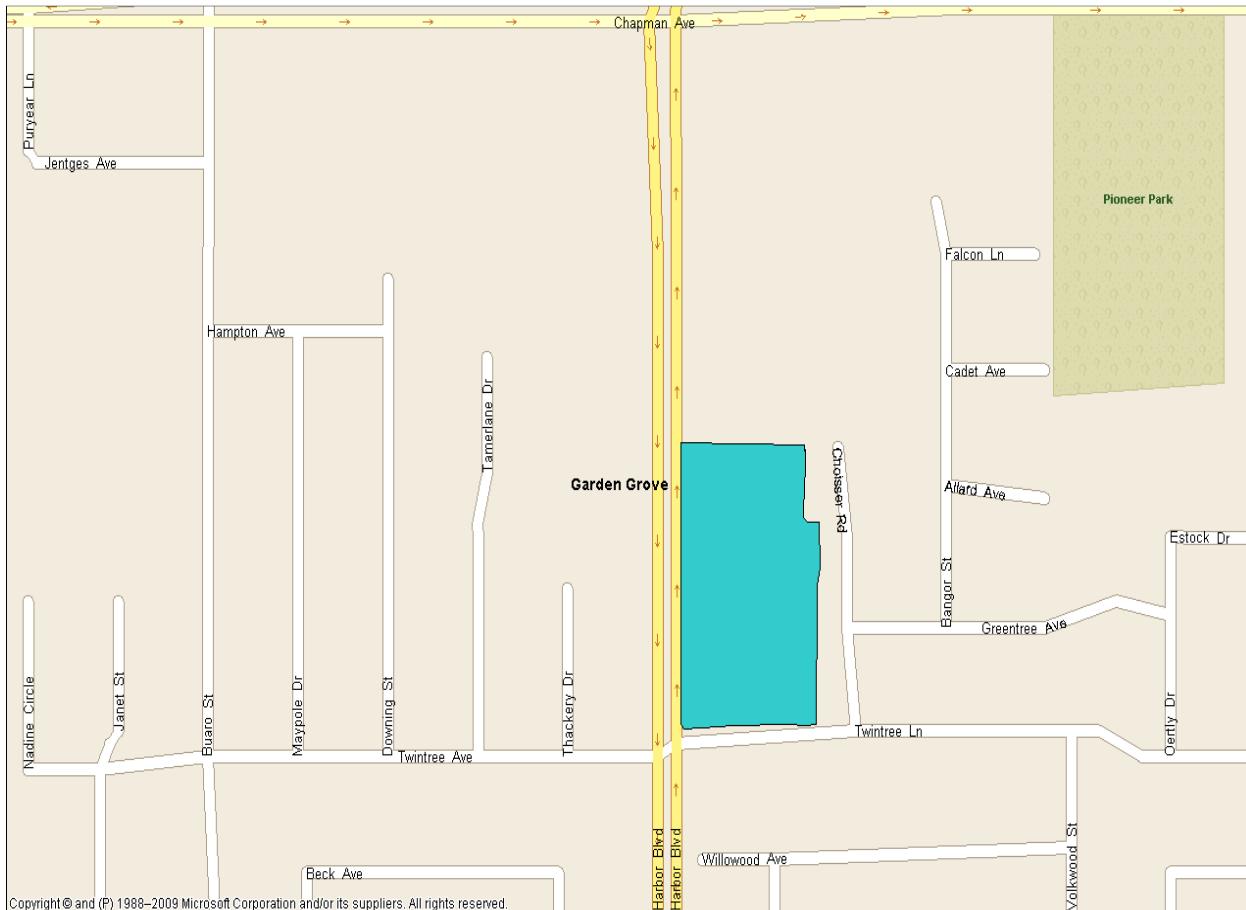
The Site C Project is located in the City of Garden Grove within Orange County. Garden Grove is located in the north-western section of Orange County, approximately 25 miles south of downtown Los Angeles and is immediately accessible from State Routes 22 and 39 and Interstate Freeways 5 and 405. Adjacent 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 Site C in total 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 2010 U.S. Census, the population of the City of Garden Grove is 170,883 and the population of the impacted Census Tract 884.03 is 6,896 (see **Table 1**). Corresponding Census data concerning the housing mix is shown in **Table 2**.

**TABLE 1: 2010 Census Population – City of Garden Grove & Impacted Tract**

Population	Tract 884.03	%	City	%
Total Population	6,896	100.0%	170,883	100.0%
White	3,073	44.6%	68,149	39.9%
Black or African American	213	3.1%	2,155	1.3%
American Indian or Alaska Native	38	0.6%	983	0.6%
Asian	1,507	21.9%	63,451	37.1%
Native Hawaiian or Other Pacific Islander	47	0.7%	1,110	0.6%
Some Other Race	1,721	25.0%	28,916	16.9%
Two or More Races	297	4.3%	6,119	3.6%
Hispanic or Latino (of Any Race)	3,820	55.4%	63,079	36.9%

Source: U.S. Census Bureau, QT-PL. Race, Hispanic or Latino, and Age: 2010

**TABLE 2: 2010 Census Housing Units – Agency of Garden Grove & Impacted Tract**

Type	Tract 884.03	%	City	%
Total Occupied Units	1,852	96.3%	46,037	96.4%
Owner-Occupied	1,123	60.6%	26,240	57.0%
Renter-Occupied	729	39.4%	19,797	43.0%
Vacant Housing Units	72	3.7%	1,718	3.6%
Available for Sale Only	18	0.9%	308	0.6%
Available for Rent – Full Time Occupancy	24	1.2%	961	2.0%
Sold or Rented – Not Occupied	2	0.2%	106	0.2%
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	5	0.3%	67	0.1%
Other Vacant	23	1.2%	276	0.6%

Source: U.S. Census Bureau, QT-H1. General Housing Characteristics: 2010

## **II. ASSESSMENT OF RELOCATION NEEDS**

### **A. SURVEY METHOD**

To obtain information necessary for the preparation of this Amended Plan, personal interviews with the two residential households to be permanently displaced were conducted in late September 2015. The interviewer was successful in interviewing both residential households on Site C.

The data in this section of the Amended 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 the two households to be displaced from Site C.

Inquiries made of the residential occupants concerned household size and composition, income, rent, 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 two residential households to be relocated for the Site C Project. At the time of the interviews, there are four adults and three children (17 years or younger) on-site to be permanently displaced.

One tenant household occupies a three-bedroom single-family dwelling (front house), and one tenant rents a room within a two-bedroom single family dwelling (back house) on the same property located at 12571 Twintree Lane. (The remaining occupants of the back house moved onto Site C post-acquisition with notice and acknowledgement they would not be eligible for relocation assistance or benefits under the Relocation Law.)

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**

Comparable replacement housing needs, as expressed in this Amended 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 comparable 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.

Comparable replacement units required for Site C occupants include one three-bedroom single-family residence for rent and one room for rent.

**b. Income**

Income information was provided by the two 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): one Project household qualifies as Very Low Income (31% - 50% of area median), and one Project household qualifies as Low Income (51%-80% of area median).

**c. Ethnicity/Language**

Both Project households reported their ethnicity as Hispanic and stated Spanish as their primary language.

**d. Senior/Handicapped Households**

There are no senior (62 years or older) or disabled occupants on Site C.

**e. Preferred Relocation Areas**

One household expressed a preference to remain within the Garden Grove community in order to remain within a reasonable distance from the children's schools. The other household was open to surrounding communities as well as Garden Grove to remain within a reasonable distance to his employment.

## 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

### B. COMPARABLE REPLACEMENT HOUSING AVAILABILITY

#### 1. Residential Rental Housing

The rental comparable replacement housing survey considered single-family residences and rooms for rent in Garden Grove and surrounding communities. This data is summarized in **Table 3** below.

**TABLE 3: Availability and Cost of Replacement Rental Housing**

Bedroom Size	Room for Rent	Three
# Found (# Needed)	5 (1)	6 (1)
Rent Range	\$650 - \$900	\$1,700 - \$2,200
Median Rent	\$700	\$2,025

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

#### 2. Summary

Considering the above-described availability of comparable replacement housing resources gathered for the Amended 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 Garden Grove's obligation under the relocation regulations, including Last Resort Housing (LRH) requirements (See Section IV, E).

### C. RELATED ISSUES

#### 1. Concurrent Residential Displacement

At this time, there are no other current public projects causing significant displacements underway in the City or adjacent communities that 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 that qualifies as comparable replacement housing under the Relocation Law.

**2.      Temporary Housing**

No need for temporary housing is anticipated.

## **IV. THE RELOCATION PROGRAM**

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

Garden Grove has retained OPC to administer the Relocation Program. OPC has worked on more than 4,000 public acquisition and relocation projects over the past 35 years. Experienced Garden Grove staff will monitor the performance of OPC and be responsible to approve or disapprove OPC recommendations concerning eligibility and benefit determinations and interpretations of Garden Grove's policy.

Relocation staff can be contacted at **(800) 400-7356** from 8:00 am to 5:00 pm Monday through Friday, and are available via voicemail and/or cellular phones after hours. The Relocation Office is located at **3750 Schaufele Avenue, Suite 150, Long Beach, CA 90808**. 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 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 Garden Grove
- coordinate the involvement of outside service providers

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

1. Distribute appropriate written information concerning Garden Grove's relocation program;
2. Inform eligible project occupants of the nature of, and procedures for, obtaining available relocation assistance and benefits. (See **Exhibit C**)
3. Determine the needs of each residential 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 comparable replacement housing resources, and distribute referral information to displacees for the duration of the implementation of the Project;

6. Provide transportation to residential displacees, if necessary, to inspect comparable replacement housing within the local area;
7. Offer special assistance to help elderly or disabled tenants, if any, find comparable replacement 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 in the preparation and submission of relocation assistance claims;
10. Provide additional reasonable services necessary to successfully relocate residents;
11. Make benefit determinations and payments in accordance with applicable Relocation Law and Garden Grove'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 Garden Grove's policies with regard to lawful eviction and property management;
14. Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of Garden Grove'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**

Specific eligibility requirements and benefit plans will be detailed on an individual basis with the displace household. In the course of personal interviews and follow-up visits, each displacee household 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 displacee households upon submission of required claim forms and documentation in accordance with Garden Grove's administrative procedures. Garden Grove 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 households 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 displaced household may elect to retain the services of a licensed professional mover, in which case Garden Grove will pay the actual cost of moving services, based on the lowest of three (3) acceptable bids. (Garden Grove 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 Garden Grove to the mover.

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

The displaced household 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 4**:

<b>TABLE 4: Schedule of Fixed Moving Payments</b>									
Unfurnished Dwelling									
Room count	1	2	3	4	5	6	7	8	Each additional
Amount	\$725	\$930	\$1,165	\$1,375	\$1,665	\$1,925	\$2,215	\$2,505	\$265
Furnished Dwelling									
Room count	1	each additional							
Amount	\$475	\$90							

Source: California Department of Transportation, August 1, 2015

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

A tenant displaced from the Project site may be entitled to a Replacement Housing Payment in the form of rental or down payment assistance not-to-exceed \$5,250 (prior to consideration of eligibility for Last Resort Housing benefits – see Last Resort Housing, Section IV, E), if the displace household:

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 comparable replacement dwelling or site within one year (unless Garden Grove 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.

**Table 5** below illustrates the computation of a rental/down payment assistance payment.

<b>TABLE 5: Computation of Rental Assistance Payments</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 <sup>1</sup>
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>

### **3. Down payment Assistance to Tenants Who Choose to Purchase**

Displacees 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 Garden Grove to recover its funds should the escrow be cancelled or not proceed in a timely manner. These funds can be used as a down payment and/or to pay for eligible non-recurring closing costs.

## **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.

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<sup>1</sup> 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.

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

Claims and supporting documentation for relocation benefits must be filed with Garden Grove 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 Garden Grove;
4. Garden Grove will review and approve claims for payment, or request additional information;
5. Garden Grove will issue benefit checks to claimants in the most secure, expeditious manner possible;
6. Final payments to residential displace households 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.

#### **E. LAST RESORT HOUSING**

Specifically, for renters, when the computed comparable replacement housing assistance eligibility exceeds \$5,250 or comparable 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, Garden Grove 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 displace households.

Garden Grove 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 comparable replacement housing, will have the right to request a lump sum payment of all benefits in the form of down payment assistance.

#### **F. 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 Garden Grove or OPC. Displacee households are responsible for consulting with their own tax advisors concerning the tax consequences of relocation payments.

## **V. ADMINISTRATIVE PROVISIONS**

### **A. NOTICES**

Each notice, which Garden Grove 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 (already provided to both displacee households)
- 2) the Notice of Relocation Eligibility (already provided to both displacee households), and
- 3) the 90-Day Vacate Notice.

The Informational Statement is intended to provide potential relocatees with a general written description of Garden Grove'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) previously has been distributed to each residential relocate and will be updated under this Amended Plan. The NOE to residential displacee households 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 of a displacee household 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 Garden Grove. Relocation staff will comply with applicable laws and 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 Garden Grove's property management practices may file a Relocation Assistance Appeal Form or any other written form of appeal with the City. The City'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 City's appeals policy will be furnished upon request.

## D. EVICTION POLICY

Garden Grove recognizes that eviction is permissible only as a last resort, and that relocation records must be documented to reflect the specific circumstances surrounding any lawful 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 dwelling unit/premises, or if the household refuses all reasonable offers of alternate accommodation. In the event of an eviction for cause, the displacee household will forfeit their eligibility for relocation benefits or other relocation advisory assistance.

## E. CITIZEN PARTICIPATION

As the process for considering the Project moves forward, Garden Grove 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 this Amended Plan and monitoring the relocation assistance program;
3. Provide technical assistance necessary to interpret elements of this Amended Plan and other pertinent materials;
4. Issue a general notice concerning the availability of the Amended Plan for public review, as required, 30 days prior to consideration and action relating to the proposed approval of this Amended Plan by the City Council; and
5. Include written or oral comments concerning the Amended Plan as an attachment (**Exhibit D**) when it is forwarded to the City Council for approval.

## **F. PROJECTED DATE OF DISPLACEMENT**

No Notices to Vacate in any event will be issued prior to the consideration and action on this Amended Plan by the City Council under the Relocation Law. Garden Grove anticipates that a date specific Notice to Vacate will not be issued prior to December 2015. No occupant household will be required to vacate without a minimum of 90 days' notice. However, an occupant household may choose to vacate their premises prior to a formal 90-day Notice to Vacate being issued, once they have received an updated Notice of Eligibility, and be assured the household will receive the relocation advisory assistance and monetary benefits 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 **\$71,000**.

The estimated relocation budget does not include any payments related to property acquisition. In addition, the budget does not consider the cost of any services necessary to implement the Amended 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 occupant households, or the nature of their activity, Garden Grove will authorize any additional compensable funds that may need to be appropriated. Garden Grove (City or Successor Agency depending on actions of the DOF) pledges to appropriate, on a timely basis, the funds necessary to ensure the successful undertaking of all relocation activities and completion of the Project, including funds necessary for Last Resort Housing as indicated in Section IV, E of this Amended Plan to meet its obligation under the Relocation Law.

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



## Residential Relocation Interview

Client/Project:		Case ID:				
Site Address:		Total occupants:	Interview Date:	<input type="checkbox"/> Unoccupied		
City, St, ZIP:		Interviewer:			<input type="checkbox"/> No Contact	
<b>INDIVIDUAL OCCUPANTS (use additional pages as needed)</b>						
1. Name:		Gender: F M	Employer/School:			
Relationship (list 1): HEAD OF HOUSEHOLD		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):		Date of birth:				
Phone/fax/email:		Move-in date:				
Notes/special needs:						
2. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):		Date of birth:				
Phone/fax/email:		Move-in date:				
Notes/special needs:						
3. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):		Date of birth:				
Phone/fax/email:		Move-in date:				
Notes/special needs:						
4. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):		Date of birth:				
Phone/fax/email:		Move-in date:				
Notes/special needs:						
5. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):		Date of birth:				
Phone/fax/email:		Move-in date:				
Notes/special needs:						
6. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):		Date of birth:				
Phone/fax/email:		Move-in date:				
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:	Replacement site <u>special needs</u> (mark and describe in Notes)		
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:		Remaining months:		Remaining months:	
<input type="checkbox"/> Gas: \$		<input type="checkbox"/> Monthly P&I payment:		<input type="checkbox"/> 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 #:

**INTERVIEW NOTES (explain all special dwelling/household circumstances, including those noted on page 2)**

- 1. Relation:** Spouse, Child, Foster Child, Parent, Partner, Sibling, Aunt/Uncle, Cousin, Grandparent, Parent In-Law, Sibling In-Law, Other Relative, Roommate  
**2. Income:** Wages/Salaries, Social Security/Disab/Pension, Child Support/Alimony, Welfare/TANF/AFDC, Family Subsidy/Gift, Business Income, Interest/Dividends, Unempl./Workers Comp, AF pay, EITC, Cash Income, Rent Reduction, Other  
**3. Legal Status:** Unknown, Citizen/National, Lawful Other, NOT Lawful, Decline to provide.  
**4. Dwelling:** SFR, Duplex, 3-Plex, 4-Plex, Apartment, Condo/Townhome, Hotel/Motel, Mobile Home, RV, Other  
**5. Loans:** Fixed Mortgage, Adjustable Mortgage, Interest Only, Fixed HELOC, Adjustable HELOC, Reverse Mortgage, Other

*I certify that all occupants have been identified above and that all information provided for this survey is true and complete to the best of my knowledge.*

Claimant Name:

Date:

**Signature:**

**EXHIBIT B**  
**2015 HUD INCOME LIMITS – ORANGE COUNTY**

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

<b>Area Median: \$84,100</b>			
<b>Family Size</b>	<b>Extremely Low</b>	<b>Very Low</b>	<b>Lower</b>
<b>1 Person</b>	19,250	32,050	51,250
<b>2 Person</b>	22,000	36,600	58,600
<b>3 Person</b>	24,750	41,200	65,900
<b>4 Person</b>	27,450	45,750	73,200
<b>5 Person</b>	29,650	49,450	79,100
<b>6 Person</b>	31,850	53,100	84,950
<b>7 Person</b>	34,050	56,750	90,800
<b>8 Person</b>	36,250	60,400	96,650

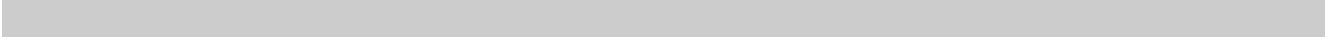
Figures are per the Department of Housing and Urban Development, 2015.

**CALIFORNIA HOUSING AND COMMUNITY DEVELOPMENT (HCD)**  
**2015 INCOME LIMITS – ORANGE COUNTY**

The following figures are issued and approved by State for the County of Orange to define and determine housing eligibility by income level.

<i>Income Level</i>	<i>1 person household</i>	<i>2 person household</i>	<i>3 person household</i>	<i>4 person household</i>	<i>5 person household</i>	<i>6 person household</i>	<i>7 person household</i>	<i>8 person household</i>
<i>Extremely Low</i>	\$20,250	\$23,150	\$26,050	\$28,900	\$31,250	\$33,550	\$36,730	\$40,890
<i>Very Low</i>	\$33,750	\$38,550	\$43,350	\$48,150	\$52,050	\$55,900	\$59,750	\$63,600
<i>Lower</i>	\$53,950	\$61,650	\$69,350	\$77,050	\$83,250	\$89,400	\$95,550	\$101,750
<i>Median</i>	\$61,050	\$69,750	\$78,500	\$87,200	\$94,200	\$101,150	\$108,150	\$115,100
<i>Moderate</i>	\$73,250	\$83,700	\$94,200	\$104,650	\$113,000	\$121,400	\$129,750	\$138,150

**EXHIBIT C**  
**RESIDENTIAL INFORMATION STATEMENT**



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

(CA State)

**Displacing Agency:**  
**City of Garden Grove**  
**and**  
**Successor Agency to the Garden Grove Agency for  
Community Development**

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

**Displacing Agency Representative:**



**Overland, Pacific & Cutler, Inc.  
3750 Schaufele Ave., Suite 150  
Long Beach, CA 90808  
Phone: (562) 304-2000**

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

# **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 agent at 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 the Displacing Agency, otherwise you may be evicted and jeopardize the relocation benefits to which you may be entitled to receive.**

## **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 agent will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

## **3. MOVING BENEFITS**

If you must move as a result of displacement by the 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 (Self-Move)**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Displacing Agency, and ranges, for example, from \$450.00 for one furnished room to \$2,365.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation agent will inform you of the amount you are eligible to receive, if you choose this type of payment.

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

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

**B. Actual Moving Expense (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 agent will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a "mover" scope of services for Displacing Agency approval.

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

You may be eligible for a payment 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 agent with monthly rent and household income verification prior to the determination of your eligibility for this payment.

**- OR -**

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

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 agent 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 agent 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 agent 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 agent will explain the process for determining whether or not you qualify for Last Resort assistance.

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

## **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 Garden Grove will be required to move without having been provided with at least 90 days written notice from Garden Grove. 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 agent at Overland, Pacific & Cutler.

**EXHIBIT D**  
**PUBLIC COMMENTS AND RESPONSES**