UNIVERSITY OF CALIFORNIA

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OFFICE OF THE PRESIDENT
Real Estate Services & Strategies
1111 Franklin Street, 7th Floor
Oakland, California 94607-5200

September 11, 2026

CHANCELLORS
ACADEMIC COUNCIL CHAIR SCOTT
LABORATORY DIRECTOR YELICK
ANR VICE PRESIDENT HUMISTON

Re: Systemwide Review of Proposed Presidential Policy: *Relocation Assistance Act Policy for Real Estate Acquisitions and Leases*

Dear Colleagues:

Enclosed for systemwide review are proposed revisions to Presidential Policy: *Relocation Assistance Act Policy for Real Estate Acquisitions and Leases* (Relocation Policy or Policy). The University is required to comply with the California Relocation Assistance Law (California Government Code Section 7260 et seq.), which requires that all public entities adopt rules and regulations to administer relocation assistance and to implement the payments under this law. The University approved its Relocation Policy in 1974 and last updated it in 2013.

The Relocation Policy is very technical and is required to conform to the *Relocation Assistance and Real Property Acquisition Guidelines* ("Guidelines") adopted by the California Department of Housing and Community Development. Where possible, the Policy has been revised to address common University situations including the standard process for acquiring property, the expiration of long-term ground leases, and dealing with UC affiliated tenants in housing.

The University hired outside counsel to support the Policy revision process. The selected outside counsel worked on the 2013 update to the Policy and has had several minor engagements with campuses concerning the Policy interpretation. The revisions have been closely coordinated with UC Legal and the campus real estate offices and have been discussed at two systemwide conferences for UC real estate staff. No concerns have been expressed to date.

Systemwide Review

Systemwide review is a public review distributed to the Chancellors, the Chair of the Academic Council, the Director of the Lawrence Berkeley National Laboratory, and the Vice President of Agriculture and Natural Resources requesting that they inform the general University community, especially affected employees, about policy proposals. Systemwide review also includes a mandatory, 90-day full Senate review.

Employees should be afforded the opportunity to review and comment on the draft policy. Attached is a Model Communication which may be used to inform non-exclusively represented employees about these

proposals. Systemwide Labor Relations at the Office of the President is responsible for informing the bargaining units representing union membership about policy proposals.

We would appreciate receiving your comments no later than **December 10, 2026.** Please submit your comments to julie.wong@ucop.edu. If you have any questions, please contact Julie Wong at julie.wong@ucop.edu or (510) 987-0374.

Sincerely,

David Phillips

David Phillips,
Associate Vice President, Capital Programs, Energy and Sustainability

Enclosures:

1) Draft Presidential Policy: *Relocation Assistance Act Policy for Real Estate Acquisitions and Leases* (clean copy)
2) Draft Presidential Policy: *Relocation Assistance Act Policy for Real Estate Acquisitions and Leases* (tracked-changes copy)
3) Model Communication

cc: President Milliken
Interim Provost and Executive Vice President Hexter
Executive Vice Chancellors/Provosts
Executive Vice President and Chief Operating Officer Nava
Executive Vice President Rubin
Senior Vice President Bustamante
Vice President Brown
Vice President and Vice Provost Gullatt
Vice President Henderson
Vice President and Chief of Staff Kao
Vice President Maldonado
Academic Council Vice Chair Nuru-Jeter
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Vice Provosts/Vice Chancellors of Academic Affairs/Personnel
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Interim Chief Human Resources Officer Hairston
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Director Garcia
Director Lavin
Director Weston-Dawkes
Associate Director Dicaprio
Associate Director Soria
Associate Director Woolston
Assistant Director LaBriola
Policy Analyst Durrin
Program Policy Analyst D'Agostino
Policy Advisory Committee

~~University of California~~

University of California – Policy

Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

Responsible Officer:	~~EVP - Chief Financial Officer~~Associate Director, Real Estate Services & Strategies
Responsible Office:	~~Capital Asset Strategy and Finance~~Real Estate Services & Strategies
Issuance Date:	~~5/1/2013~~[The date of issuance by the President]
Effective Date:	~~5/1/2013~~[The date that the Policy is first enforceable]
Scope:	This specific policy applies to all locations within California under the jurisdiction of ~~the~~The Regents of the University ~~within~~of California. For relocation requirements outside of California, consult the Office of General Counsel.

Contact:	Jacob Lavin
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I. POLICY SUMMARY

~~Regents.~~ Section 7260 et seq. of the California Government Code ("California Relocation Assistance Law~~" or the "Act~~") requires that all public entities adopt rules and regulations to administer relocation assistance and to implement the payments under the provision of the Code~~.~~ (Section 7267.8). The rules and regulations are to conform to the *Relocation Assistance and Real Property Acquisition Guidelines* ("Guidelines") adopted by the California Department of Housing and Community Development. ~~This Policy is intended to implement the intent of the Act and Guidelines.~~

II. POLICY STATEMENT

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University of California *Relocation Assistance Act Policy for Real Estate Acquisitions and Leases* (Policy) is intended to implement the intent of the California Relocation Assistance Law and Guidelines.

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The Policy applies to situations where persons or businesses ("Persons") are required to vacate occupancy of property as a result of lease or acquisition or other displacing activity by The Regents, including, but not limited to, the acquisition, leasing, demolition, or rehabilitation of property by the University. Such persons are referred to as "Displaced Persons." Subject to the conditions established herein, a Displaced Person does not include:

- Any person who has been determined to be in unlawful occupancy
- Any person who moved in after the Regents acquired or leased the property
- Any person who occupied the property for the purpose of obtaining relocation benefits and assistance
- Any University-affiliated resident and their family members, who is required to move pursuant to the terms of a lease or rental agreement that allows the University or landlord to move or transfer the University-affiliated resident to another replacement dwelling

Any University ~~of California Relocation Assistance Act Policy for Real Estate Acquisitions and Leases~~

~~ARTICLE 1. GENERAL~~

~~1.1 Statement of Purpose and Policy.~~

~~(a) The purpose of this Policy ("Policy") is to implement the California Relocation Assistance Law, Government Code Section 7260 et seq. (the "Act") and the Relocation Assistance and Real Property Acquisition Guidelines adopted by the California Department of Housing and Community Development, Title 25, California Code of Regulations, Section 6000 et seq. (the "Guidelines").~~

~~(b)~~(a) ~~The Policy is designed to carry out the following policies of the Act:~~

~~(1)~~• ~~To ensure that uniform, fair and equitable treatment~~ affiliated resident and their family members who is ~~afforded persons displaced from their homes, businesses or farms as a result of the actions of the University in order that such persons shall not suffer disproportionate injury as a result of action taken for the benefit of the University; and~~required to move because such resident's affiliation with the University has terminated

- A University-affiliated resident and their family members occupying a University-owned residential property, or a dwelling that serves University-affiliated residents, provided that no displacement occurs during the term of the rental agreement

A person who is not required to move permanently or temporarily as a result of the University

- ~~In the~~ acquisition ~~of real property by the University, to ensure consistent and fair treatment for owners of real~~ or project
- An owner-occupant who moves as a result of offering the property ~~to be acquired, to encourage~~for sale

The Policy outlines the University's compliance requirements, including:

- Providing a comprehensive relocation assistance program;
- Ensuring Displaced Persons receive guidance, timely notice, and ~~expedite acquisition by agreement with owners of such~~ access to comparable replacement housing before displacement or assistance in finding alternative business property ~~in order to avoid litigation~~, along with support services to minimize hardship; and ~~relieve congestion in courts~~
- Financial compensation available to eligible Displaced Persons, including payments for moving expenses, property losses, business reestablishment, and ~~to promote confidence~~housing cost differences, along with rules for eligibility, documentation, and claims.

~~(2)~~ The foregoing executive summary is intended only to provide a high level summary of the policy terms, but in no event replaces or supersedes the terms and conditions set forth in the ~~University's land acquisition.~~policy itself, which terms and conditions shall govern in any event of conflict between

~~(c) The University shall not participate in or undertake a project that will displace individuals from their homes unless comparable replacement dwellings (as defined in Section 1.5(c)) will be available within a reasonable period of time prior to displacement.~~

~~(d)~~(a) ~~The Act, the Guidelines and this Policy are intended for the benefit of displaced persons, to ensure that such persons receive fair and equitable treatment and do not suffer disproportionate injuries as the result of programs designed for the benefit of the public as a whole. The Act, Guidelines and this Policy on which determinations are based shall be construed to affect this intent.~~

~~(e)~~(a) ~~This Policy does not address University projects involving displacement that are accomplished by the use of Federal Government Funds. If the direct source of funds for a project that will require displacement is Federal Funds, consult with the Office of General Counsel prior to taking any actions that could result in displacement.~~

~~1.2 **Applicability and Supersedure.**~~

~~(a) The effective date of this Policy shall be the date that it is adopted. This Policy supersedes all other Relocation Policies or regulations previously adopted by the Regents, provided, however, that this Policy shall not be construed to apply retroactively to actions undertaken by the University prior to its adoption.~~

~~(b) In the event there are conflicts between this Policy and applicable state and federal laws or regulations, the applicable state and federal laws or regulations shall control and this Policy shall be deemed amended accordingly.~~

~~(c)~~(a) ~~Nothing in this Policy shall require, or be construed to require the University to provide any relocation or other assistance, payments, or benefits, or to provide any notices or to follow any procedures, beyond that required by the Act, the Guidelines and this Policy. No greater rights or obligations beyond those set forth in the Act and Guidelines are created or conferred by this Policy.~~

~~1.31.1 Severability~~

~~(a) If any provision of this Policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Policy which can be given effect without the invalid provision or application, and to this end, the provisions of this Policy are severable.~~

~~1.41.1 Authority~~

~~This Policy has been adopted pursuant to Section 7267.8(a) of the California Government Code and is in conformity with the Act and the Guidelines.~~

the executive summary and the policy itself.

II. DEFINITIONS

~~1.5~~ ~~Definitions.~~ The following terms shall mean:

(a) Acquisition. Obtaining ownership or possession of property for public use by lawful means. Acquisition does not include taking possession of property that is returned to the University at the expiration or early termination of a lease.

(b) Business. Any lawful activity, except a farm operation, provided such lawful activity is not in an unlawful occupancy as defined in subsection (t), conducted primarily:

(1) For the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public; ~~or~~

(3) By a nonprofit organization; or

(4) Solely for the purpose of a moving expense payment (see section 3.6), for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

(c) Comparable Replacement Dwelling. A dwelling which satisfies each of the following standards:

(1) Decent, safe and sanitary (as defined in subsection (d)), and comparable to the acquired dwelling with respect to number of rooms, habitable living space and type and quality of construction, but not lesser in rooms or living space than is necessary to accommodate the displaced person so that the displaced person is not overcrowded.

~~(2)~~ In an area not subjected to unreasonable adverse environmental conditions from either natural or manmade sources, and not generally less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and neighborhood conditions, including schools and municipal services, and reasonably accessible to the displaced person's present or potential place of employment; provided that a potential place of employment may not be used to satisfy the accessibility requirement if the displaced person objects.

(2) The replacement dwelling need not be generally as desirable as the acquired dwelling with respect to environmental characteristics. Though a displaced person does

~~Though a displaced person does~~ not have to accept a dwelling subject to unreasonable adverse environmental conditions, neither is the University required to duplicate environmental characteristics, such as scenic vistas or proximity to the ocean, lakes, rivers, forests or other natural phenomena.

If the displaced person so wishes, every reasonable effort shall be made to relocate such person within or near to his or her existing neighborhood. Whenever practicable the replacement dwelling shall be reasonably close to relatives, friends, services or organizations with whom there is an existing dependency relationship.

(3) Available on the private market to the displaced person and available to all persons regardless of race, color, sex, marital status, religion, or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968 or any other applicable state or federal anti-discrimination law.

(4) To the extent practicable and where consistent with paragraph (c)(1) of this section, functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

~~(5)~~ Within the Financial Means of the Displaced Person. A replacement dwelling is within the financial means of a displaced person if the monthly rental cost (including utilities and other reasonable recurring expenses) minus any replacement housing payment available to the person (as provided in sections 3.13) does not exceed thirty percent (30%) of the person's average monthly income (as defined in subsection (k)).

For homeowners; a replacement dwelling is within the financial means of a displaced person if the purchase price of the dwelling including related increased interest costs

(5) and other reasonable expenses including closing costs (as described in section 3.12) does not exceed the total of the amount of just compensation provided for the dwelling acquired and the replacement housing payment available to the person (as provided in section 3.12).

~~If a dwelling which satisfies these standards is not available the University may consider a dwelling which exceeds them.~~

(d) Decent, Safe and Sanitary.

(1) Housing in sound, clean and weather tight condition, in good repair and adequately maintained, in conformance with the applicable state and local building, plumbing, electrical, housing and occupancy codes or similar ordinances or regulations and which meets the following minimum standards:

~~(A)~~A. Each housekeeping unit shall include a kitchen with a fully usable sink, a stove or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, and adequate and safe wiring system for lighting and other electrical services and heating as required by climatic conditions and local codes.

~~(B)~~B. Each non-housekeeping unit shall be in conformance with state and local code standards for boarding houses, hotels and other dwellings for congregate living.

(2) When the term decent, safe and sanitary is interpreted, under local~~,~~ or state ~~or federal~~ law, as establishing a higher standard, the elements of that higher standard, which exceed the provision of paragraph (1) of this subsection; are incorporated herein. A unit which is occupied by no more than the maximum number of people allowed under the State Building Code shall be considered to be in compliance with the occupancy provisions of this subsection.

(e) Displaced Person. ~~Any~~Provided that none of the exceptions in subsection 3 below apply, any person who, following the initiation of negotiation (as defined in Section 1.5(m) below), moves or is require to move from real property~~, or~~ in which the person resides, who moves ~~his~~a business or ~~her~~farm operation, or who moves personal property from ~~real~~the displaced property whether such move is voluntary or involuntary, either:

(1) As a result of a written ~~notice~~Notice of ~~intent~~Intent to ~~acquire~~Displace pursuant to Section 3.4 by the University or as a result of the acquisition of such real property for public use, in whole or in part, by the University~~, or as the result of written order from the University to vacate the real property~~; or

(2) As a result of the rehabilitation, demolition or other ~~displacing~~ activity undertaken by the University of real property on which the person is ~~in lawful occupancy~~ a residential tenant or conducts a business~~,~~ or farm operation and the person is not in unlawful occupancy as defined in subsection (w), and the displacement lasts longer than 90 days.

(3) Notwithstanding (1) and (2) above, a displaced person shall not include any of the following:

~~(A)~~A. Any person who has been determined to be in unlawful occupancy of the displacement property as defined in subsection (~~t~~w).

B. Post acquisition tenants, provided, however, when the displacement of a post-acquisition tenant causes a hardship for the person because of a critical housing shortage, age, handicap, infirmity, lack of financial means or other circumstances, the University shall provide relocation advisory assistance and, may in its discretion, provide other financial relocation benefits.

C. Any person who occupied the property for the purpose of obtaining relocation benefits and assistance;

~~(B) Any person who is a post-acquisition occupant of the displacement dwelling, as provided in section 2.3;~~

~~(C)~~~~A.~~ ~~Any person who occupied the property for the purpose of obtaining relocation benefits and assistance;~~

~~(D)~~D. ~~Any occupant of a University-owned dwelling~~Any University Affiliated Resident and their family members, who is required to move pursuant to the terms of a lease or rental agreement that allows the University or landlord to move or transfer the ~~occupant~~University Affiliated Resident to another ~~comparable~~replacement dwelling;

~~(E)~~E. Any ~~occupant of a~~ University~~-owned dwelling whose continued occupancy of such dwelling is conditioned upon the occupant being a student, staff member or faculty of the University~~ Affiliated Resident and their family members who is required to move because ~~of expiration or termination of the occupant's status as a student, staff member or faculty member~~such occupant's affiliation with the University has terminated;

~~A student~~

~~(F)~~F. A University Affiliated Resident and their family members occupying a ~~dormitory or apartment unit~~University-owned residential property, or a dwelling that serves University Affiliated Residents pursuant to a lease or rental agreement~~ with a term of less than ten (10) months~~, provided ~~the student is not displaced~~that no displacement occurs during the term of the rental agreement ~~unless the student is required to move during the term of the rental agreement because of~~ (other than in accordance with paragraph 3(D) of this subsection) except as a result of violations of the rental agreement by the University Affiliated Resident or their family members;

~~(G)~~G. A person who is not required to move permanently or temporarily as a result of the University ~~undertaken~~acquisition or project as long as they are notified they are not required to move and the project does not impose an unreasonable change in the character or use of the property.

~~(H)~~H. An owner-occupant who moves as a result of an acquisition meeting the requirements of Government Code section 7277~~.~~, including, but not limited to property "offered for sale" as that term is defined in Government Code Section 7277.

(f) Dwelling. The place of permanent or customary and usual abode of a person, including a single-family dwelling, a single-family unit in a two-family dwelling, multi-family or multipurpose dwelling, a unit of a condominium or cooperative housing project, a non housekeeping unit, a mobile home, a recreational vehicle as described in Health and Safety Code Section 18010, or any other residential unit which either is considered to be real property under State law or cannot be moved without substantial damage or unreasonable cost. A residence need not be decent, safe and sanitary to be a dwelling. A second home shall be considered to be a dwelling only for the purpose of establishing eligibility for payment for moving and related expenses (as provided in section 3.6).

(g) Economic Rent. The amount of rent a tenant or homeowner would have to pay for ~~a dwelling similar to the acquired dwelling in a~~ comparable ~~area~~replacement dwelling.

(h) Elderly Household. A household in which the head of household or spouse is 62 years or older.

(i) Family. Two or more individuals who by blood, marriage, adoption, or mutual consent live together as a family unit.

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

(k) Gross Income. Gross income means the total annual income of an individual, or where a family is displaced total annual income of the parents or adult heads of household, less the following:

~~(1)~~1. A deduction of $500 for each dependent in excess of three.
~~(2)~~2. A deduction of ~~ten percent (~~10~~%)~~% of total income for an elderly or handicapped household.

~~(3) A deduction for recurring, extraordinary medical expenses, defined for this purpose to mean medical expenses in excess of three percent of total income, where not compensated for or covered by insurance or other sources, such as public assistance or tort recovery.~~

~~(4)~~3. A deduction of reasonable amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head of household or spouse, except that the amount deducted shall not exceed the amount of income received by the person thus released.

4. Gross income is divided by twelve to ascertain the average monthly income. Relocation and property acquisition payments are not to be considered as income for the determination of financial means.

(l) Handicapped Household. A household in which any member is handicapped or disabled.

(m) Initiation of Negotiations. The initial written offer made by the University to the owner or the of real property to be purchased~~, or~~ under the ~~owner's representative~~threat of eminent domain. Discussions and/or exchange of documents preceding the making of an offer are not negotiations. For all other acquisitions, the initiation of negotiations shall mean the execution of a binding purchase and sale agreement for the property, provided if such purchase and sale agreement is a contingent purchase and sale agreement, the initiation of negotiations shall mean removal of all purchase contingencies. Discussions and/or exchange of documents preceding the execution of a purchase and sale agreement for a voluntary acquisition are not negotiations. For projects that are funded by the University but undertaken by private parties with an agreement with the University, initiation of negotiation means the later of the date of acquisition of the real property or the date of the written agreement between the private party and the University. For properties that are donated to the University, initiation of negotiation means the date that the University acquires the property.

(n) Manufactured Home or Mobilehome. A structure described in Health and Safety Code sections 18007 and 18008.

(o) Mortgage. Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

(p) Ownership. Holding any of the following interests in a dwelling, or a contract to purchase one of the first six interests:

(1) A fee title.

(2) A life estate.

(3) A 50-year lease.

(4) A lease with at least ~~twenty (~~20~~)~~ years to run from the date of acquisition of the property.

(5) A proprietary interest in a cooperative housing project which includes the right to occupy a dwelling.

(6) A proprietary interest in a mobilehome.

(7) A leasehold interest with an option to purchase.

In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, but not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(q) Person. Any individual, family, partnership, corporation, limited liability corporation, or association.

(r) Post-acquisition tenants. Any person who lawfully occupies property only after the University acquires the property, or if the property is acquired or developed by a private entity pursuant to a lease for the purpose of serving University Affiliated Residents, any person who lawfully occupies property after the private owner of the property enters into an agreement with the University for purposes of financing the purchase, development, or rehabilitation of such property. The University shall periodically provide post-acquisition tenants notice of any changes in the projected date of displacement.

Where the University, on property it owns, is making housing available on a permanent basis, a post-acquisition tenant who moves as a result of a written order form the University to vacate is not eligible for relocation assistance and benefits if the University has provided the tenant at least 6 months advance notice of the order to vacate or the occupant was informed of the University's plans to demolish, rehabilitate, or change the use of the property prior to taking occupancy of the property. Housing provided to University Affiliated Residents and their family members is not provided on a permanent basis.

~~(r)~~(s) Public Use. A use for which property may be acquired by eminent domain.

~~(s)~~(t) Tenant. A person who rents or is otherwise in lawful possession of a dwelling, including a sleeping room, or a nonresidential property which is owned by another.

~~(t)~~(u) University. The Regents of the University of California.

(v) -University Affiliated Resident. Any resident of University owned residential property or property subject to an agreement with the University such as a ground lease, master lease, operating agreement or other agreement requiring that the property provide housing to University students, University faculty, including but not limited to, visiting faculty, researchers and scholars, and University staff, including but not limited to, staff

of University affiliated institutions, where occupancy of the residential property is conditioned on at least one of the occupant's affiliation with the University or the University affiliated institution.

~~(u)~~(w) Unlawful Occupancy. A person is considered to be in unlawful occupancy if the person has been ordered to move by a court of competent jurisdiction or if the person's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

POLICY TEXT

ARTICLE 1 GENERAL

1.1 Statement of Purpose and Policy

(a) The purpose of this Policy ("Policy") is to implement the California Relocation Assistance Law, Government Code Section 7260 et seq. (the "Act") and the Relocation Assistance and Real Property Acquisition Guidelines adopted by the California Department of Housing and Community Development, Title 25, California Code of Regulations, Section 6000 et seq. (the "Guidelines").

(b) The Policy is designed to carry out the following policies of the Act:

(1) To ensure that uniform, fair and equitable treatment is afforded displaced persons (as defined in Section 1.5(e)) in order that such persons shall not suffer disproportionate; and

(2) To ensure consistent and fair treatment for owners of real property to be acquired, to encourage and expedite acquisition by agreement with owners of such property in order to avoid litigation and relieve congestion in court.

(c) The University shall not undertake or fund a project that will displace individuals from their homes unless comparable replacement dwellings (as defined in Section 1.5(c)) will be available within a reasonable period of time prior to displacement, except to the extent expressly provided otherwise in this Policy.

(d) The Act, the Guidelines and this Policy are intended for the benefit of displaced persons, to ensure that such persons receive fair and equitable treatment and do not suffer disproportionate injuries as the result of projects undertaken by the University or on behalf of the University. The Act, Guidelines and this Policy on which determinations are based shall be construed to affect this intent.

(e) This Policy does not address University projects involving displacement that are accomplished by the use of Federal Government Funds. If the direct source of funds for a project that will require displacement is Federal Funds, consult with the Office of General Counsel prior to taking any actions that could result in displacement.

1.2 Applicability and Supersedure

(a) The effective date of this Policy shall be the date that it is adopted. This Policy supersedes all other Relocation Policies or regulations previously adopted by The Regents, provided, however, that this Policy shall not be construed to apply retroactively to actions undertaken by the University prior to its adoption. This Policy shall apply to relocation plans and notices given to displaced persons subsequent to the effective date.

(b) In the event there are conflicts between this Policy and applicable state laws or regulations, the applicable state laws or regulations shall control and this Policy shall be deemed amended accordingly.

(c) Nothing in this Policy shall require, or be construed to require the University to provide any relocation or other assistance, payments, or benefits, or to provide any notices or to follow any procedures, beyond that required by the Act, the Guidelines and this Policy. No greater rights or obligations beyond those set forth in the Act and Guidelines are created or conferred by this Policy.

1.3 Severability

If any provision of this Policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Policy which can be given effect without the invalid provision or application, and to this end, the provisions of this Policy are severable.

1.4 Authority

This Policy has been adopted pursuant to Section 7267.8(a) of the California Government Code and is in conformity with the Act and the Guidelines.

Definitions.

1.5

See definitions in II. Above.

1.6 Prior Determinations~~.~~

~~Displacement.~~ The University may not proceed with any phase of a project or other activity which will result in the displacement of any person, business or farm until it makes the following determinations:

~~(1)~~(a) Fair and reasonable relocation payments will be provided to ~~eligible~~displaced persons as required by Article 3 of this Policy.

~~(2)~~(b) A relocation assistance program ~~offering~~including the preparation of a relocation plan pursuant to Section 2.3, and the provision of notices and advisory services ~~described in Article 2 of this Policy~~required by Section 2.4 will be established.

~~(3)~~(c) ~~Eligible~~Displaced persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in this Policy.

~~(4)~~(d) Based upon recent survey and analysis of both the housing needs of ~~persons who will be~~ displaced persons and available replacement housing and considering competing demands for that housing, comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size and cost for the ~~eligible~~displaced persons who require them.

~~(5)~~(e) Adequate provisions have been made to provide orderly, timely, and efficient relocation of ~~eligible~~displaced persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.

~~(6) A relocation plan meeting the requirements of section 2.4 has been prepared.~~

~~(b) When the University's action will only result in an insignificant amount of non-residential displacement the University's provision of benefits as required by this Policy and the Act shall constitute compliance with this section.~~

1.7 **Citizen Participation**~~.~~

(a) All ~~persons who will be~~potential displaced persons, neighborhood groups and any relocation committee shall be given the opportunity and should be encouraged fully and meaningfully to participate in reviewing the relocation plan and monitoring the relocation assistance program.

(b) When ~~a substantial number of persons~~more than 15 households will be displaced from their dwellings the University shall encourage the residents and community organizations in the displacement area to form a relocation committee. The committee shall include, when applicable, residential owner occupants, residential tenants, business people, and members of existing organizations within the area.

(c) If ~~a substantial number of persons~~fifteen or fewer households will ~~not~~ be

displaced from their dwellings, the University shall at least consult with and obtain the advice of residents and community organizations and make the relocation plan available to such persons and organizations prior to submitting it for approval. (See section 2.43.)

~~(c)~~(d) At a minimum the University shall guarantee the following:

(1) Timely and full access to all documents relevant to the relocation program. The University may reasonably restrict access to material where its confidentiality is protected by law or its disclosure is prohibited by law.

The University shall ensure that the information in documents the provision of-

which would result in disclosure of the identity of ~~eligible~~displaced persons or other personal identifying information is provided in a manner designed to avoid such disclosure. This obligation to avoid improper disclosure shall not affect the right of the displaced person to which the information relates (or any other person authorized in writing by such displaced person) to inspect such documents.

(2) The provision of technical assistance necessary to interpret elements of the relocation plan and other pertinent materials, which may include advisory assistance from a relocation consultant or other knowledgeable person, translation of materials to the displaced persons primary language or other assistance.

(3) The right to submit written or oral comments and objections, including the right to submit written comments on the relocation plan and to have these comments attached to the plan when it is forwarded to the President or his or her designee for approval.

(4) Prompt, written response to any written objections or criticisms.

~~**1.8 Prerequisite to Displacement**. No person shall be displaced until the University has fulfilled the obligations imposed by the Act, the Guidelines and this Policy.~~

(5) A relocation plan meeting the requirements of section 2.3 has been prepared.

~~1.9~~**1.8 Remedies**~~.~~

(a) If the University has not fulfilled or is not substantially fulfilling its relocation responsibilities, it shall cease displacement until such time as its responsibilities are fulfilled. When appropriate, project implementation shall be suspended or terminated.

(b) ~~Eligible~~Displaced persons who move without offers of assistance and benefits, after the University was required to offer assistance or benefits, shall be provided such assistance and payments and, when appropriate, compensation for additional costs incurred. The University shall make every effort to identify and locate such ~~persons~~displaced persons, which shall include at a minimum, providing notice of eligibility for assistance and benefits to the displaced persons last known address or forwarding address by certified return receipt mail and if no forwarding address is provided, publishing notice of the availability of assistance and benefits in a manner designed to reach such displaced persons which may include online resources or newspaper notices.

~~(c) The University may pay a complainant's attorney's fees and costs when a complainant institutes a successful administrative appeal or judicial action.~~

ARTICLE 2. RELOCATION ASSISTANCE ADVISORY PROGRAM AND ASSURANCE OF COMPARABLE REPLACEMENT HOUSING

2.1 Purpose~~.~~

~~University of California Relocation Assistance Act Policy for Real Estate Acquisitions and Leases~~

~~2.1~~ The purpose of this part is to set forth requirements with respect to the development and implementation of a relocation assistance advisory program for the provision of specified services ~~and to prescribe the obligation of the University not to displace or cause the~~, including the preparation of relocation plans.

displacement of any person from his or her dwelling without adequate notice and unless comparable replacement housing is available.

2.2 Relocation Assistance Advisory Program.

2.2 The University shall develop and implement a relocation assistance advisory program which satisfies the requirements of the Act, the Guidelines, this Policy and of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Unruh Civil Rights Act, Rumford Act and applicable state and federal anti-discrimination laws. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to ensure that (a) all displaced person are relocated into housing meeting the criteria for comparable replacement housingdwelling, and (b) all persons displaced from their places ofpersons operating a business or farm operationsoperation are assisted in reestablishing with a minimum of delay and loss of earnings.

2.3 Eligibility.

(a) Subject to (b) below, relocation assistance and benefits shall be available to:

(1) Any displaced person.

(2) Subject to Section 3.3, any person who will move from real property or will move his or her personal property from real property, because he or she will be displaced from other real property on which he or she conducts a business or farm operation.

(3) Any displaced person who moves from real property as a result of its acquisition by the University for public use whether the move is voluntary or involuntary.

(4) Any displaced person who, following the initiation of negotiations by the University, moves as the result of the pending acquisition of the property for public use.

(5) Any displaced person who moves as the result of pending acquisition, rehabilitation or demolition by the University either following receipt of a Notice of Intent to Displace (see section 3.4) or as a result of inducement or encouragement by the University.

(b) (1) Post-acquisition tenants, those who lawfully occupy property only after the University acquires it, are not eligible for assistance and benefits other than advisory assistance to the extent determined by the University. The University shall inform post-acquisition tenants regarding the projected date of displacement and, periodically, should inform post-acquisition tenants of any changes in this projection.

(2) When the displacement of a post-acquisition tenant causes a hardship for the person because of a critical housing shortage, age, handicap,

infirmity, lack of financial means or other circumstance, the University shall provide relocation advisory assistance and, may in its discretion, provide other financial relocation benefits.

~~(3) Where the University, on property it owns, is making housing available on a permanent basis, a post-acquisition tenant who moves as the result of a written order from the University to vacate is eligible for relocation assistance and benefits if the order to vacate is related to a plan to demolish, rehabilitate or change the use of such units unless the occupant was informed of the University's plans to demolish, rehabilitate or change the use of the property prior to taking occupancy of the property. Housing provided to students or employees is not provided on a permanent basis when such housing is provided contingent upon the occupant maintaining his or her status as a student or employee of the University.~~

~~2.4~~2.3 Relocation Plan~~.~~

(a) As soon as possible following the initiation of negotiations and prior to proceeding with any ~~phase of a project or other~~ activity that will result in displacement, the University shall prepare a Relocation Plan and submit it for approval to the President or his or her designee. When the University's action will ~~only~~not result in ~~an insignificant amount of non-~~any residential displacement and will only result in the displacement of fewer than five businesses or farm operations, the University shall provide benefits as required by this Policy and the Act without compliance with this section.

For residential projects of 15 or fewer households, the University may complete the Model Relocation Plan HCD-832 (new), for compliance with the planning requirements of this section, or at the election of the University, prepare a Relocation Plan consistent with this Policy.

(b) A Relocation Plan shall include the following:

(1) A diagrammatic sketch of the project area.

(2) Projected dates of displacement.

(3) A written analysis of the aggregate relocation needs of all persons to be displaced (as required by section 2.~~9~~8) and a detailed explanation as to how these needs are to be met.

(4) A written analysis of relocation housing resources (as required by section 2.10). ~~section 2.11).~~

(5) A detailed description of the relocation advisory services program, including specific procedures for locating and referring ~~eligible~~displaced persons to comparable replacement housing.

(6) A description of the relocation payments to be made (pursuant to Article 3) and a plan for disbursement.

(7) A cost estimate for carrying out the plan and identification of the source of the necessary funds.

(8) A detailed plan by which any last resort housing (as described in section 2.~~12~~11 and Article 4) is to be built and financed.

(9) A standard information statement to be sent to all ~~persons who will be permanently~~ displaced persons (as required by section 2.~~8~~7).

(10) Temporary relocation plans, if any.

(11) A description of relocation office operation procedures.

(12) Plans for citizen participation.

(13) An enumeration of the coordination activities undertaken (pursuant to section 2.8). ~~section 2.11).~~

~~(14)~~ The comments of the relocation committee, if any (pursuant to (14) section 1.7).

(15) A written determination by the University that the necessary resources will be available as required.

(c) In the event of delay of more than one year in the implementation of the relocation program, the plan shall be updated prior to implementation of that program.

(d) Copies of the plan shall be submitted for review to the relocation committee 30 days prior to submission of the plan to the President or his or her designee for approval. Copies shall be available to the public upon request. A copy of the final relocation plan shall be forwarded to the California Department of Housing and Community Development.

General notice of the plan shall be provided. Notice shall be designed ~~to reach~~toreach the occupants of the property and shall be in accordance with the provisions of paragraph 2.~~8~~7(a)(3) and subsection 2.~~8~~7(b); and it shall be provided 30 days prior to submission of the Plan to the President or his or her designee for approval~~.~~

~~2.5~~2.4 Minimum Requirements of Relocation Assistance Advisory Program~~.~~

(a) Each relocation assistance advisory program undertaken pursuant to this Article shall include, at a minimum, such measures, facilities or services as may be necessary or appropriate in order to:

(1) Fully inform ~~eligible~~displaced persons ~~under this Article~~, as soon as feasible, but preferably within 60 days following the initiation of negotiations but not later than the close of escrow on the property, ~~for a parcel~~ as to the availability of relocation benefits and assistance and the eligibility requirements therefore, as well as the procedures for obtaining such benefits and assistance, in accordance with the requirements of section 2.~~8~~7.

(2) Determine the extent of the need of each such ~~eligible~~displaced person for relocation assistance in accordance with the requirements of section ~~6048~~2.8.

(3) Assure ~~eligible~~displaced persons that within a reasonable period of time prior to displacement there will be available comparable replacement ~~housing~~dwellings, meeting the criteria described in section 1.5(c), sufficient in number and kind for and available to such ~~eligible~~displaced persons.

(4) Provide current and continuing information on the availability, prices, and rentals of comparable sales and rental ~~housing~~dwellings, and of comparable commercial properties and locations, and as to security deposits, closing costs, typical down payments, interest rates, and terms for residential property in the area.

(5) Assist each ~~eligible~~displaced person to complete applications for payments and benefits.
~~benefits.~~

(6) Assist each ~~eligible,~~ displaced person displaced from a residential property to obtain and move to a comparable replacement dwelling. Only adequate inspection will ~~insure~~ensure that a particular unit meets this standard. If a displaced person occupies a unit to which he or she is referred by the University and the unit does not satisfy the comparable replacement dwelling standard, the University has not fulfilled its obligations to assist the displaced person to obtain ~~such~~ a comparable replacement dwelling. Whenever this occurs, the University shall offer to locate such a comparable replacement dwelling for the displaced person and to pay again all moving and related expenses. If the displaced person chooses not to move from the unit that he or she occupied following referral, the ~~University shall not assert that he or she is ineligible to receive~~displaced person will still be eligible for relocation assistance and benefits ~~on the basis of that unit's failure to satisfy the comparable replacement dwelling standard~~.

(7) Assist each ~~eligible~~displaced person displaced from his or her business or farm operation in obtaining and becoming established in a suitable replacement location.

(8) Provide any services required to ~~insure~~ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state or federal antidiscrimination laws, or any other arbitrary circumstances.

(9) Supply to such ~~eligible~~displaced persons information concerning federal and state housing programs, disaster loan and other programs administered by the Small Business Administration, and other federal or state programs, offering assistance to displaced persons.

(10) Provide other advisory assistance to ~~eligible~~displaced persons in order to minimize their hardships. It is recommended that, as needed, such assistance include counseling and referrals with regard to housing, financing, employment, training, health and welfare, as well as other assistance.

(11) Inform all ~~persons who are expected to be~~ displaced persons about the eviction policies to be pursued in carrying out the project, which policies shall be in accordance with the provisions of section 2.~~14~~13.

(b) Relocation Office. When a ~~substantial number of persons will be~~project results in more than 15 displaced persons and the relocation staff's office is not easily accessible to those displaced persons, the University may, but is not required to, establish at least one appropriately equipped site office which is accessible to all ~~the area residents who may be~~ displaced persons and is staffed with trained or experienced relocation personnel. Office hours should be scheduled to accommodate persons unable to visit the office during normal business hours.2.5

~~2.6~~2.5 Replacement Housing Prior to Displacement; Notices To Displaced Persons~~.~~

(a) No eligible person shall be required to move from his or her dwelling unless ~~within a reasonable period of time~~ prior to displacement comparable replacement dwellings (as defined in subsection 1.5(c)) or, in the case of a temporary move (as defined in section 2.~~7~~6), adequate replacement dwellings (as defined in subsection (b) below) are available to such person.

~~The~~

(b) For purposes of temporary moves, the criteria for adequate replacement dwellings are in all respects identical to those for comparable replacement dwellings, except that an adequate replacement dwelling, with respect to the number of rooms, habitable living space and type of construction, need be only adequate not comparable.

(c) Reasonable Offer of Replacement Housing. The requirements of this section shall be deemed to have been satisfied if a displaced person is offered and refuses without justification reasonable choices of specifically identified comparable replacement dwellings which fully satisfy the criteria set forth in this Policy. If the offered housing meets all of the criteria for comparable replacement dwellings, the displaced person's refusal shall be deemed unjustified, provided, however, the displaced person may appeal any determination that the offered unit constitutes a comparable replacement dwelling. The offers shall be in writing, in a language understood by the displaced person. The number of offers determined to be reasonable should be not less than three.

(d) Notice. No ~~eligible~~displaced person occupying property shall be required to move from a dwelling or to move a business of farm operation, without at least 90 days written notice from the University. The University shall notify each individual tenant to be displaced as well as each owner-occupant. (These requirements are in addition to those contained in sections 2.~~5~~4 and 2.~~8~~7.)

(e) Waiver. The requirement in subsection (a) above may be waived only when immediate possession of real property is of crucial importance and in the case of one of the following circumstances:

(1) When displacement is necessitated by a major disaster as defined in Section 102(2) of the Hazard Mitigation and Relocation Assistance Act of 1993 (42 U.S.C. 5121) and/or the California Natural Disaster Assistance Act.

(2) During periods of declared national ~~or~~, state, local or campus emergency.

~~2.7~~2.6 Temporary Move~~.~~

(a) General.

(1) The University shall minimize to the greatest extent feasible the use of temporary relocation resources (as defined in section 2.~~6),~~5(b)), but, ~~when a project plan anticipates moves back into completed project accommodations,~~ temporary relocation resources may be used~~, at~~ when (i) the University anticipates the displaced ~~person's election~~person will move back into the completed project, or (ii) when the University anticipates the displaced person will move into a newly completed dwelling upon completion. Displaced persons receiving temporary relocation resources are not eligible for ~~a limited period of time~~permanent relocation benefits unless the permanent housing will not be available within 12 months.

(2) Temporary relocation does not diminish the University's responsibility to provide relocation assistance, services and benefits designed to achieve permanent relocation of displaced persons into comparable replacement dwellings.

(b) Requirements.

(1) Temporary replacement housing may not be relied upon if comparable replacement ~~housing~~dwelling will not be available to the displaced person within twelve~~-~~
~~(1)~~ (12) months of the date of the temporary move.

(2) Prior to the move, the University shall have determined and have provided written assurance to each displaced person that:

~~(A)~~A. Comparable replacement ~~housing~~dwellings will be made available at the earliest possible time but in any event no later than ~~twelve (~~12~~)~~ months from the date of the move to temporary housing. Temporarily housed persons may agree to extend the ~~twelve (~~12~~)~~ month limitation but, if they do not, the University shall ensure that comparable replacement dwellings are available within the ~~twelve (~~12~~)~~ month period.

~~(B)~~B. Comparable replacement ~~housing~~dwellings will be made available, on a priority basis, to the individual or family who has been temporarily rehoused.

~~(C)~~C. The move to temporary housing will not affect a ~~claimant's~~displaced persons s eligibility for a replacement housing payment nor deprive him or her of the same choice of comparable replacement ~~housing units~~dwelling that would have been made

available had the temporary move not been made and the costs of a temporary move will not be considered as all or a part of the relocation payments to which a displaced person is entitled.

~~(D)~~D. If a project plan anticipates moves back into ~~replacement~~the housing ~~accommodations in the project or program area~~from which the displaced person was displaced, the person who has been temporarily displaced will be given priority opportunity to obtain such housing accommodations.

~~(E)~~E. The University will pay all costs in connection with the move to temporary housing, including increased housing costs.

~~2.8~~2.7 Information Program~~.~~

~~(a)~~ Basic Requirements. The University shall establish and maintain an information program that provides for the following:

~~(1)~~(a) Preparation and distribution of informational material as early as practicable, to each occupant of the property. This material shall be distributed within 60 days following the initiation of negotiations, to the extent feasible, and not less than 90 days in advance of displacement except for those situations described in subsection 2.~~6(c~~5(e). Where appropriate, separate informational statements shall be prepared for residential and for non-residential occupants.

(1) If the University does not intend to displace occupants of property acquired by the University, providing such occupants notice of such fact ("Notice of Non-displacement") as soon as feasible.

(2) Conducting personal interviews and maintaining personal contacts with occupants of the property to the maximum extent practicable.

(3) Utilizing meetings, newsletters, and other mechanisms, including local media available to all persons, for keeping occupants of the property informed on a continuing basis. The criterion for selecting among various alternatives shall be the likelihood of actually communicating information to ~~such~~displaced persons. Legal publications, legal ads in local newspapers of general circulation and similar means which may go unnoticed are deemed to be inadequate.

(b) Language. Informational material should be prepared in the language(s) most easily understood by the recipients. In displacement areas where there are significant concentrations of persons who do not read, write, or understand English fluently, the native language of the people should be used and all information material should be provided in the native language(s) and English.

(c) Method of Delivery. To assure receipt of the informational material, the University should arrange to have the material either hand-delivered to each occupant of the property with a request for a written receipt, or sent by certified mail, return receipt requested.

(d) General and Specific Information. In addition to disseminating general information of~~-~~

~~(d)~~ the type described in this section, the University shall also provide each person with individual, written notification as soon as his or her eligibility status has been established.

(e) Content of Informational Statement. Attachment A identifies the kinds of information required to be included in statements distributed to occupants of the property.

~~2.9~~2.8 Survey and Analysis of Relocation Needs~~.~~

(a) Requirement. ~~Immediately~~As soon as feasible following the initiation of negotiations for projects which are expected to result in displacement, the University shall interview ~~all eligible~~potential displaced persons, business concerns, including nonprofit organizations, and farm operations to obtain information upon which to plan for housing and other accommodations, as well as counseling and assistance needs.

(1) Coordination with Other Agencies. Other agencies may also be conducting surveys in the area at the same time. Coordination will be necessary to avoid duplication and to ensure that necessary information is available at the appropriate time. Surveys utilized to gather data for social service referrals should be planned in cooperation with social service agencies and a referral system should be established.

(2) Information to Persons To Be Displaced. The University shall carefully explain and discuss fully with each person interviewed the purpose of the survey and the nature and extent of relocation payments and assistance that will be made available. All persons shall be advised and encouraged to visit the relocation office, if one exists, for information and assistance~~.~~.(

(3) Relocation Records. Based on information obtained during the survey and other sources as applicable, the University shall prepare and maintain an accurate relocation record for each ~~person to be~~ displaced person. The record shall contain a description of the pertinent characteristics of the ~~persons to be~~ displaced persons and the assistance deemed to be necessary.

~~(3)~~

(b) The survey shall be by direct, personal interview, except where repeated efforts indicate that is not possible. When a person cannot be interviewed or the interview does not produce the information to be obtained, reasonable efforts shall be made to obtain the information by other means~~. Eligible~~, which may include interviews with family members or others who may have relevant information. Displaced persons should be encouraged to bring any change in their needs to the attention of relocation officials. The survey shall be updated at least annually.

(c) The University shall endeavor to obtain the following information: income; whether a displaced person is elderly or handicapped; size of family; age of children; location of job and factors limiting accessibility; area of preferred relocation; type of unit preferred;~~-~~

~~(c)~~ ownership or tenant preference; need for social and public services, special schools and other services; eligibility for publicly assisted housing; and with reference to the present dwelling, the rent, the type and quality of construction, the number of rooms and bedrooms, the amount of habitable living space, and locational factors including among others public utilities, public and commercial facilities (including transportation and schools) and neighborhood conditions (including -municipal services). Other matters that concern a household as its members contemplate relocation such as location of medical services, proximity to relatives or persons providing caregiving services and other information that would impact the location of the comparable replacement dwelling should also be included.

(d) A written analysis of relocation housing needs shall be prepared. It shall be prepared in sufficient detail to enable determination of the availability ~~for all potential displacees of housing which meets the standards set forth in the definition~~ of comparable replacement ~~housing~~dwellings for all residential displaced persons.

The information concerning homeownership and rental units shall be provided separately.

The number of units needed shall be identified by cost for each size category. The needs of elderly and handicapped households shall be shown separately and shall include information on the number of such households requiring special facilities and the nature of such facilities. The statement of relocation housing needs shall include a description of the locational characteristics of the displacement area neighborhoods corresponding to the requirements of comparable

replacement housing. Information shall be provided concerning proximity to present employment sources, medical and recreational facilities, parks, community centers, shopping, transportation and schools. Information concerning proximity to other relevant needs and amenities is essential to ensuring that no residents are incapacitated by the relocation and such information also should be provided.

2.9 Failure to Conduct Timely and ~~Effective~~Effectively Survey~~.~~

~~2.10~~ When a survey is not conducted in a timely and effective manner, the University shall be obligated to make every effort to locate all ~~eligible~~displaced persons who have moved in accordance with Section 1.8(b) so that their needs can be included in the survey and the impact on the housing stock in the community can be more accurately determined. The University shall offer such displaced persons all relocation assistance and benefits for which they otherwise qualify and, in addition, shall compensate such displaced persons for all costs occasioned by the University's failure to provide timely notice and offers of relocation assistance and benefits.

~~2.11~~2.10 Survey and Analysis of Available Relocation Resources~~.~~

(a) To enable the University reasonably to determine that the requisite comparable replacement dwellings will be available, the University, within 60 days following the initiation of negotiations, shall initiate a survey and analysis of available comparable relocation resources. If a recent survey that provides the information identified in~

~~(a)~~ this section is not available, the University shall conduct a survey and analysis of the housing market. If a recent survey is available, but it does not reflect more recent, significant changes in housing market conditions, the survey shall be updated or it shall not be relied upon.

When more than 15 households will be displaced, survey results shall be submitted for review to local housing, development and planning agencies and shall be compared to other existing information on housing availability.

The survey shall be updated at least annually.

(b) The survey area shall be reasonably related to the displacement area and to the needs and preferences of the ~~persons to be~~ displaced persons, as indicated in the written analysis prepared pursuant to this section 2.~~11~~10. The survey area shall have relevant characteristics (see subsection 1.5(c)) which equal or exceed those of the neighborhood from which persons are to be displaced.

(c) A written analysis of relocation housing resources shall be prepared in sufficient detail to enable determination of the availability ~~for all potential displacees of housing which meets the standards set forth in the definition~~ of comparable replacement ~~housing~~dwelling s for all displaced persons.

The information concerning homeownership and rental units shall be provided separately. The number of units available shall be identified by cost for each size category.

Resources available to meet the needs of elderly and handicapped households shall be shown separately and shall include information on the number of units with special facilities and the nature of such facilities.

The analysis of resources shall include a description of the locational characteristics of the survey area neighborhoods corresponding to the requirements of comparable replacement ~~housing~~dwelling. Information shall be provided concerning proximity to present employment sources (with the consent of the displaced person a potential employer may be substituted), medical and recreational facilities, parks, community centers, shopping, transportation and schools.

Information concerning proximity to other relevant needs and amenities is essential to ensuring that ~~residents~~displaced persons are not incapacitated by the relocation and such information should also be provided.

(d)~~(1)~~

~~(d)~~(1) Units which do not satisfy the standards of comparable replacement ~~housing~~dwelling, including the locational criteria, shall not be counted as a relocation resource.

(2) Uncompleted new construction or rehabilitation shall not be included in the gross figure unless there is a substantial likelihood that the units will be available when needed and at housing or rental costs within the financial means of the ~~prospective occupants~~displaced persons.

(3) In addition to the other requirements of this section, the gross figure representing the number of units available shall be discounted to reflect both concurrent displacement and the extent to which turnover is represented. Concurrent displacement by the federal government and its agencies, including federally-assisted projects, as well as displacement by other public entities shall be taken into account. Turnover is the dynamic operation by which occupancy changes occur within a standing inventory over a period of time and theoretically could occur in the complete absence of vacancies on a person to person basis. The use of turnover for relocation is not permissible. The ~~displacing entity~~University shall assume that four percent of the rental and one percent of the ownership units which meet the standards of comparable replacement dwellings (see section 1.5(c)) represents turnover. The University shall use a higher percentage figure if such figure is more accurate. The University may use a lower figure if it establishes that the lower figure is a more accurate assumption.

~~(1)~~(4) ~~Publicly~~ subsidized housing, including public housing, shall not be counted as a resource unless it reasonably can be established that:

~~(A)~~A. The units will be available when needed;

~~(B)~~B. The governmental body providing the subsidy has made, in writing, a reasonably binding commitment of assistance; ~~and~~

~~(C)~~C. The units have been inspected and determined to be decent, safe and sanitary and the income ceilings, rent ranges and age restrictions, if any, have been considered~~.~~; and

~~(D)~~D. The number of units available in the community exceeds the number of households in need of the units.

Uncompleted new construction or rehabilitation which is subsidized by public funds shall not be counted as a relocation resource unless the units are being subsidized to provide relocation resources.

~~2.12~~2.11 Last Resort Housing~~.~~

~~(a) No eligible person shall be required to move from his or her dwelling because of the action of the University unless comparable replacement housing is available to him or her.~~

~~(b)~~(a) If on the basis of its survey and analysis of relocation needs and resources the University cannot determine that comparable replacement ~~housing~~dwellings will be available as required, the University may not proceed with any ~~phase of a project or other~~ activity which will result in displacement unless it provides ~~such~~last resort housing~~. (See Article 4.)~~ in accordance with ~~If~~

Article 4.

~~(c)~~(b) the action of the University has resulted or is resulting in displacement and comparable replacement ~~housing is~~dwellings are not available as needed, the University shall use its funds, or funds authorized for the project to provide ~~such~~last resort housing ~~(see~~in accordance with Article 4~~),~~, or shall terminate or suspend further implementation of the project activity in accordance with the provisions of section 1.~~9~~8.

~~(d)~~(c) Temporary relocation resources may be relied upon in the interim only if the provisions of section 2.~~7~~6 are satisfied.

2.12 Termination of Relocation Assistance~~.~~

~~2.13~~ The University's relocation obligations cease under the following circumstances:

(a) A displaced person moves to a comparable replacement dwelling and receives all assistance and payments to which he or she is entitled.

(b) The displaced person moves to substandard housing, refuses reasonable offers of additional assistance in moving to a decent, safe and sanitary replacement dwelling and receives all payments to which he or she is entitled.

(c) All reasonable efforts to trace a person in accordance with Section 1.8(b) have failed. To ensure that the ~~action~~actions of the University do not reduce the housing supply in critical categories or locations, unsuccessful efforts to trace a particular displaced person shall not lessen the obligation to provide last resort housing (See Article 4.)

(d) The business ~~concern~~ or farm operation has received all assistance and payments to which it is entitled and has been successfully relocated or has ceased operations.

(e) A ~~person~~ displaced ~~from his or her dwelling, business or farm~~person refuses reasonable offers of assistance, payments and comparable replacement ~~housing~~dwellings.

(f) A displaced person has knowingly waived relocation benefits after being informed of the benefits available pursuant to the Act, the Guidelines and this Policy.

~~2.14~~2.13 Eviction~~.~~

(a) Eviction is permissible as a means of terminating occupancy of a property that must be vacated in order to carry out a University project only as a last resort~~.~~ and only

~~(a)~~ after all required notices pursuant to Section 2.5 have been provided including offers of comparable replacements dwellings, if applicable. Eviction in no way affects the eligibility of evicted displaced persons for relocation payments except that persons who are determined to be in unlawful occupancy (see Section 1.5(~~t~~w)) are not eligible for relocation assistance or relocation benefits. Relocation records must be documented to reflect the specific circumstances surrounding the eviction.

(b) Eviction shall be undertaken only for one or more of the following reasons:

(1) 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.
(2) Performance of a dangerous, illegal act in the unit.

(3) Material breach of the rental agreement and failure to correct breach within 30 days of notice.

(4) Maintenance of a nuisance and failure to abate within a reasonable time following notice.

(5) The eviction is undertaken only after a displaced person has refused to accept one of a reasonable number of offers of ~~replacement~~comparable dwellings.

(6) The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the University.

~~2.15~~2.14 Evaluation of Relocation~~.~~

(a) The operational unit of the University that undertakes relocation activity is encouraged to evaluate its relocation program, assessing the quality and quantity of services provided as well as ~~displacee~~displaced persons' satisfaction, to determine the adequacy of program planning and to ascertain whether any displaced persons have been denied the full benefits and services to which they are entitled. The evaluation ~~should~~may be based upon~~ an annual or continual~~ inspection of files and records, case interviews and inspection of replacement housing and business and farm replacement locations and discussions with local individuals or organizations familiar with relocation issues.~~ A written evaluation should be prepared at least annually, provided, however, if the University or an operational unit has not undertaken any relocation activities in the previous year, no annual review is expected.~~

(b) ~~The files and records~~In conducting an evaluation of ~~displaced persons~~

~~and property owners should be~~its relocation program, the University may review relocation and acquisition file selected at random. ~~The review~~

~~(b)~~ The internal evaluation of the relocation program should include ~~any cases that were identified by previous monitoring as~~

requiring corrective action and should assess the University's progress in taking corrective action. Both relocation and acquisition activities should be covered by the review.

(1) The relocation sample should includeboth cases in which all payments have been completed and cases in which the displaced person has been displaced but all payments have not yet been made. The sample should provide a basis for the reviewer to determine not only whether payments were computed properly and made promptly, but also whether displaced persons received proper notice of the full range of relocation assistance and services to which they are entitled. Priority attention should be given to cases in which a grievance has been filed or the University has determined that a person is ineligible for relocation benefits.

A.

(2) The acquisition sample should be based on cases in which settlement has been completed. However, if necessary to provide a representative sample of acquisition activities, the reviewer should include incomplete transactions in which negotiations have been initiated.

After the records and files have been reviewed, the reviewer should select cases for further evaluation through personal interviews with may elect to interview displaced persons and/or owners and the inspection ofinspect housing to

~~(c)~~ which displaced persons have moved. ~~The interviews and housing inspections should serve both to spot check the accuracy of the information obtained in the examination of the records and files and give the reviewer a better perspective on the University's performance.~~

~~The number and type of cases for which interviews and housing inspections are to be carried out should reflect the reviewer's judgment based on the information he or she has just reviewed.~~

~~Generally, an interview and inspection should be carried out for at least one of every five cases for which the files and records have been reviewed. Only where the number of persons displaced is less than 25 should the number of interviews and inspections be less than 10.~~

~~In no case should the number of interviews and inspections be lower than the lesser of five and the number of persons displaced. To the extent possible, the interviews should cover a representative cross section of the types of cases in the University's workload: e.g., relocation cases involving families of various sizes as well as individuals and business concerns (including both owners and tenants), and acquisition transactions involving residential, commercial and industrial properties.~~

~~(d)~~(c) In addition to the above, the following factors are among those which should be considered:

(1) The effectiveness of efforts to provide relocation services to displaced persons, including timeliness of notice and correctness of eligibility determinations.

(2) The satisfaction of relocated ~~families~~households, individuals and business concerns in their new locations.

~~(3)~~ The extent to which self-moves to substandard housing have been (3) minimized.

(4) The effectiveness of efforts to provide relocation services to business concerns~~, including counseling services and SBA loans to aid in their reestablishment~~.

(5) The promptness of processing claims and the making of payments, including the amounts, delivery, and use of relocation payments.

~~(6)~~ The number and magnitude of rent increases following acquisition and (6) displacement~~.~~

~~(7)~~ The effectiveness of methods used to resolve difficulties experienced by (7) site occupants.

(8) The effectiveness of the University's grievance procedures.

(9) The extent of resident involvement in planning the relocation program.

(10) The effectiveness in assuring equal opportunity for displaced persons and in reducing patterns of minority-group concentration.

~~(11) The effectiveness of relocation in upgrading the housing and overall environmental conditions of persons displaced.~~

~~(12)~~(11) The effectiveness of the social service program, including counseling services, in helping ~~residents~~ displaced persons adjust to relocation and in helping solve individual and family problems.

~~(13)~~(12) The impact on those segments of the housing market serving the income groups displaced.

ARTICLE 3~~.~~ RELOCATION PAYMENTS

3.1 Purpose~~.~~

~~3.1~~ The purpose of this Article is to set forth the types of, and specific eligibility criteria for, relocation payments to displaced persons. Basic eligibility conditions are set forth in section 3.3. Specific conditions relating to particular payments are described in later sections.

3.2 Relocation Payment by the University~~.~~

~~3.2~~ The University shall make relocation payments to or on behalf of eligible displaced persons in accordance with and to the full extent permitted by this Article. ~~The obligations described in this Article are in addition to those in Article 6.~~

3.3 Basic Eligibility Conditions.

A person establishes basic eligibility for relocation payments if he or she satisfies the

~~3.3~~ conditions described in section ~~2.3. A person who moves from real property or who moves his or her personal property from real property because he or she will be displaced from other real property on which he or she conducts a business or, farm operation, establishes eligibility on the basis of the move from such other property only for payments made pursuant to section 3.6.~~1.5(e).

3.4 Notice of Intent to Displace~~.~~

~~3.4~~ The University may issue a written Notice of Intent to Displace at any time after forming a reasonable expectation of acquiring real property. Such a notice, by establishing eligibility prior to acquisition, will enable the University to respond to hardship and other situations.

3.5 Filing of Claims; Submission of Tax Returns~~.~~

~~3.5~~ All claims filed with the University shall be submitted within eighteen (18) months of the date on which the claimant receives final payment for the property or the date on which he or she moves, whichever is later. The University may extend this period upon a proper showing of good cause. Except where specifically provided otherwise a claimant shall not be required to submit a copy of his or her tax returns in support of a claim for relocation payments.

3.6 Actual Reasonable Moving Expenses~~.~~

~~(a)~~ General. The University shall make a payment to a displaced person who satisfies ~~the pertinent eligibility requirements of section 3.3 and~~ the requirements of this section, for actual reasonable expenses specified below and subject to the limitations set forth in subsection

(a) (c) of this section for moving himself or herself, his or her family, business, farm operation or other personal property. In all cases the amount of a payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.

The moving and related expenses for which claims may be filed shall include:

(1) Transportation of persons and property not to exceed a distance of 50 miles from the site from which displaced, except where relocation beyond such distance of 50 miles is reasonably necessary for purposes of the displaced person obtaining a comparable replacement dwelling or a comparable business or farm site;

(2) Packing, crating, unpacking and uncrating personal property;

(3) Such storage of personal property, for a period generally not to exceed ~~twelve (~~12~~)~~ months, as determined by the University to be necessary in connection with relocation;

(4) Insurance of personal property while in storage or transit; ~~and~~

(5) The reasonable replacement value of property lost, stolen or damaged (not~~-~~

~~(5)~~ through the fault or negligence of the displaced person, his or her agent, or employee) in the

process of moving, where insurance covering such loss, theft or damage is not reasonably available~~.~~; and

(6) The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the University, including connection charges imposed by public utilities for starting utility service.

(b) Actual Reasonable Moving Expenses - Displaced ~~Business Concerns~~Businesses and Farm Operations. In addition to those compensable expenses set forth in subsection (a) of this section, a displaced business ~~concern~~ or farm operation may file a claim for the following moving and related expenses:

(1) The cost, directly related to displacement of modifying the machinery, equipment, or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply.

(2) Claims for payment under this subsection shall be subject to the following limitations:

~~limitations:~~

~~(A)~~A. Reimbursable costs shall be reasonable in amount.

~~(B)~~B. The cost could not be avoided or substantially reduced at an alternate available and suitable site to which the business was referred.

~~(C)~~(3) The cost of any license, permit or certification required by a displaced business ~~concern~~ to the extent such cost is necessary to the reestablishment of its operation at a new location.

~~(3)~~(4) The reasonable cost of any professional services (including but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installation of relocated personal property at the replacement site.

~~(4)~~(5) Where an item of personal property which is used in connection with any business or farm operation is not moved but is replaced with a comparable item, reimbursement in an amount not to exceed (x) the replacement cost, minus any net proceeds received from its sale, or (y) the estimated cost of moving, whichever is less.

(c) Advance Payments. A displaced person may be paid for his or her anticipated moving expenses in advance of the actual move. The University shall provide

advance payment whenever later payment would result in financial hardship. Particular consideration shall be given to the financial limitations and difficulties experienced by low and moderate income persons and small farm and business operations.

(d) Other Reasonable Arrangements. The specific provisions contained in this section are not intended to preclude the University's reliance upon other reasonable means of effecting a move, including contracting moves and arranging for assignment of moving ~~expense payments by displaced persons.~~

expense payments by displaced persons.

(e) Self-moves. Without documentation of moving expenses actually incurred, a displaced person electing a self-move may submit a claim for his or her moving expenses to the University in an amount not to exceed an acceptable low bid or an amount acceptable to the University.

(f) Personal Property of Low Value and High Bulk - Business or Farm Operation. Where, in the judgment of the University, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business or farm operation would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This provision may in appropriate situations be applied to claims involving the moving of junkyards, stockpiles, sand, gravel, minerals, metals and similar property.

(g) Documentation in Support of a Claim.

(1) General. Except in the case of a displaced person conducting a self-move as provided in subsection (e) above, a claim for a payment under this section shall be supported by a bill or other evidence of expenses incurred. By prearrangement between the University, the site occupant, and the mover, evidenced in writing, the ~~claimant~~displaced person or the mover may present an unpaid moving bill to the University, and the University may pay the mover directly

(2) Business and Farm Operations. Each claim in excess of $1,000 (as such amount may be increased from time to time by State law or University Policy) for the costs incurred by a displaced person for moving his or her business or farm operation shall be supported by competitive bids in such number as are practical. If the University determines that compliance with the bid requirement is impractical or if estimates in an amount of less than $1,000 are obtained, a claim may be supported by estimates in lieu of bids.

~~$1,000 are obtained, a claim may be supported by estimates in lieu of bids.~~

(h) Public Utilities Exemption. Whenever the University must pay the actual cost of moving a displaced person, the costs of such move shall be exempt from regulations by the Public Utilities Commission as provided by section 7262 (e) of the Act. The University may solicit competitive bids from qualified bidders for performance of the work. Bids submitted in response to such solicitations shall be exempt from regulation by the Public Utilities Commission.

~~(i)(1)~~

~~(i)~~(1) Reestablishment Expenses. In addition to moving expense payments, a farm, nonprofit organization or small business of not more

than 500 employees, shall be entitled to actual and reasonable reestablishment expenses, not to exceed ~~$10,000.00.~~

$10,000.00 (as such amounts may be increased by State law from time to time). Reestablishment expenses shall be only those expenses that are reasonable and necessary and include, but are not limited to:

~~(A)~~A. Repairs or improvements to the replacement property as required by Federal, State or local law, code or ordinance.

B. Modifications to the replacement property to accommodate the business-

~~(B)~~ operation or make replacement structures suitable for conducting the business.

~~(C)~~ Construction and installation costs for exterior signing to advertise
C. the business.

~~(D)~~ Provision of utilities from right-of-way to improvements on the
D. replacement site.
~~(E)~~E. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.

~~(F)~~ Licenses, fees and permits when not paid as part of moving
F. expenses.

~~(G)~~G. Feasibility surveys, soil testing and marketing studies.

~~(H)~~H. Advertisement of replacement location.

~~(I)~~ Professional services in connection with the purchase or lease of a
I. replacement site.

~~(J)~~J. Estimated increased costs of operation during the first ~~two~~ ~~(~~2~~)~~ years at the replacement site for items including but not limited to:

1. Lease or rental charges,

2. Personal or real property taxes,

3. Insurance premiums, and

4. Utility charges, excluding impact fees.

~~(K)~~K. Impact fees or one-time assessments for anticipated heavy usage.

~~(L)~~L. Other items essential to the reestablishment of the business.

~~(M)~~ For purposes of this subsection the term "small business" shall mean a business having not more than 500 employees working at the site being acquired or

M. displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a small business for purposes of this subsection.

(2) Ineligible expenses. The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

~~(A)~~(3) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

~~(B)~~A. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

~~(C)~~B. Interior or exterior refurbishment at the replacement site which are for aesthetic purposes, except as provided in paragraph (i)(1~~-~~)(E) of this section.

~~(D)~~ C. Interest on money borrowed to make the move or purchase the replacement property.

~~(E)~~D. Payment to a part-time business in the home which does not contribute materially to the household income.

3.7 Actual Direct Losses of Tangible Personal Property~~.~~

(a) General. The University shall make a payment to a displaced person who satisfies the eligibility requirements of ~~section 3.3 and~~ this section, for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, in an amount determined by the University to be in accordance with the provisions of this section.

(b) Determining Actual Direct Loss of Property. Actual direct loss of property shall be determined on the basis of the lesser of the following:

(1) The fair market value of the property for continued use at its location prior to displacement.

(2) The estimated reasonable costs of relocating the property. The University may require that the owner first make a bona fide effort to sell the property or it may permit the owner not to do so. The proceeds realized from any sale of all or part of the property shall be deducted from the determination of loss. In calculating payment under this section the reasonable cost of an effort to sell shall be added to the determination of loss.

~~(c)~~ Documentation to Support Claim. A claim for payment hereunder shall be supported by written evidence of loss which may include appraisals, certified prices, bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and other

(c) records appropriate to support the claim or the University may agree as to the value of the property left in place.

3.8 Actual Reasonable Expenses in Searching for a Replacement Business or Farm.

~~3.8~~ A displaced person who ~~satisfies the pertinent eligibility requirements of section 3.6 with respect to actual reasonable~~ is eligible for moving expenses pursuant to section 3.6, shall be eligible for a payment in an amount not to exceed $1,000.00, in searching for a replacement business or farm, including expenses incurred for:

(a) Transportation;

(b) Meals and lodging away from home;

(c) Time spent in searching, based on the hourly wage rate of the salary or earnings of the displaced person or his representative; and

(d) Fees paid to a real estate agent or broker to locate a replacement business or farm.

3.9 Moving Expenses ~~—~~ Outdoor Advertising Businesses.

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal

~~3.9~~ property, or services by the erection and maintenance of outdoor advertising displays is entitled to payment for the reasonable cost of moving such displays or their in-place value, whichever is lesser.

3.10 Alternate Payments ~~–~~ Individuals and Families~~.~~

~~3.10~~ A person or family, who is displaced from a dwelling and is eligible for a payment for actual reasonable moving expenses under section 3.6 may elect to receive and shall be paid, in lieu of such payment a moving expense and dislocation allowance determined in accordance with established Federal Highway Administration schedules maintained by the California Department of Transportation.

3.11 Alternate Payments ~~–~~ Businesses and Farm Operations~~.~~

(a) General.

(1) A person who is displaced from his or her place of business or farm operation and is eligible for payments under sections 3.6, 3.7, 3.8 ~~and~~or 3.9 and complies with the requirements of this section, may elect to receive and shall be paid, in lieu of such payments, a payment equal to the average annual net earnings of the business or farm operation (but not including a business as described in section 3.9) as determined in accordance with subsection (b) below, except that such payment shall be not less than $1,000.00 nor more than $20,000.00~~.~~ (as such amounts may be increased by State law). For purposes of this section, the dollar limitation specified in the preceding sentence shall apply to a single business, regardless of whether it is carried on under one or more legal entities.

(2) Loss of Goodwill. When payment under this section will precede settlement of a claim for compensation for loss of goodwill under the Eminent Domain Law, the University, 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. will be reduced in the same amount. The portion considered to be compensation for loss of goodwill shall not exceed the difference between the payment made under this section and an amount which reasonably approximates the payments for which the displaced person otherwise would be eligible under Section 3.6, 3.7, 3.8 and 3.9. Failure to provide such written statement and explanation shall constitute a conclusive indication that no portion of the payment is considered to be compensation for loss of goodwill for the purposes of that portion of the Code of Civil Procedure referenced above.

(b) Requirements - Businesses. Payment shall not be made under this section unless the University determines all of the following to be true:

(1) The business is not operated solely for rental purposes;
(2) The business 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) The business is not part of a commercial enterprise that operates at least ~~three (~~3~~)~~ other establishments which are not being acquired for a project and which are engaged in the same or similar business.

(4) The displaced business:

~~(A)~~A. Had average annual gross receipts of at least $5,000.00 during the two taxable years prior to displacement; or

~~(B)~~B. The displaced business had average annual net earnings of a least $1,000.00 during the two taxable years prior to displacement; or

~~(C)~~C. The displaced 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. If in any case the University determines that the two-year period prior to displacement is not representative of average receipts, earnings or income, it may make use of a more representative period.

~~(D)~~D. If the application of the above criteria creates an inequity or hardship, the University may use other criteria as permitted in 49 CFR 24.~~306~~305.

No payment shall be made under this Section, when the sole remaining facility of a business which has been displaced from its principal location: (i) has been in operation for less than two years; or (ii) has had average annual gross receipts of less than $2,000.00 during the two taxable years prior to displacement of the major component of the business; or (iii) has had

average annual net earnings of less than $1,000.00 during the two taxable years prior to the displacement of the principal location of the business. Such a remaining facility will not be considered another "establishment" for purposes of this Section.

(c) Determination of Number of Businesses. In determining whether one or more legal entities, all of which have been acquired, constitute a single business, the following factors among others shall be considered:

(1) The extent to which the same premises and equipment are shared.

(2) The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled.

(3) The extent to which such entities are held out to the public, and to those customarily dealing with such entities, as one business.

(4) The extent to which the same person or closely related persons own, control or manage the affairs of the entities.

(d) Requirements - Farms. In the case of a farm operation, no payment shall be made under this section unless the University determines that the farm met the definition of a farm operation prior to its acquisition. If the displacement is limited to only part of the farm operation, the operator will be considered to have been displaced from a farm operation if: the part taken met the definition of a farm operation prior to the taking and the taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

(e) Requirements - Nonprofit Organizations. In the case of a nonprofit organization, no payment shall be made under this section unless the University determines that~~:~~

~~(e)~~

(1) The nonprofit organization 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) The nonprofit organization 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.

~~(f)~~ Net Earnings. The term "average annual net earnings" as used in this section means one-half of any net earnings of the business or farm operation, before federal and state income taxes, during the ~~two (~~2~~)~~ taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for such project, or during such other period as the University determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his or her spouse or his or her dependents during such period. The term "owner" as used in this

(f) section includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the University. For purposes of determining a principal stockholder, stock held by a spouse wife and dependent children shall be treated as one unit.

(g) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this section, he or she shall provide proof of his or her earnings from the business or farm operation to the ~~Agency concerned.~~University. Proof of earnings may be established by income tax returns, financial statements and accounting~~.~~

~~(g)~~ records or similar evidence acceptable to the University.

3.12 Replacement Housing Payments for Homeowners~~.~~

(a) General. The University shall make to a displaced person who is displaced from a dwelling ~~and~~ who satisfies ~~the pertinent eligibility requirements of section 3.3 and~~ the conditions of subsection (b) of this section, a payment not to exceed a combined total of $22,500.00[1] (as such amount may be changed by State law from time to time) for:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost, as determined in accordance with subsection (c), of a comparable replacement dwelling. This amount shall not exceed the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling, except where a displaced person, in the circumstance described in paragraph ~~(1)~~ 3.15 (a)(1), is willing to use the extra money to improve the condition of the dwelling.

(2) The amount, if any, to compensate the displaced person for any increased interest costs, as determined in accordance with subsection (c), he or she is required to pay for financing the acquisition of a replacement dwelling. The payment shall not be made unless the dwelling acquired by the University was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for acquisition of such dwelling. (This time requirement may be modified in accordance with the provisions of subsection (b) below.)

(3) Reasonable expenses, determined in accordance with subsection (c) of this section, incurred by the displaced person incident to the purchase of the replacement dwelling.

(4) In accordance with section 3.15, the cost of rehabilitating a dwelling which does not satisfy the decent, safe and sanitary standard.

(b) Eligibility Conditions.

(1) A displaced person is eligible for payment under this section if such person: ~~person:~~

~~(A)~~A. Is displaced from a dwelling that is acquired;

B. Has actually owned and occupied such dwelling for not less than 180-

[1] The limitation on replacement housing payments to tenants and homeowners is only applicable if the displaced person can be relocated to comparable replacement dwellings within that person's financial means as set forth in Section 1.5(c)(5). If a comparable replacement dwelling is not available within the displaced person's financial means, the displaced person is eligible for last resort housing, including payments that exceed the $22,500 in accordance with Section 4.11(b)(1).

~~(B)~~ days prior to the initiation of negotiations for its acquisition; and

~~(C)~~C. Purchases and occupies a replacement dwelling within one year subsequent to the date on which he or she received final payment from the University of all costs of the acquired dwelling or the date on which he or she moves from the acquired dwelling, whichever is later.

(2) If an owner satisfies all but the 180 day requirement and can establish to the satisfaction of the University that he or she bought the dwelling with the intention of making it his or her place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits, and that he or she neither knew nor should have known that a public acquisition was intended the University may reduce the requirement as necessary.

(3) Where for reasons beyond the control of the displaced person completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the University shall determine the date of occupancy to be the date the displaced person enters into a contract for such construction, rehabilitation, or relocation or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed.

(4) Where, for reasons of hardship or circumstances beyond the control of the displaced person, such person is unable to occupy the replacement dwelling by the required date, the University may extend the deadline as necessary. If by the deadline the displaced person has contracted to purchase a replacement dwelling, the University should extend the deadline.

(5) No person otherwise eligible for a payment under this section or under section 3.13 shall be denied such eligibility as a result of his or her being unable, because of a major state or national disaster, to meet the occupancy requirements.

(c) Computation of Replacement Housing Payment.

(1) Cost of Comparable Replacement Dwelling.

~~(A)~~A. In determining the reasonable cost of a comparable replacement dwelling, the University ~~concerned~~ shall use one of the following methods:

1. Comparative Method. On a case-by-case basis by

determining the listing price of dwellings which have been selected by the University and which are most representative of the acquired dwelling unit and meet the definition of comparable replacement dwelling set out in subsection 1.5(c). Whenever possible the listing price of at least three comparable replacement dwellings shall be considered.

2. Schedule Method. Where the University determines that the comparative method is not feasible, it may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings. The schedule shall be-

~~2.~~ based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas this analysis may be confined to the sub-area from which persons are displaced or may cover several different sub-areas, if they satisfy or exceed the criteria listed in subsection 1.5(c). To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of bedrooms, and price ranges.

3. Alternative Method. Where the University determines that neither the schedule, nor comparative method is feasible in a given situation, by the use of another reasonable method.

~~(B)~~B. Whichever method is selected the cost shall be updated to within ~~three (~~3~~)~~ months of the date of purchase of the replacement dwelling.

(2) Interest Payments. Interest payments shall be equal to the discounted present value of the difference between the aggregate interest applicable to the amount of the principal of the mortgage on the acquired dwelling over its remaining term at the time of acquisition, and other debt service costs, and the aggregate interest paid on the mortgage on the replacement dwelling, and other debt service costs. The term and amount of the mortgage on the replacement dwelling for purposes of this paragraph shall be the lesser of the remaining term and amount of the mortgage on the acquired dwelling, or the actual term and amount of the mortgage on the replacement dwelling.

The amount of the debt service cost with respect to the replacement dwelling shall be the lesser of the debt service cost based on the cost required for a comparable replacement dwelling, or the debt service cost based on the actual cost of the replacement dwelling.

Prepaid interest or "points" shall be considered in the determination of aggregate interest.

In calculating the amount of compensation, increased interest cost shall be reduced to discounted present value using the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3) Expenses Incident to the Purchase of the Replacement Dwelling. Payment under this section shall include the amount necessary to reimburse the displaced person for actual costs incurred by him or her incident to the purchase of the replacement dwelling, including but not limited to the following: legal, closing, and related costs including title search, preparing conveyance

contracts, notary fees, surveys, preparing drawings or plats, and charges paid-

~~(3)~~ incident to recordation; lender, FHA, VA or similar appraisal costs; FHA, VA or similar application fee; cost for certification of structural soundness; credit report charges; charges for owner's and mortgagee's evidence or assurance of title; escrow agent's fee; and sales or transfer

taxes. Payment for any such expenses shall not exceed the amount attributable to the purchase of a comparable replacement dwelling. Such expenses shall be reasonable and legally required or customary in the community.

Reimbursement shall not be made under the provisions of this paragraph for any fee, cost, charge, or expense which is determined to be a part of the debt service or finance charge under Title I of the Truth in Lending Act (Pub. L. 90-321), and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System. Any such sum should be considered in the determination of interest payments.

(d) Multi-family Dwelling. In the case of a displaced homeowner who is required to move from a one-family unit of a multi-family building which he or she owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multi-family building of approximately the same density or if that is not available in a building of the next less density, or, if a comparable one-family unit in such a multi-family building is not available, the cost of an otherwise comparable single-family structure.

(e) Owner Retention.

(1) If a displaced homeowner elects to retain, move, and occupy his or her dwelling, the amount payable under this section is the difference between the acquisition price of the acquired property and the sum of the moving and restoration expenses, the cost of correcting decent, safe, and sanitary deficiencies, if any, and the actual purchase price of a comparable relocation site. The University may limit the payment made under this subsection to the amount of the replacement housing payment for which the homeowner would otherwise be eligible.

(2) The payment shall not exceed $22,500~~.~~ (as such amount may be changed by State law from time to time).

(f) Provisional Payment Pending Condemnation. If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the University may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the University's maximum offer for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement that upon final adjudication of the condemnation suit the replacement housing payment will be~~-~~

~~(f)~~ recomputed on the basis of the acquisition price determined by the court. If the acquisition price as determined by the court is greater than the maximum offer upon which the provisional replacement housing payment is based, the difference will be refunded by the homeowner to the University. If the acquisition price as determined by the court is less than the maximum offer upon which the provisional replacement housing payment is based, the difference will be paid to the homeowner.

~~(g)~~ Lease of Condominium. For the purposes of this section, the leasing of a condominium for a 99-year period, or for a term which exceeds the life expectancy of the displaced person as determined by the most recent life tables in Vital Statistics of the United States, as published by the Center for Disease Control of the Department of Health, and Human Services, shall be deemed a purchase of the condominium.

~~States, as published by the Public Health Service of the Department of Health, Education and Welfare, shall be deemed a purchase of the condominium.~~

3.13 Replacement Housing ~~Payments~~Payment for Tenants and Certain Others~~.~~

(a) General. The University shall make to a displaced person who satisfies the ~~eligibility requirements of section 3.3 and the~~ conditions of subsection (b) below, a payment not to exceed $5,250.00 (as such amount may be changed by State law from time to time)[2] for either:

(1) An amount, computed in accordance with paragraph (d)(1) of this section, necessary to enable such person to lease or rent a replacement dwelling for a period not to exceed forty-two (42) months; or

(2) An amount, computed in accordance with paragraph (d)(2) of this section, necessary to enable such person to make a down payment on the purchase of a replacement dwelling (including incidental expenses described in section 6102).

(b) Eligibility Conditions. A displaced person is eligible for the payments specified in subsection (a) if he or she satisfies the following conditions:

(1) Has occupied the dwelling from which he or she is displaced for a period of not less than 90 days prior to the initiation of negotiation for acquisition of such dwelling.

(2) Is not eligible to receive a replacement housing payment for homeowners under section 3.12 or elects not to receive such payment. Where the displaced person is the owner-occupant of the dwelling, the payment made~~.~~

[2] The limitation on replacement housing payments to tenants and homeowners is only applicable if the displaced person can be relocated to comparable replacement dwellings within that person's financial means as set forth in Section 1.5(c)(5). If a comparable replacement dwelling is not available within the displaced person's financial means, the displaced person is eligible for last resort housing, including payments that exceed the $5,250 in accordance with Section 4.11(b)(1).

~~(2)~~ under paragraph 3.13(a)(2) shall not exceed the amount of payment to which the person would be eligible under section 3.12.

(3) Whenever a payment under subsection (a)(2) is sought the displaced person shall within one year from the date of displacement purchase and occupy a replacement dwelling.

(c) The provisions in subsection 3.12(b) for modifying the conditions of eligibility also apply to this section.

(d) Computation of Payment.

(1) Rentals. The amount of payment necessary to lease or rent a comparable replacement dwelling, under subsection (a)(1), shall be computed by subtracting 42 times the base monthly rental of the displaced person (as determined in accordance with this subsection), from 42 times the monthly rental for a comparable replacement dwelling (as determined in accordance with this subsection): Provided, that in no case may such amount exceed the difference between 42 times the base monthly rental as determined in accordance with this subsection and 42 times the monthly rental actually required for the replacement dwelling occupied by the displaced person.

A. Base Monthly Rental. The base monthly rental shall be the lesser of the average monthly rental paid by the displaced person for the three- ~~(A)~~ (3) month period prior to initiation of negotiations or 30 percent of the displaced person's average monthly income. (See subsection 1.5(k).) Where the displaced person was the owner of the dwelling from which he or she was displaced or was not required to pay rent for that dwelling, the economic rent (see subsection 1.5(g)) shall be used in lieu of the average monthly rental to calculate base monthly rental.

~~(B)~~B. Comparable Rental. The monthly rental for a comparable replacement dwelling shall be the amount of rent determined by the University by one of the methods described in paragraph 3.12 (c)(1), considering rental charges instead of listing price or acquisition cost.

~~(C)~~C. Whichever method is selected the cost shall be updated to within three (3) months of the date of rental of the replacement dwelling.

(2) Downpayment. The down payment for which a payment specified under paragraph (a)(2) of this section may be made, shall not exceed the amount of a reasonable down payment for the purchase of a comparable replacement dwelling where such purchase is financed, plus expenses-

~~(2)~~ incident to the purchase of a replacement dwelling computed in accordance with Section 3.12. The full amount of a down payment under this section shall be applied to the purchase of the replacement dwelling and shall be shown on the closing statement or other document acceptable to the University.

(e) Rental Payments for Displaced Owners and Dependents.

(1) Owners. A displaced owner who elects to rent rather than purchase a replacement dwelling and who meets the eligibility conditions specified in subsection (b) is eligible for the payment specified in paragraph (a)(1).

(2) Dependents. ~~A dependent who is residing separate and apart from the person or family providing support, whether such separate residence is permanent or temporary, shall be entitled to payment under this section, but such payment shall be limited to the period during which the displaced dependent resides in the replacement dwelling. At the time the displaced dependent vacates that dwelling, no further payment under this section shall be made to such person. For the purposes of this paragraph a "dependent" shall be a person who derives fifty-one percent or more of his or her income in the form of gifts from any private person or any academic scholarship or stipend. Fulltime students shall be presumed to be dependents but may rebut this presumption by demonstrating that fifty percent or more of their income is derived from sources other than gifts from another private person or academic scholarships or stipends. Dependents residing with the family of which they are a part shall not be entitled to any payment except as a part of the family~~A dependent who is residing separate and apart from the person or family providing support shall be entitled to relocation in accordance with the State Guidelines.

(f) Disbursement. Except where specifically provided otherwise, the University shall have the authority to disburse payments under this section in a lump sum, monthly or at other intervals acceptable to the displaced person.

3.14 Proration of Payments~~.~~

~~3.14~~ For the purpose of calculating an alternate payment under section 3.10 or a replacement housing payment under section 3.12 or 3.13, two or more individuals (whether they are members of one family or not) living together in and displaced from a single dwelling shall be regarded as one person.

Where a tenant is sharing a single-family 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 supplement otherwise payable. The owner-occupant shall not be required to share the payment to which he or she is entitled or accept a prorated amount.

3.15 Condition of Replacement Dwelling~~.~~

~~3.15~~

(a) When a displaced person qualifies for a replacement housing payment (under section 3.12 or 3.13) by purchasing or renting a replacement dwelling, the unit, as a general rule, must be decent, safe and sanitary. There are three exceptions. One is described in paragraph 2.5(a)(6). The others are:

(1) If the purchase of such a dwelling is the result of the University's failure to identify a reasonable number of comparable replacement dwellings as required or if the dwelling is one to which the person was referred by the University, the condition of the dwelling does not ~~effect~~affect eligibility for a ~~replacement housing payment.~~

replacement housing payment.

(2) If the purchase of such a dwelling is not the result of a University's referral or failure to refer, the otherwise eligible person qualifies for a replacement housing payment if the unit is brought into compliance with the decent, safe and sanitary standard. In this situation payment shall be limited to the amount that would be provided in connection with the purchase of a similar, comparable replacement dwelling or the sum of the actual costs of acquisition (including related expenses) and rehabilitation, whichever is less.

(b) The University shall not induce or encourage a displaced person to acquire a dwelling which does not satisfy the comparable replacement ~~housing~~dwelling standard. (See section 1.5(c).)

3.16 Certificate of Eligibility~~.~~

~~3.16~~ Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a replacement dwelling, but who is otherwise eligible for a replacement housing payment, the University shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he or she purchases and occupies a dwelling within the time limits prescribed.

3.17 Manufactured Homes and Mobilehomes~~.~~

(a) General. A manufactured home or mobilehome is a dwelling. A person displaced from a manufactured home or mobilehome must satisfy the same eligibility requirements and must be provided the same assistance, assurance and payments as a person displaced from a conventional dwelling.

~~(b)~~ Moving Expenses. If a manufactured home or mobilehome is moved to another site, the displaced person shall be compensated for moving expenses in accordance with sections

(b) 3.6 and 3.7. The provisions of these sections which generally apply only to businesses and farms shall also apply to displaced persons who move a manufactured home or mobilehome.

(c) Replacement Housing Payments.

(1) A person who owns a manufactured home or mobilehome and site and as a replacement purchases both a dwelling and site shall be provided a replacement housing payment in accordance with section 3.12 A person who owns a manufactured home or mobilehome and site, and as a replacement rents both a dwelling and site, shall be provided a payment in~~-~~

~~(1)~~ accordance with section 3.13.

(2) A person who rents a manufactured home or mobilehome and site, and as a replacement rents or purchases a dwelling and site, shall be provided a payment in accordance with section 3.13.

(3) A person who owns a manufactured home or mobilehome and site, and as a replacement purchases a dwelling and rents a site, shall be provided a payment in accordance with sections 3.12 and 3.13. The payment shall be limited to the lesser of:

~~(A)~~A. The amount necessary to purchase a conventional comparable replacement manufactured home or mobilehome; or

~~(B)~~B. The amount necessary to purchase a replacement manufactured home or mobilehome (in accordance with section 3.12) plus the amount necessary to rent a replacement site (in accordance with section 3.13). In calculating this amount, the economic rent for the site shall be used in lieu of average monthly rental to determine the base monthly rental (as provided in paragraph 3.13(d)(1)).

(4) A person who owns a site from which he or she moves a manufactured home or mobilehome shall be provided a replacement housing payment under section 3.12 if he or she purchases a replacement site and under section 3.13 if he or she rents a replacement site.

(5) A person who owns a manufactured home or mobilehome which is acquired and rents the site shall be provided payment as follows:

~~(A)~~A. If a manufactured home or mobilehome, as appropriate, is not available the amount required to purchase a conventional replacement dwelling (in accordance with section 3.12);

~~(B)~~B. The amount necessary to purchase a replacement manufactured home or mobilehome (in accordance with section 3.12) plus the amount necessary to lease, rent or make a downpayment on a replacement site (in accordance with section 3.13); or

~~(C)~~C. If he or she elects to rent a replacement manufactured home or mobile home and site, the amount required to do so in accordance with section 3.13. In calculating this payment, the average monthly rental shall equal the economic rent for the manufactured home or mobilehome plus the actual rent for the site.

(6) Similar principles shall be applied to other possible combinations of ownership and tenancy upon which a claim for payment might be based.

ARTICLE 4~~.~~ LAST RESORT HOUSING~~.~~

4.1 Purpose~~.~~

~~4.1~~ The purpose of this part is to set forth the criteria and procedures for assuring that if the action of the University results, or will result in displacement, and comparable replacement ~~housing~~dwellings will not be available as needed, the University shall use its funds or funds authorized for the project to provide such housing.

4.2 Determination of Need for Last Resort Housing~~.~~

~~4.2~~ If on the basis of data derived from surveys and analyses which satisfy the requirements of sections 2.~~9~~8 and 2.~~11~~10, the University is unable to demonstrate that comparable replacement ~~housing~~dwellings will be available as required, the President or his or her designee shall determine whether to use the University's funds or the funds authorized for the project to provide such necessary replacement housing or to modify, suspend or terminate the project or undertaking.

4.3 Development of Replacement ~~Housing~~ Plan~~.~~

(a) General.

(1) Following the determination pursuant to section 4.2, the President or his or her designee shall develop or cause to be developed a replacement housing plan to produce a sufficient number of comparable replacement dwellings. The plan shall specify how, when and where the housing will be provided, how it will be financed and the amount of funds to be diverted to such housing, the prices at which it will be rented or sold to the ~~families and individuals to be~~ displaced persons, the arrangements for housing management and social services as appropriate, the suitability of the location and environmental impact of the proposed housing, the arrangements for maintaining rent levels appropriate for the displaced persons ~~to be rehoused~~, and the disposition of proceeds from rental, sale, or resale of such housing. If a referendum requirement or zoning presents an obstacle, the issue shall be addressed.

(2) All contracts and subcontracts for the construction, rehabilitation or management of last resort housing shall be let without discrimination as to race, sex, sexual orientation, marital status, color, religion, national origin, ancestry or other arbitrary circumstance and pursuant to an affirmative action program. The University shall encourage participation by minority persons in all levels of construction, rehabilitation, planning, financing and management of last resort housing. When the housing will be located in an-

~~(2)~~ area of minority concentration, the University shall seek to secure significant participation of minorities in these activities. The University shall require that, to the greatest extent feasible, opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of last resort housing be given to persons of low income residing in the area of such housing and shall determine and implement means to secure the participation of small businesses in the performance of contracts for such work.

(b) Citizen Participation.

(1) If the need for last resort housing exceeds 25 units, the President or his or her designee shall establish a committee which will consult with and provide advice and assistance to the University in the development of the plan. The committee should include appointed representatives of the University and state and local agencies knowledgeable regarding housing in the area, including but not limited to the local housing authority. In addition, the committee should include representatives of other appropriate public groups (for example, local and area wide planning agencies) and private groups knowledgeable regarding housing and the problems of housing discrimination.

(2) The committee shall include representatives of ~~the residents to be~~ displaced persons. These representatives may be appointed by the ~~displacing entity~~President or his or her designee or elected by the residents, as the residents wish. Resident representatives shall, at a minimum, constitute one-third of the committee membership. Votes shall be allocated so that the total votes of resident representatives shall equal one-half of the total votes of the committee membership.

(3) The plan must be approved by the vote of a simple majority of the committee membership. In the event the committee fails to approve the plan, the President or his or her designee may approve the plan.

(c) Consultation with Other Housing Agencies and Organizations. The University may consult or contract with the Department, a local housing authority, or other agency or organization having experience in the administration or conduct of housing programs to provide technical assistance and advice in the development of the replacement housing plan.

4.4 Submission ~~of~~ Plan for Comment~~.~~

The University shall submit the plan and all significant amendments to the local housing and planning agencies for comment and to assure that the plan accurately reflects housing-

~~4.4~~ conditions and needs in the relocation area. Reviewing agencies shall have 30 calendar days following receipt of the plan to prepare their comments. Copies of all comments received shall be forwarded to the committee and available to all interested persons.

General notice of the plan shall be provided. Notice shall be designed to reach the residents of the relocation area; it shall be in accordance with the provisions of paragraph 2.~~8~~7(a)(3**)** and subsection 2.~~8~~7(b); and it shall be provided 30 days prior to submission to the committee, or the President or his or her designee for approval.

4.5 Determination by University of Feasibility and Compliance~~.~~

~~4.5~~ Upon receipt and consideration of the comments, the President or his or her designee shall determine whether or not:

(a) The plan is feasible.

(b) The plan complies with applicable environmental standards and procedures.

(c) The plan is compatible with the local general plan and housing element and the area wide housing plan or strategy

If any of the above determinations is negative the University shall revise the plan as necessary. Substantial modifications in the plan shall be submitted for review and comment as provided in section 4.4. If necessary for timely implementation of the plan or execution of the project, the President or his or her designee may shorten the time allowed in section 4.4 for review of modifications.

4.6 Implementation of the Replacement Housing Plan~~.~~

~~4.6~~ Upon making the determinations required by section 4.5, the University may expend funds and take such other actions as necessary to provide, rehabilitate, or construct replacement housing pursuant to the approved replacement housing plan through methods including but not limited to the following:

(a) Transfer of funds to state and local housing agencies.

(b) Contract with organizations experienced in the development of housing.

(c) Direct construction by the University.

Whenever practicable, the University should utilize the services of federal, state, or local housing agencies, or other agencies having experience in the administration or conduct of similar housing programs.

4.7 Housing Production~~.~~

~~4.7~~ The President or his or her designee shall monitor the production of the last resort housing to ensure that it is in accordance with the plan.

4.8 Jointly Sponsored Development~~.~~

~~4.8~~ Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought for joint development and financing to aggregate resources in order most efficiently to provide replacement housing in sufficient quantity to satisfy the aggregate needs of such programs.

4.9 Last Resort Housing In Lieu of Payments~~.~~

~~4.9~~ The University shall not require a displaced person to accept a dwelling provided pursuant to this Article in lieu of the displaced person's acquisition payment, if any, for the real property from which he or she is displaced or the relocation payments for which he or she may be eligible.

4.10 Conformity with the Act and Other ~~Statutes~~Substances, Policies and Procedures~~.~~

(a) Civil Rights and Other Acts. The administration of this Article shall be in accordance with the provisions of all applicable federal and state non-discrimination laws and regulations issued pursuant thereto.

(b) Dwelling and Relocation Standards. Determinations made pursuant to section 4.2 and any plan developed and implemented for providing replacement housing and all such housing provided thereunder shall be in conformity with the standards established in the Act, the Guidelines and this Policy.

4.11 Last Resort Housing~~.~~

(a) Whenever comparable replacement dwellings are not available, or are not available within the monetary limits of Government Code sections 7263 or 7264, as appropriate, the University shall provide additional or alternative assistance under the provisions of this part.

(b) The methods of providing replacement housing of last resort include, but are not limited to:

(1) A replacement housing payment calculated in accordance with the provisions of sections 3.12 or 3.13, as appropriate, even if the calculation is in excess of the monetary limits of Government Code sections 7263 and 7264. A rental assistance payment under this part shall be paid to the displaced person in a lump sum, or at the discretion of the University, $5,250.00 shall be paid to the displaced person in a lump sum upon displacement and the remainder of the payments shall be paid to the ~~displacee~~displaced person in periodic payments over a period not to exceed (42) months unless otherwise specified by statute.

(2) Major rehabilitation of and/or additions to an existing replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under subsection (b)(1).

(3) The construction of a new replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under subsection (b)(1) of this section.

(4) The relocation and, if necessary, rehabilitation of a dwelling.

(5) The purchase of land and/or a replacement dwelling by the University and subsequent sale or lease to, or exchange with a displaced person.

(6) For purposes of accommodating the needs of handicapped persons, the removal of barriers to the handicapped.

(c) Only at the discretion of the University are post-acquisition tenants entitled to last resort housing payments.

ARTICLE 5. GRIEVANCE PROCEDURES

Purpose.

5.1 PURPOSE

5.1 The purpose of this article is to set forth guidelines for processing appeals from University determinations as to eligibility, the amount of payment, and for processing appeals from persons aggrieved by a University's failure to refer them to comparable permanent or adequate temporary replacement housing.

5.2 Right of Review.

5.2 Any complainant, that is any person who believes himself or herself aggrieved by a determination as to eligibility, the amount of payment, the failure of the University to provide comparable permanent or adequate temporary replacement housing may, at his or her election, have his or her claim reviewed and reconsidered by the President of the University or his or her authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in this article, as supplemented by the procedures the University shall establish for such review and reconsideration.

5.3 Notification to Complainant.

5.3 If the University denies or refuses to consider a claim, the University's notification to the complainant of its determination shall inform the complainant of its reasons and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English in accordance with section 2.8.

shall be printed in a language other than English in accordance with section 2.7.

5.4 Stages of Review by a University~~.~~

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

~~(b)~~ Informal Oral Presentation. A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed within the period described in subsection (d) of this section, and within 15 days of the request the University shall afford the complainant the opportunity to make such presentation. The complainant may be represented by an attorney or other person of his or her choosing. This oral presentation shall enable the complainant to discuss the claim with the President of the University or his or her designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The President or his or her designee shall make a summary of the matters discussed in the oral presentation to be

(b) included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.

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

(d) Time Limit for Requesting Review. A complainant desiring either an informal oral presentation or seeking a formal review and reconsideration shall make a request for such review to the University within eighteen (18) months following the date he or she moves from the property or the date he or she receives final compensation for the property, whichever is later.

5.5 Formal Review and Reconsideration by the University.

(a) General. The University shall consider the request for review and shall decide whether a modification of its initial determination is necessary. This review shall be conducted by the President or an authorized, impartial designee. (The designee may be a committee). A designee shall have the authority to revise the initial

~~(a)~~ determination or the determination of a previous oral presentation. The President or designee shall consider every aggrieved person's complaint regardless of form, and shall, if necessary provide assistance to the claimant in preparing the written claim. When a claimant seeks review, the University shall inform the claimant that the claimant has the right to be represented by an attorney at the claimant's expense, to present the claimant's case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, 'and to seek judicial review once the claimant has exhausted administrative appeal.

(b) Scope of Review. The University shall review and reconsider its initial determination of the claimant's case in light of:

(1) All material upon which the original determination was based including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness.

(2) The reasons given by the claimant for requesting review and reconsideration of the claim.

(3) Any additional written or relevant documentary material submitted by the claimant.

~~claimant.~~

(4) Any further information which the University in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

(c) Determination on Review by University.

(1) The determination on review by the University shall include, but is not limited to: ~~limited to:~~

~~(A)~~A. The University's decision on reconsideration of the claim.

~~(B)~~B. The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale.

~~(C)~~C. A statement to the claimant of the right to further administrative appeal, if the University has such an appeal structure, or if not, a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought.

(2) The determination shall be in writing with a copy provided to the claimant. ~~claimant.~~

(d) Time Limits.

(1) The University shall issue its determination of review as soon as possible but no later than 6 weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later.

(2) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the University shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than 2 weeks from receipt of the last material submitted by the claimant or the date of the hearing, whichever is later.

5.6 Refusals to Waive Time Limitation.

~~5.6~~ Whenever the University rejects a request by a claimant for a waiver of the time limits provided in section 3.5, a claimant may file a written request for review of this decision in accordance with the procedures set forth in sections 5.4 and 5.5, except that such written request for review shall be filed within 90 days of the claimant's receipt of the University's determination.

5.7 Extension of Time Limits.

~~5.7~~ The time limits specified in section 5.4 may be extended for good cause by the University.

5.8 Recommendations by Third Party.

~~5.8~~ Upon agreement between the claimant and the University, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the President or his or her designee for his or her final

determination. In reviewing the claim and making recommendations to the President or his or her designee, the third party or parties shall be guided by the provisions of this Article.

5.9 Review of Files by Claimant.

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

5.10 Effect of Determination on Other Persons.

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

5.11 Right toof Counsel.

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

5.12 Stay of Displacement Pending Review.

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

5.13 Joint Complainants.

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

5.14 Judicial Review.

5.14 Nothing in this Article shall in any way preclude or limit a claimant from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available under this Article.

III. COMPLIANCE/ / RESPONSIBILITIES

In July 1974, The Regents approved University of California relocation regulations and authorized the President to implement those regulations. The regulations were amended in 1977, and on January 15, 2004, the Regents delegated to the President the authority to further amend the regulations, subject to the concurrence of the Chair of the Board and the Chair of the Committee on Finance. In order to facilitate stakeholders' access to the updated regulations, they are published and administered as this University of California Relocation Assistance Act Policy for Real Estate Acquisitions and Leases.

Effective with the publication of this Policy, the President's authority to implement the Policy, including any provisions requiring the President's approval, is delegated to the Chancellors, the Executive Vice President-Chief Operating Officer, the Director-Lawrence Berkeley National Laboratory, and the Vice President-Agricultural and Natural Resources, ("Responsible Officers") within their respective jurisdictions. Each Responsible Officer may ~~redelegated~~redelegate this authority.

IV. PROCEDURES

Not Applicable

~~IV.~~V. RELATED INFORMATION

~~Attachment A: Minimum Contents of Informational Statement(s)~~

Not Applicable

VI. FREQUENTLY ASKED QUESTIONS

Not Applicable

~~V.~~VII. REVISION HISTORY

July 1974: The Regents approved "University of California Relocation Regulations" and authority the President to implement those regulations.

June 1977: The Regents approved "Revised University of California Relocation Regulations" and authorized the President to implement those regulations.

January 2004: The Regents delegated to the President, subject to the concurrence of the Chair of the Board and the Chair of the Committee on Finance, the authority to update and amend, from time to time as necessary, the revised University of California Relocation Regulations.

May 2013: The Regents, in an action by concurrence, approved the updated "University of California Relocation Assistance Act Policy for Real Estate Acquisitions and Leases."

May 2015, Technical Update – Updated title of Responsible Officer and Responsible Office in connection with UCOP reorganization.

VIII. APPENDIX

Attachment A: Minimum Contents of Informational Statement(s)

	For Distribution To	
	~~Displaced Persons~~	~~Business Concerns and Others~~

		Displaced Persons	Business Concerns and Others
1.	General description of the nature and types of activities that will be undertaken, including an identification of areas which may involve displacement. A diagrammatic sketch of the project area should be attached	X	X
2.	Statement that public action may result in displacement but that no one lawfully occupying property will be required to surrender possession without at least 90 days' written notice from the University and no one will be required to move until 90 days after the provision of information.	X	X
3.	Assurance that families and individuals will not be required to move before reasonable offers of decent, safe, and sanitary and otherwise comparable housing within their financial means have been made, except for the causes set forth in the local agency's eviction policy (which shall be in accordance with section ~~6058~~2.13.)	X	
4.	General description of types of relocation payments available, including general eligibility criteria and a caution against premature moves that might result in loss of eligibility for a payment.	X	X
5.	Identification of the University's relocation program and a description of the relocation services and aids that will be available.	X	X
6.	Encouragement to visit the agency's relocation office and cooperate with the staff. The address, telephone #, and hours of the relocation office should be specified.	X	X
7.	Information on replacement housing, including: a. Brief description of what constitutes comparable replacement housing, including physical standards. b. Laymen's description of Federal fair housing law (Title VIII Of Civil Rights Act Of 1968), and applicable State and local fair housing laws, as well as rights under Title IV of the Civil Rights Act of 1964. c. Statement that the University (or its agent) will identify comparable replacement dwellings within the financial means of and otherwise available to displaced persons and will provide assistance to persons in obtaining housing of their choice, including assistance in the referral of complaints of discrimination to the appropriate Federal, State or local fair housing enforcement agency. d. Statement that persons may seek their own housing accommodations and urging them, if they do so, to notify the relocation office prior to making a ~~d.~~ commitment to purchase or occupy the property	X	
8.	Statement that the University will provide maximum assistance in locating relocation accommodations, including consultation with the Small Business Administration and other governmental agencies which might be of assistance.		X
9.	Statement describing requirement for prior notification to the agency of the business concern's intention to move.		X
10.	Summary of the local agency's eviction policy, which shall be in accordance with the provisions of section 2.~~14~~13.	X	X
11.	Statement describing the agency's grievance procedure, its purpose, and how it may be **used,** which procedure shall be in accordance with the provisions of Article 5.	X	X

Relocation Assistance Act Policy for Real Estate Acquisitions and Leases

Responsible Officer:	Associate Director, Real Estate Services & Strategies
Responsible Office:	Real Estate Services & Strategies
Issuance Date:	[The date of issuance by the President]
Effective Date:	[The date that the Policy is first enforceable]
Scope:	This specific policy applies to all locations within California under the jurisdiction of The Regents of the University of California. For relocation requirements outside of California, consult the Office of General Counsel.

Contact:	Jacob Lavin
Title:	Associate Director
Email:	jacob.lavin@ucop.edu
Phone:	(510) 987-0525

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I. POLICY SUMMARY

Section 7260 et seq. of the California Government Code ("California Relocation Assistance Law") requires that all public entities adopt rules and regulations to administer relocation assistance and to implement the payments under the provision of the Code (Section 7267.8). The rules and regulations are to conform to the *Relocation Assistance and Real Property Acquisition Guidelines* ("Guidelines") adopted by the California Department of Housing and Community Development.

The University of California's *Relocation Assistance Act Policy for Real Estate Acquisitions and Leases* (Policy) is intended to implement the intent of the California Relocation Assistance Law and Guidelines.

The Policy applies to situations where persons or businesses ("Persons") are required to vacate occupancy of property as a result of lease or acquisition or other displacing activity by The Regents, including, but not limited to, the acquisition, leasing, demolition, or rehabilitation of property by the University. Such persons are referred to as "Displaced Persons." Subject to the conditions established herein, a Displaced Person does not include:

- Any person who has been determined to be in unlawful occupancy
- Any person who moved in after the Regents acquired or leased the property
- Any person who occupied the property for the purpose of obtaining relocation benefits and assistance
- Any University-affiliated resident and their family members, who is required to move pursuant to the terms of a lease or rental agreement that allows the University or landlord to move or transfer the University-affiliated resident to another replacement dwelling
- Any University-affiliated resident and their family members who is required to move because such resident's affiliation with the University has terminated
- A University-affiliated resident and their family members occupying a University-owned residential property, or a dwelling that serves University-affiliated residents, provided that no displacement occurs during the term of the rental agreement
- A person who is not required to move permanently or temporarily as a result of the University acquisition or project
- An owner-occupant who moves as a result of offering the property for sale

The Policy outlines the University's compliance requirements, including:

- Providing a comprehensive relocation assistance program;
- Ensuring Displaced Persons receive guidance, timely notice, and access to comparable replacement housing before displacement or assistance in finding alternative business property, along with support services to minimize hardship; and
- Financial compensation available to eligible Displaced Persons, including payments for moving expenses, property losses, business reestablishment, and housing cost differences, along with rules for eligibility, documentation, and claims.

The foregoing executive summary is intended only to provide a high level summary of the policy terms, but in no event replaces or supersedes the terms and conditions set forth in the policy itself, which terms and conditions shall govern in any event of conflict between

the executive summary and the policy itself.

II. DEFINITIONS

The following terms shall mean:

(a) Acquisition. Obtaining ownership or possession of property for public use by lawful means. Acquisition does not include taking possession of property that is returned to the University at the expiration or early termination of a lease.

(b) Business. Any lawful activity, except a farm operation, provided such lawful activity is not in an unlawful occupancy as defined in subsection (t), conducted primarily:

(1) For the purchase, sale, lease, or rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purpose of a moving expense payment (see section 3.6), for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

(c) Comparable Replacement Dwelling. A dwelling which satisfies each of the following standards:

(1) Decent, safe and sanitary (as defined in subsection (d)), and comparable to the acquired dwelling with respect to number of rooms, habitable living space and type and quality of construction, but not lesser in rooms or living space than is necessary to accommodate the displaced person so that the displaced person is not overcrowded.

(2) In an area not subjected to unreasonable adverse environmental conditions from either natural or manmade sources, and not generally less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and neighborhood conditions, including schools and municipal services, and reasonably accessible to the displaced person's present or potential place of employment; provided that a potential place of employment may not be used to satisfy the accessibility requirement if the displaced person objects. The replacement dwelling need not be generally as desirable as the acquired dwelling with respect to environmental characteristics. Though a displaced person does

not have to accept a dwelling subject to unreasonable adverse environmental conditions, neither is the University required to duplicate environmental characteristics, such as scenic vistas or proximity to the ocean, lakes, rivers, forests or other natural phenomena. If the displaced person so wishes, every reasonable effort shall be made to relocate such person within or near to his or her existing neighborhood. Whenever practicable the replacement dwelling shall be reasonably close to relatives, friends, services or organizations with whom there is an existing dependency relationship.

(3) Available on the private market to the displaced person and available to all persons regardless of race, color, sex, marital status, religion, or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968 or any other applicable state or federal anti-discrimination law.

(4) To the extent practicable and where consistent with paragraph (c)(1) of this section, functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(5) Within the Financial Means of the Displaced Person. A replacement dwelling is within the financial means of a displaced person if the monthly rental cost (including utilities and other reasonable recurring expenses) minus any replacement housing payment available to the person (as provided in sections 3.13) does not exceed thirty percent (30%) of the person's average monthly income (as defined in subsection (k)). For homeowners; a replacement dwelling is within the financial means of a displaced person if the purchase price of the dwelling including related increased interest costs and other reasonable expenses including closing costs (as described in section 3.12) does not exceed the total of the amount of just compensation provided for the dwelling acquired and the replacement housing payment available to the person (as provided in section 3.12).

(d) Decent, Safe and Sanitary.

(1) Housing in sound, clean and weather tight condition, in good repair and adequately maintained, in conformance with the applicable state and local building, plumbing, electrical, housing and occupancy codes or similar ordinances or regulations and which meets the following minimum standards:

A. Each housekeeping unit shall include a kitchen with a fully usable sink, a stove or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, and adequate and safe wiring system for lighting and other electrical services and heating as required by climatic conditions and local codes.

B. Each non-housekeeping unit shall be in conformance with state and local code standards for boarding houses, hotels and other dwellings for congregate living.

(2) When the term decent, safe and sanitary is interpreted, under local or state law, as establishing a higher standard, the elements of that higher standard, which exceed the provision of paragraph (1) of this subsection; are incorporated herein. A unit which is occupied by no more than the maximum number of people allowed under the State Building Code shall be considered to be in compliance with the occupancy provisions of this subsection.

(e) Displaced Person. Provided that none of the exceptions in subsection 3 below apply, any person who, following the initiation of negotiation (as defined in Section 1.5(m) below), moves or is require to move from real property in which the person resides, who moves a business or farm operation, or who moves personal property from the displaced property whether such move is voluntary or involuntary, either:

(1) As a result of a written Notice of Intent to Displace pursuant to Section 3.4 by the University or as a result of the acquisition of such real property for public use, in whole or in part, by the University; or

(2) As a result of the rehabilitation, demolition or other activity undertaken by the University of real property on which the person is a residential tenant or conducts a business or farm operation and the person is not in unlawful occupancy as defined in subsection (w), and the displacement lasts longer than 90 days.

(3) Notwithstanding (1) and (2) above, a displaced person shall not include any of the following:

A. Any person who has been determined to be in unlawful occupancy of the displacement property as defined in subsection (w).
B. Post acquisition tenants, provided, however, when the displacement of a post-acquisition tenant causes a hardship for the person because of a critical housing shortage, age, handicap, infirmity, lack of financial means or other circumstances, the University shall provide relocation advisory assistance and, may in its discretion, provide other financial relocation benefits.
C. Any person who occupied the property for the purpose of obtaining relocation benefits and assistance;
D. Any University Affiliated Resident and their family members, who is required to move pursuant to the terms of a lease or rental agreement that allows the University or landlord to move or transfer the University Affiliated Resident to another replacement dwelling;

E. Any University Affiliated Resident and their family members who is required to move because such occupant's affiliation with the University has terminated;

F. A University Affiliated Resident and their family members occupying a University-owned residential property, or a dwelling that serves University Affiliated Residents pursuant to a lease or rental agreement, provided that no displacement occurs during the term of the rental agreement (other than in accordance with paragraph 3(D) of this subsection) except as a result of violations of the rental agreement by the University Affiliated Resident or their family members;

G. A person who is not required to move permanently or temporarily as a result of the University acquisition or project as long as they are notified they are not required to move and the project does not impose an unreasonable change in the character or use of the property.

H. An owner-occupant who moves as a result of an acquisition meeting the requirements of Government Code section 7277, including, but not limited to property "offered for sale" as that term is defined in Government Code Section 7277.

(f) Dwelling. The place of permanent or customary and usual abode of a person, including a single-family dwelling, a single-family unit in a two-family dwelling, multi-family or multipurpose dwelling, a unit of a condominium or cooperative housing project, a non housekeeping unit, a mobile home, a recreational vehicle as described in Health and Safety Code Section 18010, or any other residential unit which either is considered to be real property under State law or cannot be moved without substantial damage or unreasonable cost. A residence need not be decent, safe and sanitary to be a dwelling. A second home shall be considered to be a dwelling only for the purpose of establishing eligibility for payment for moving and related expenses (as provided in section 3.6).

(g) Economic Rent. The amount of rent a tenant or homeowner would have to pay for comparable replacement dwelling.

(h) Elderly Household. A household in which the head of household or spouse is 62 years or older.

(i) Family. Two or more individuals who by blood, marriage, adoption, or mutual consent live together as a family unit.

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

(k) Gross Income. Gross income means the total annual income of an individual, or where a family is displaced total annual income of the parents or adult heads of household, less the following:

1. A deduction of $500 for each dependent in excess of three.
2. A deduction of 10% of total income for an elderly or handicapped household.
3. A deduction of reasonable amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head of household or spouse, except that the amount deducted shall not exceed the amount of income received by the person thus released.
4. Gross income is divided by twelve to ascertain the average monthly income. Relocation and property acquisition payments are not to be considered as income for the determination of financial means.

(l) Handicapped Household. A household in which any member is handicapped or disabled.

(m) Initiation of Negotiations. The initial written offer made by the University to the owner or the of real property to be purchased under the threat of eminent domain. Discussions and/or exchange of documents preceding the making of an offer are not negotiations. For all other acquisitions, the initiation of negotiations shall mean the execution of a binding purchase and sale agreement for the property, provided if such purchase and sale agreement is a contingent purchase and sale agreement, the initiation of negotiations shall mean removal of all purchase contingencies. Discussions and/or exchange of documents preceding the execution of a purchase and sale agreement for a voluntary acquisition are not negotiations. For projects that are funded by the University but undertaken by private parties with an agreement with the University, initiation of negotiation means the later of the date of acquisition of the real property or the date of the written agreement between the private party and the University. For properties that are donated to the University, initiation of negotiation means the date that the University acquires the property.

(n) Manufactured Home or Mobilehome. A structure described in Health and Safety Code sections 18007 and 18008.

(o) Mortgage. Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, together with the credit instruments, if any, secured thereby.

(p) Ownership. Holding any of the following interests in a dwelling, or a contract to purchase one of the first six interests:

(1) A fee title.

(2) A life estate.
(3) A 50-year lease.
(4) A lease with at least 20 years to run from the date of acquisition of the property.
(5) A proprietary interest in a cooperative housing project which includes the right to occupy a dwelling.
(6) A proprietary interest in a mobilehome.
(7) A leasehold interest with an option to purchase.

In the case of one who has succeeded to any of the foregoing interests by devise, bequest, inheritance or operation of law, the tenure of ownership, but not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

(q) Person. Any individual, family, partnership, corporation, limited liability corporation, or association.

(r) Post-acquisition tenants. Any person who lawfully occupies property only after the University acquires the property, or if the property is acquired or developed by a private entity pursuant to a lease for the purpose of serving University Affiliated Residents, any person who lawfully occupies property after the private owner of the property enters into an agreement with the University for purposes of financing the purchase, development, or rehabilitation of such property. The University shall periodically provide post-acquisition tenants notice of any changes in the projected date of displacement.

Where the University, on property it owns, is making housing available on a permanent basis, a post-acquisition tenant who moves as a result of a written order form the University to vacate is not eligible for relocation assistance and benefits if the University has provided the tenant at least 6 months advance notice of the order to vacate or the occupant was informed of the University's plans to demolish, rehabilitate, or change the use of the property prior to taking occupancy of the property. Housing provided to University Affiliated Residents and their family members is not provided on a permanent basis.

(s) Public Use. A use for which property may be acquired by eminent domain.

(t) Tenant. A person who rents or is otherwise in lawful possession of a dwelling, including a sleeping room, or a nonresidential property which is owned by another.

(u) University. The Regents of the University of California.

(v) University Affiliated Resident. Any resident of University owned residential property or property subject to an agreement with the University such as a ground lease, master lease, operating agreement or other agreement requiring that the property provide housing to University students, University faculty, including but not limited to, visiting faculty, researchers and scholars, and University staff, including but not limited to, staff

of University affiliated institutions, where occupancy of the residential property is conditioned on at least one of the occupant's affiliation with the University or the University affiliated institution.

(w) Unlawful Occupancy. A person is considered to be in unlawful occupancy if the person has been ordered to move by a court of competent jurisdiction or if the person's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

POLICY TEXT

ARTICLE 1 GENERAL

1.1 Statement of Purpose and Policy

(a) The purpose of this Policy ("Policy") is to implement the California Relocation Assistance Law, Government Code Section 7260 et seq. (the "Act") and the Relocation Assistance and Real Property Acquisition Guidelines adopted by the California Department of Housing and Community Development, Title 25, California Code of Regulations, Section 6000 et seq. (the "Guidelines").

(b) The Policy is designed to carry out the following policies of the Act:

(1) To ensure that uniform, fair and equitable treatment is afforded displaced persons (as defined in Section 1.5(e)) in order that such persons shall not suffer disproportionate; and

(2) To ensure consistent and fair treatment for owners of real property to be acquired, to encourage and expedite acquisition by agreement with owners of such property in order to avoid litigation and relieve congestion in court.

(c) The University shall not undertake or fund a project that will displace individuals from their homes unless comparable replacement dwellings (as defined in Section 1.5(c)) will be available within a reasonable period of time prior to displacement, except to the extent expressly provided otherwise in this Policy.

(d) The Act, the Guidelines and this Policy are intended for the benefit of displaced persons, to ensure that such persons receive fair and equitable treatment and do not suffer disproportionate injuries as the result of projects undertaken by the University or on behalf of the University. The Act, Guidelines and this Policy on which determinations are based shall be construed to affect this intent.

(e) This Policy does not address University projects involving displacement that are accomplished by the use of Federal Government Funds. If the direct source of funds for a project that will require displacement is Federal Funds, consult with the Office of General Counsel prior to taking any actions that could result in displacement.

1.2 Applicability and Supersedure

(a) The effective date of this Policy shall be the date that it is adopted. This Policy supersedes all other Relocation Policies or regulations previously adopted by The Regents, provided, however, that this Policy shall not be construed to apply retroactively to actions undertaken by the University prior to its adoption. This Policy shall apply to relocation plans and notices given to displaced persons subsequent to the effective date.

(b) In the event there are conflicts between this Policy and applicable state laws or regulations, the applicable state laws or regulations shall control and this Policy shall be deemed amended accordingly.

(c) Nothing in this Policy shall require, or be construed to require the University to provide any relocation or other assistance, payments, or benefits, or to provide any notices or to follow any procedures, beyond that required by the Act, the Guidelines and this Policy. No greater rights or obligations beyond those set forth in the Act and Guidelines are created or conferred by this Policy.

1.3 Severability

If any provision of this Policy or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this Policy which can be given effect without the invalid provision or application, and to this end, the provisions of this Policy are severable.

1.4 Authority

This Policy has been adopted pursuant to Section 7267.8(a) of the California Government Code and is in conformity with the Act and the Guidelines.

1.5 Definitions.

See definitions in II. Above.

1.6 Prior Determinations

The University may not proceed with any phase of a project or other activity which will result in the displacement of any person, business or farm until it makes the following determinations:

(a) Fair and reasonable relocation payments will be provided to displaced persons as required by Article 3 of this Policy.

(b) A relocation assistance program including the preparation of a relocation plan pursuant to Section 2.3, and the provision of notices and advisory services required by Section 2.4 will be established.

(c) Displaced persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in this Policy.

(d) Based upon recent survey and analysis of both the housing needs of displaced persons and available replacement housing and considering competing demands for that housing, comparable replacement dwellings will be available, or provided, if necessary, within a reasonable period of time prior to displacement sufficient in number, size and cost for the displaced persons who require them.

(e) Adequate provisions have been made to provide orderly, timely, and efficient relocation of displaced persons to comparable replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.

1.7 **Citizen Participation**

(a) All potential displaced persons, neighborhood groups and any relocation committee shall be given the opportunity and should be encouraged fully and meaningfully to participate in reviewing the relocation plan and monitoring the relocation assistance program.

(b) When more than 15 households will be displaced from their dwellings the University shall encourage the residents and community organizations in the displacement area to form a relocation committee. The committee shall include, when applicable, residential owner occupants, residential tenants, business people, and members of existing organizations within the area.

(c) If fifteen or fewer households will be displaced from their dwellings, the University shall at least consult with and obtain the advice of residents and community organizations and make the relocation plan available to such persons and organizations prior to submitting it for approval. (See section 2.3.)

(d) At a minimum the University shall guarantee the following:

(1) Timely and full access to all documents relevant to the relocation program. The University may reasonably restrict access to material where its confidentiality is protected by law or its disclosure is prohibited by law.

The University shall ensure that the information in documents the provision of

which would result in disclosure of the identity of displaced persons or other personal identifying information is provided in a manner designed to avoid such disclosure. This obligation to avoid improper disclosure shall not affect the right of the displaced person to which the information relates (or any other person authorized in writing by such displaced person) to inspect such documents.

(2) The provision of technical assistance necessary to interpret elements of the relocation plan and other pertinent materials, which may include advisory assistance from a relocation consultant or other knowledgeable person, translation of materials to the displaced persons primary language or other assistance.

(3) The right to submit written or oral comments and objections, including the right to submit written comments on the relocation plan and to have these comments attached to the plan when it is forwarded to the President or his or her designee for approval.

(4) Prompt, written response to any written objections or criticisms.

(5) A relocation plan meeting the requirements of section 2.3 has been prepared.

1.8 Remedies

(a) If the University has not fulfilled or is not substantially fulfilling its relocation responsibilities, it shall cease displacement until such time as its responsibilities are fulfilled. When appropriate, project implementation shall be suspended or terminated.

(b) Displaced persons who move without offers of assistance and benefits, after the University was required to offer assistance or benefits, shall be provided such assistance and payments and, when appropriate, compensation for additional costs incurred. The University shall make every effort to identify and locate such displaced persons, which shall include at a minimum, providing notice of eligibility for assistance and benefits to the displaced persons last known address or forwarding address by certified return receipt mail and if no forwarding address is provided, publishing notice of the availability of assistance and benefits in a manner designed to reach such displaced persons which may include online resources or newspaper notices.

ARTICLE 2. RELOCATION ASSISTANCE ADVISORY PROGRAM AND ASSURANCE OF COMPARABLE REPLACEMENT HOUSING

2.1 Purpose

The purpose of this part is to set forth requirements with respect to the development and implementation of a relocation assistance advisory program for the provision of specified services, including the preparation of relocation plans.

2.2 Relocation Assistance Advisory Program

The University shall develop and implement a relocation assistance advisory program which satisfies the requirements of the Act, the Guidelines, this Policy and of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Unruh Civil Rights Act, Rumford Act and applicable state and federal anti-discrimination laws. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to ensure that (a) all displaced person are relocated into housing meeting the criteria for comparable replacement dwelling, and (b) all displaced persons operating a business or farm operation are assisted in reestablishing with a minimum of delay and loss of earnings.

2.3 Relocation Plan

(a) As soon as possible following the initiation of negotiations and prior to proceeding with any activity that will result in displacement, the University shall prepare a Relocation Plan and submit it for approval to the President or his or her designee. When the University's action will not result in any residential displacement and will only result in the displacement of fewer than five businesses or farm operations, the University shall provide benefits as required by this Policy and the Act without compliance with this section.

For residential projects of 15 or fewer households, the University may complete the Model Relocation Plan HCD-832 (new), for compliance with the planning requirements of this section, or at the election of the University, prepare a Relocation Plan consistent with this Policy.

(b) A Relocation Plan shall include the following:

(1) A diagrammatic sketch of the project area.

(2) Projected dates of displacement.

(3) A written analysis of the aggregate relocation needs of all persons to be displaced (as required by section 2.8) and a detailed explanation as to how these needs are to be met.

(4) A written analysis of relocation housing resources (as required by section 2.10).

(5) A detailed description of the relocation advisory services program, including specific procedures for locating and referring displaced persons to comparable replacement housing.

(6) A description of the relocation payments to be made (pursuant to Article 3) and a plan for disbursement.

(7) A cost estimate for carrying out the plan and identification of the source of the necessary funds.

(8) A detailed plan by which any last resort housing (as described in section 2.11 and Article 4) is to be built and financed.

(9) A standard information statement to be sent to all displaced persons (as required by section 2.7).

(10) Temporary relocation plans, if any.

(11) A description of relocation office operation procedures.

(12) Plans for citizen participation.

(13) An enumeration of the coordination activities undertaken (pursuant to section 2.8).

(14) The comments of the relocation committee, if any (pursuant to section 1.7).

(15) A written determination by the University that the necessary resources will be available as required.

(c) In the event of delay of more than one year in the implementation of the relocation program, the plan shall be updated prior to implementation of that program.

(d) Copies of the plan shall be submitted for review to the relocation committee 30 days prior to submission of the plan to the President or his or her designee for approval. Copies shall be available to the public upon request. A copy of the final relocation plan shall be forwarded to the California Department of Housing and Community Development.

General notice of the plan shall be provided. Notice shall be designed toreach the occupants of the property and shall be in accordance with the provisions of paragraph 2.7(a)(3) and subsection 2.7(b); and it shall be provided 30 days prior to submission of the Plan to the President or his or her designee for approval

2.4 Minimum Requirements of Relocation Assistance Advisory Program

(a) Each relocation assistance advisory program undertaken pursuant to this Article shall include, at a minimum, such measures, facilities or services as may be necessary or appropriate in order to:

(1) Fully inform displaced persons, as soon as feasible, but preferably within 60 days following the initiation of negotiations but not later than the close of escrow on the property, as to the availability of relocation benefits and assistance and the eligibility requirements therefore, as well as the procedures for obtaining such benefits and assistance, in accordance with the requirements of section 2.7.

(2) Determine the extent of the need of each such displaced person for relocation assistance in accordance with the requirements of section 2.8.

(3) Assure displaced persons that within a reasonable period of time prior to displacement there will be available comparable replacement dwellings, meeting the criteria described in section 1.5(c), sufficient in number and kind for and available to such displaced persons.

(4) Provide current and continuing information on the availability, prices, and rentals of comparable sales and rental dwellings, and of comparable commercial properties and locations, and as to security deposits, closing costs, typical down payments, interest rates, and terms for residential property in the area.

(5) Assist each displaced person to complete applications for payments and benefits.

(6) Assist each displaced person displaced from a residential property to obtain and move to a comparable replacement dwelling. Only adequate inspection will ensure that a particular unit meets this standard. If a displaced person occupies a unit to which he or she is referred by the University and the unit does not satisfy the comparable replacement dwelling standard, the University has not fulfilled its obligations to assist the displaced person to obtain a comparable replacement dwelling. Whenever this occurs, the University shall offer to locate such a comparable replacement dwelling for the displaced person and to pay again all moving and related expenses. If the displaced person chooses not to move from the unit that he or she occupied following referral, the displaced person will still be eligible for relocation assistance and benefits.

(7) Assist each displaced person displaced from his or her business or farm operation in obtaining and becoming established in a suitable replacement location.

(8) Provide any services required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state or federal antidiscrimination laws, or any other arbitrary circumstances.

(9) Supply to such displaced persons information concerning federal and state housing programs, disaster loan and other programs administered by the Small Business Administration, and other federal or state programs, offering assistance to displaced persons.

(10) Provide other advisory assistance to displaced persons in order to minimize their hardships. It is recommended that, as needed, such assistance include counseling and referrals with regard to housing, financing, employment, training, health and welfare, as well as other assistance.

(11) Inform all displaced persons about the eviction policies to be pursued in carrying out the project, which policies shall be in accordance with the provisions of section 2.13.

(b) Relocation Office. When a project results in more than 15 displaced persons and the relocation staff's office is not easily accessible to those displaced persons, the University may, but is not required to, establish at least one appropriately equipped site office which is accessible to all displaced persons and is staffed with trained or experienced relocation personnel. Office hours should be scheduled to accommodate persons unable to visit the office during normal business hours.2.5

2.5 Replacement Housing Prior to Displacement; Notices To Displaced Persons

(a) No eligible person shall be required to move from his or her dwelling unless prior to displacement comparable replacement dwellings (as defined in subsection 1.5(c)) or, in the case of a temporary move (as defined in section 2.6), adequate replacement dwellings (as defined in subsection (b) below) are available to such person.

(b) For purposes of temporary moves, the criteria for adequate replacement dwellings are in all respects identical to those for comparable replacement dwellings, except that an adequate replacement dwelling, with respect to the number of rooms, habitable living space and type of construction, need be only adequate not comparable.

(c) Reasonable Offer of Replacement Housing. The requirements of this section shall be deemed to have been satisfied if a displaced person is offered and refuses without justification reasonable choices of specifically identified comparable replacement dwellings which fully satisfy the criteria set forth in this Policy. If the offered housing meets all of the criteria for comparable replacement dwellings, the displaced person’s refusal shall be deemed unjustified, provided, however, the displaced person may appeal any determination that the offered unit constitutes a comparable replacement dwelling. The offers shall be in writing, in a language understood by the displaced person. The number of offers determined to be reasonable should be not less than three.

(d) Notice. No displaced person occupying property shall be required to move from a dwelling or to move a business of farm operation, without at least 90 days written notice from the University. The University shall notify each individual tenant to be displaced as well as each owner-occupant. (These requirements are in addition to those contained in sections 2.4 and 2.7.)

(e) Waiver. The requirement in subsection (a) above may be waived only when immediate possession of real property is of crucial importance and in the case of one of the following circumstances:
(1) When displacement is necessitated by a major disaster as defined in Section 102(2) of the Hazard Mitigation and Relocation Assistance Act of 1993 (42 U.S.C. 5121) and/or the California Natural Disaster Assistance Act.
(2) During periods of declared national, state, local or campus emergency.

2.6 Temporary Move

(a) General.
(1) The University shall minimize to the greatest extent feasible the use of temporary relocation resources (as defined in section 2.5(b)), but, temporary relocation resources may be used when (i) the University anticipates the displaced person will move back into the completed project, or (ii) when the University anticipates the displaced person will move into a newly completed dwelling upon completion. Displaced persons receiving temporary relocation resources are not eligible for permanent relocation benefits unless the permanent housing will not be available within 12 months.
(2) Temporary relocation does not diminish the University's responsibility to provide relocation assistance, services and benefits designed to achieve permanent relocation of displaced persons into comparable replacement dwellings.

(b) Requirements.

(1) Temporary replacement housing may not be relied upon if comparable replacement dwelling will not be available to the displaced person within twelve (12) months of the date of the temporary move.
(2) Prior to the move, the University shall have determined and have provided written assurance to each displaced person that:
A. Comparable replacement dwellings will be made available at the earliest possible time but in any event no later than 12 months from the date of the move to temporary housing. Temporarily housed persons may agree to extend the 12 month limitation but, if they do not, the University shall ensure that comparable replacement dwellings are available within the 12 month period.
B. Comparable replacement dwellings will be made available, on a priority basis, to the individual or family who has been temporarily rehoused.
C. The move to temporary housing will not affect a displaced persons s eligibility for a replacement housing payment nor deprive him or her of the same choice of comparable replacement dwelling that would have been made available had the temporary move not been made and the costs of a temporary move will not be considered as all or a part of the relocation payments to which a displaced person is entitled.

D. If a project plan anticipates moves back into the housing from which the displaced person was displaced, the person who has been temporarily displaced will be given priority opportunity to obtain such housing accommodations.
E. The University will pay all costs in connection with the move to temporary housing, including increased housing costs.

2.7 Information Program

(a) Basic Requirements. The University shall establish and maintain an information program that provides for the following:Preparation and distribution of informational material as early as practicable, to each occupant of the property. This material shall be distributed within 60 days following the initiation of negotiations, to the extent feasible, and not less than 90 days in advance of displacement except for those situations described in subsection 2.5(e). Where appropriate, separate informational statements shall be prepared for residential and for non-residential occupants.

(1) If the University does not intend to displace occupants of property acquired by the University, providing such occupants notice of such fact ("Notice of Non-displacement") as soon as feasible.

(2) Conducting personal interviews and maintaining personal contacts with occupants of the property to the maximum extent practicable.

(3) Utilizing meetings, newsletters, and other mechanisms, including local media available to all persons, for keeping occupants of the property informed on a continuing basis. The criterion for selecting among various alternatives shall be the likelihood of actually communicating information to displaced persons. Legal publications, legal ads in local newspapers of general circulation and similar means which may go unnoticed are deemed to be inadequate.

(b) Language. Informational material should be prepared in the language(s) most easily understood by the recipients. In displacement areas where there are significant concentrations of persons who do not read, write, or understand English fluently, the native language of the people should be used and all information material should be provided in the native language(s) and English.

(c) Method of Delivery. To assure receipt of the informational material, the University should arrange to have the material either hand-delivered to each occupant of the property with a request for a written receipt, or sent by certified mail, return receipt requested.

(d) General and Specific Information. In addition to disseminating general information of

the type described in this section, the University shall also provide each person with individual, written notification as soon as his or her eligibility status has been established.

(e) Content of Informational Statement. Attachment A identifies the kinds of information required to be included in statements distributed to occupants of the property.

2.8 Survey and Analysis of Relocation Needs

(a) Requirement. As soon as feasible following the initiation of negotiations for projects which are expected to result in displacement, the University shall interview potential displaced persons, business concerns, including nonprofit organizations, and farm operations to obtain information upon which to plan for housing and other accommodations, as well as counseling and assistance needs.

(1) Coordination with Other Agencies. Other agencies may also be conducting surveys in the area at the same time. Coordination will be necessary to avoid duplication and to ensure that necessary information is available at the appropriate time. Surveys utilized to gather data for social service referrals should be planned in cooperation with social service agencies and a referral system should be established.

(2) Information to Persons To Be Displaced. The University shall carefully explain and discuss fully with each person interviewed the purpose of the survey and the nature and extent of relocation payments and assistance that will be made available. All persons shall be advised and encouraged to visit the relocation office, if one exists, for information and assistance.(

(3) Relocation Records. Based on information obtained during the survey and other sources as applicable, the University shall prepare and maintain an accurate relocation record for each displaced person. The record shall contain a description of the pertinent characteristics of the displaced persons and the assistance deemed to be necessary.

(b) The survey shall be by direct, personal interview, except where repeated efforts indicate that is not possible. When a person cannot be interviewed or the interview does not produce the information to be obtained, reasonable efforts shall be made to obtain the information by other means, which may include interviews with family members or others who may have relevant information. Displaced persons should be encouraged to bring any change in their needs to the attention of relocation officials. The survey shall be updated at least annually.

(c) The University shall endeavor to obtain the following information: income; whether a displaced person is elderly or handicapped; size of family; age of children; location of job and factors limiting accessibility; area of preferred relocation; type of unit preferred;

ownership or tenant preference; need for social and public services, special schools and other services; eligibility for publicly assisted housing; and with reference to the present dwelling, the rent, the type and quality of construction, the number of rooms and bedrooms, the amount of habitable living space, and locational factors including among others public utilities, public and commercial facilities (including transportation and schools) and neighborhood conditions (including -municipal services). Other matters that concern a household as its members contemplate relocation such as location of medical services, proximity to relatives or persons providing caregiving services and other information that would impact the location of the comparable replacement dwelling should also be included.

(d) A written analysis of relocation housing needs shall be prepared. It shall be prepared in sufficient detail to enable determination of the availability of comparable replacement dwellings for all residential displaced persons.

The information concerning homeownership and rental units shall be provided separately. The number of units needed shall be identified by cost for each size category. The needs of elderly and handicapped households shall be shown separately and shall include information on the number of such households requiring special facilities and the nature of such facilities. The statement of relocation housing needs shall include a description of the locational characteristics of the displacement area neighborhoods corresponding to the requirements of comparable replacement housing. Information shall be provided concerning proximity to present employment sources, medical and recreational facilities, parks, community centers, shopping, transportation and schools. Information concerning proximity to other relevant needs and amenities is essential to ensuring that no residents are incapacitated by the relocation and such information also should be provided.

2.9 Failure to Conduct Timely and Effectively Survey

When a survey is not conducted in a timely and effective manner, the University shall be obligated to make every effort to locate all displaced persons who have moved in accordance with Section 1.8(b) so that their needs can be included in the survey and the impact on the housing stock in the community can be more accurately determined. The University shall offer such displaced persons all relocation assistance and benefits for which they otherwise qualify and, in addition, shall compensate such displaced persons for all costs occasioned by the University's failure to provide timely notice and offers of relocation assistance and benefits.

2.10 Survey and Analysis of Available Relocation Resources

(a) To enable the University reasonably to determine that the requisite comparable replacement dwellings will be available, the University, within 60 days following the initiation of negotiations, shall initiate a survey and analysis of available comparable relocation resources. If a recent survey that provides the information identified in

this section is not available, the University shall conduct a survey and analysis of the housing market. If a recent survey is available, but it does not reflect more recent, significant changes in housing market conditions, the survey shall be updated or it shall not be relied upon.

When more than 15 households will be displaced, survey results shall be submitted for review to local housing, development and planning agencies and shall be compared to other existing information on housing availability.

The survey shall be updated at least annually.

(b) The survey area shall be reasonably related to the displacement area and to the needs and preferences of the displaced persons, as indicated in the written analysis prepared pursuant to this section 2.10. The survey area shall have relevant characteristics (see subsection 1.5(c)) which equal or exceed those of the neighborhood from which persons are to be displaced.

(c) A written analysis of relocation housing resources shall be prepared in sufficient detail to enable determination of the availability of comparable replacement dwelling s for all displaced persons.

The information concerning homeownership and rental units shall be provided separately. The number of units available shall be identified by cost for each size category.

Resources available to meet the needs of elderly and handicapped households shall be shown separately and shall include information on the number of units with special facilities and the nature of such facilities.

The analysis of resources shall include a description of the locational characteristics of the survey area neighborhoods corresponding to the requirements of comparable replacement dwelling. Information shall be provided concerning proximity to present employment sources (with the consent of the displaced person a potential employer may be substituted), medical and recreational facilities, parks, community centers, shopping, transportation and schools.

Information concerning proximity to other relevant needs and amenities is essential to ensuring that displaced persons are not incapacitated by the relocation and such information should also be provided.

(d)

(1) Units which do not satisfy the standards of comparable replacement dwelling, including the locational criteria, shall not be counted as a relocation resource.

(2) Uncompleted new construction or rehabilitation shall not be included in the gross figure unless there is a substantial likelihood that the units will be available when needed and at housing or rental costs within the financial means of the displaced persons.

(3) In addition to the other requirements of this section, the gross figure representing the number of units available shall be discounted to reflect both concurrent displacement and the extent to which turnover is represented. Concurrent displacement by the federal government and its agencies, including federally-assisted projects, as well as displacement by other public entities shall be taken into account. Turnover is the dynamic operation by which occupancy changes occur within a standing inventory over a period of time and theoretically could occur in the complete absence of vacancies on a person to person basis. The use of turnover for relocation is not permissible. The University shall assume that four percent of the rental and one percent of the ownership units which meet the standards of comparable replacement dwellings (see section 1.5(c)) represents turnover. The University shall use a higher percentage figure if such figure is more accurate. The University may use a lower figure if it establishes that the lower figure is a more accurate assumption.

(4) subsidized housing, including public housing, shall not be counted as a resource unless it reasonably can be established that:

A. The units will be available when needed;

B. The governmental body providing the subsidy has made, in writing, a reasonably binding commitment of assistance;

C. The units have been inspected and determined to be decent, safe and sanitary and the income ceilings, rent ranges and age restrictions, if any, have been considered; and

D. The number of units available in the community exceeds the number of households in need of the units.

Uncompleted new construction or rehabilitation which is subsidized by public funds shall not be counted as a relocation resource unless the units are being subsidized to provide relocation resources.

2.11 Last Resort Housing

(a) If on the basis of its survey and analysis of relocation needs and resources the University cannot determine that comparable replacement dwellings will be available as required, the University may not proceed with any activity which will result in displacement unless it provides last resort housing in accordance with

Article 4.

(b) the action of the University has resulted or is resulting in displacement and comparable replacement dwellings are not available as needed, the University shall use its funds, or funds authorized for the project to provide last resort housing in accordance with Article 4, or shall terminate or suspend further implementation of the project activity in accordance with the provisions of section 1.8.

(c) Temporary relocation resources may be relied upon in the interim only if the provisions of section 2.6 are satisfied.

2.12 Termination of Relocation Assistance

The University's relocation obligations cease under the following circumstances:

(a) A displaced person moves to a comparable replacement dwelling and receives all assistance and payments to which he or she is entitled.

(b) The displaced person moves to substandard housing, refuses reasonable offers of additional assistance in moving to a decent, safe and sanitary replacement dwelling and receives all payments to which he or she is entitled.

(c) All reasonable efforts to trace a person in accordance with Section 1.8(b) have failed. To ensure that the actions of the University do not reduce the housing supply in critical categories or locations, unsuccessful efforts to trace a particular displaced person shall not lessen the obligation to provide last resort housing (See Article 4.)

(d) The business or farm operation has received all assistance and payments to which it is entitled and has been successfully relocated or has ceased operations.

(e) A displaced person refuses reasonable offers of assistance, payments and comparable replacement dwellings.

(f) A displaced person has knowingly waived relocation benefits after being informed of the benefits available pursuant to the Act, the Guidelines and this Policy.

2.13 Eviction

(a) Eviction is permissible as a means of terminating occupancy of a property that must be vacated in order to carry out a University project only as a last resort and only

after all required notices pursuant to Section 2.5 have been provided including offers of comparable replacements dwellings, if applicable. Eviction in no way affects the eligibility of evicted displaced persons for relocation payments except that persons who are determined to be in unlawful occupancy (see Section 1.5(w)) are not eligible for relocation assistance or relocation benefits. Relocation records must be documented to reflect the specific circumstances surrounding the eviction.

(b) Eviction shall be undertaken only for one or more of the following reasons:
(1) 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.
(2) Performance of a dangerous, illegal act in the unit.
(3) Material breach of the rental agreement and failure to correct breach within 30 days of notice.
(4) Maintenance of a nuisance and failure to abate within a reasonable time following notice.
(5) The eviction is undertaken only after a displaced person has refused to accept one of a reasonable number of offers of comparable dwellings.
(6) The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the University.

2.14 Evaluation of Relocation

(a) The operational unit of the University that undertakes relocation activity is encouraged to evaluate its relocation program, assessing the quality and quantity of services provided as well as displaced persons' satisfaction, to determine the adequacy of program planning and to ascertain whether any displaced persons have been denied the full benefits and services to which they are entitled. The evaluation may be based upon inspection of files and records, case interviews and inspection of replacement housing and business and farm replacement locations and discussions with local individuals or organizations familiar with relocation issues.

(b) In conducting an evaluation of its relocation program, the University may review relocation and acquisition file selected at random.
(1) The internal evaluation of the relocation program should include both cases in which all payments have been completed and cases in which the displaced person has been displaced but all payments have not yet been made. Priority attention should be given to cases in which a grievance has been filed or the University has determined that a person is ineligible for relocation benefits.
A.
After the records and files have been reviewed, the reviewer may elect to interview displaced persons and/or owners and inspect housing to

which displaced persons have moved.

(c) In addition to the above, the following factors are among those which should be considered:

(1) The effectiveness of efforts to provide relocation services to displaced persons, including timeliness of notice and correctness of eligibility determinations.
(2) The satisfaction of relocated households, individuals and business concerns in their new locations.
(3) The extent to which self-moves to substandard housing have been minimized.
(4) The effectiveness of efforts to provide relocation services to business concerns.
(5) The promptness of processing claims and the making of payments, including the amounts, delivery, and use of relocation payments.
(6) The number and magnitude of rent increases following acquisition and displacement
(7) The effectiveness of methods used to resolve difficulties experienced by site occupants.
(8) The effectiveness of the University's grievance procedures.
(9) The extent of resident involvement in planning the relocation program.
(10) The effectiveness in assuring equal opportunity for displaced persons and in reducing patterns of minority-group concentration.
(11) The effectiveness of the social service program, including counseling services, in helping displaced persons adjust to relocation and in helping solve individual and family problems.
(12) The impact on those segments of the housing market serving the income groups displaced.

ARTICLE 3 RELOCATION PAYMENTS

3.1 Purpose

The purpose of this Article is to set forth the types of, and specific eligibility criteria for, relocation payments to displaced persons. Basic eligibility conditions are set forth in section 3.3. Specific conditions relating to particular payments are described in later sections.

3.2 Relocation Payment by the University

The University shall make relocation payments to or on behalf of eligible displaced persons in accordance with and to the full extent permitted by this Article.

3.3 Basic Eligibility Conditions

A person establishes basic eligibility for relocation payments if he or she satisfies the

conditions described in section 1.5(e).

3.4 Notice of Intent to Displace

The University may issue a written Notice of Intent to Displace at any time after forming a reasonable expectation of acquiring real property. Such a notice, by establishing eligibility prior to acquisition, will enable the University to respond to hardship and other situations.

3.5 Filing of Claims; Submission of Tax Returns

All claims filed with the University shall be submitted within eighteen (18) months of the date on which the claimant receives final payment for the property or the date on which he or she moves, whichever is later. The University may extend this period upon a proper showing of good cause. Except where specifically provided otherwise a claimant shall not be required to submit a copy of his or her tax returns in support of a claim for relocation payments.

3.6 Actual Reasonable Moving Expenses

(a) General. The University shall make a payment to a displaced person who satisfies the requirements of this section, for actual reasonable expenses specified below and subject to the limitations set forth in subsection (c) of this section for moving himself or herself, his or her family, business, farm operation or other personal property. In all cases the amount of a payment shall not exceed the reasonable cost of accomplishing the activity in connection with which a claim has been filed.

The moving and related expenses for which claims may be filed shall include:

(1) Transportation of persons and property not to exceed a distance of 50 miles from the site from which displaced, except where relocation beyond such distance of 50 miles is reasonably necessary for purposes of the displaced person obtaining a comparable replacement dwelling or a comparable business or farm site;

(2) Packing, crating, unpacking and uncrating personal property;

(3) Such storage of personal property, for a period generally not to exceed 12 months, as determined by the University to be necessary in connection with relocation;

(4) Insurance of personal property while in storage or transit;

(5) The reasonable replacement value of property lost, stolen or damaged (not

through the fault or negligence of the displaced person, his or her agent, or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available; and

(6) The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the University, including connection charges imposed by public utilities for starting utility service.

(b) Actual Reasonable Moving Expenses - Displaced Businesses and Farm Operations. In addition to those compensable expenses set forth in subsection (a) of this section, a displaced business or farm operation may file a claim for the following moving and related expenses:

(1) The cost, directly related to displacement of modifying the machinery, equipment, or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply.
(2) Claims for payment under this subsection shall be subject to the following limitations:
    A. Reimbursable costs shall be reasonable in amount.
    B. The cost could not be avoided or substantially reduced at an alternate available and suitable site to which the business was referred.
(3) The cost of any license, permit or certification required by a displaced business to the extent such cost is necessary to the reestablishment of its operation at a new location.
(4) The reasonable cost of any professional services (including but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installation of relocated personal property at the replacement site.
(5) Where an item of personal property which is used in connection with any business or farm operation is not moved but is replaced with a comparable item, reimbursement in an amount not to exceed (x) the replacement cost, minus any net proceeds received from its sale, or (y) the estimated cost of moving, whichever is less.

(c) Advance Payments. A displaced person may be paid for his or her anticipated moving expenses in advance of the actual move. The University shall provide advance payment whenever later payment would result in financial hardship. Particular consideration shall be given to the financial limitations and difficulties experienced by low and moderate income persons and small farm and business operations.

(d) Other Reasonable Arrangements. The specific provisions contained in this section are not intended to preclude the University's reliance upon other reasonable means of effecting a move, including contracting moves and arranging for assignment of moving

expense payments by displaced persons.

(e) Self-moves. Without documentation of moving expenses actually incurred, a displaced person electing a self-move may submit a claim for his or her moving expenses to the University in an amount not to exceed an acceptable low bid or an amount acceptable to the University.

(f) Personal Property of Low Value and High Bulk - Business or Farm Operation. Where, in the judgment of the University, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business or farm operation would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This provision may in appropriate situations be applied to claims involving the moving of junkyards, stockpiles, sand, gravel, minerals, metals and similar property.

(g) Documentation in Support of a Claim.

(1) General. Except in the case of a displaced person conducting a self-move as provided in subsection (e) above, a claim for a payment under this section shall be supported by a bill or other evidence of expenses incurred. By prearrangement between the University, the site occupant, and the mover, evidenced in writing, the displaced person or the mover may present an unpaid moving bill to the University, and the University may pay the mover directly

(2) Business and Farm Operations. Each claim in excess of $1,000 (as such amount may be increased from time to time by State law or University Policy) for the costs incurred by a displaced person for moving his or her business or farm operation shall be supported by competitive bids in such number as are practical. If the University determines that compliance with the bid requirement is impractical or if estimates in an amount of less than $1,000 are obtained, a claim may be supported by estimates in lieu of bids.

(h) Public Utilities Exemption. Whenever the University must pay the actual cost of moving a displaced person, the costs of such move shall be exempt from regulations by the Public Utilities Commission as provided by section 7262 (e) of the Act. The University may solicit competitive bids from qualified bidders for performance of the work. Bids submitted in response to such solicitations shall be exempt from regulation by the Public Utilities Commission.

(i)

(1) Reestablishment Expenses. In addition to moving expense payments, a farm, nonprofit organization or small business of not more than 500 employees, shall be entitled to actual and reasonable reestablishment expenses, not to exceed $10,000.00 (as such amounts may be increased by State law from time to time). Reestablishment expenses shall be only those expenses that are reasonable and necessary and include, but are not limited to:

A. Repairs or improvements to the replacement property as required by Federal, State or local law, code or ordinance.

B. Modifications to the replacement property to accommodate the business

operation or make replacement structures suitable for conducting the business.

C. Construction and installation costs for exterior signing to advertise the business.
D. Provision of utilities from right-of-way to improvements on the replacement site.
E. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
F. Licenses, fees and permits when not paid as part of moving expenses.
G. Feasibility surveys, soil testing and marketing studies.
H. Advertisement of replacement location.
I. Professional services in connection with the purchase or lease of a replacement site.
J. Estimated increased costs of operation during the first 2 years at the replacement site for items including but not limited to:
    1. Lease or rental charges,
    2. Personal or real property taxes,
    3. Insurance premiums, and
    4. Utility charges, excluding impact fees.
K. Impact fees or one-time assessments for anticipated heavy usage.
L. Other items essential to the reestablishment of the business.
M. For purposes of this subsection the term "small business" shall mean a business having not more than 500 employees working at the site being acquired or displaced by a program or project, which site is the location of economic activity. Sites occupied solely by outdoor advertising signs, displays, or devices do not qualify as a small business for purposes of this subsection.

(2) Ineligible expenses. The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(3) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

A. Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
B. Interior or exterior refurbishment at the replacement site which are for aesthetic purposes, except as provided in paragraph (i)(1)(E) of this section.
C. Interest on money borrowed to make the move or purchase the replacement property.
D. Payment to a part-time business in the home which does not contribute materially to the household income.

3.7 Actual Direct Losses of Tangible Personal Property

(a) General. The University shall make a payment to a displaced person who satisfies the eligibility requirements of this section, for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, in an amount determined by the University to be in accordance with the provisions of this section.

(b) Determining Actual Direct Loss of Property. Actual direct loss of property shall be determined on the basis of the lesser of the following:

(1) The fair market value of the property for continued use at its location prior to displacement.

(2) The estimated reasonable costs of relocating the property. The University may require that the owner first make a bona fide effort to sell the property or it may permit the owner not to do so. The proceeds realized from any sale of all or part of the property shall be deducted from the determination of loss. In calculating payment under this section the reasonable cost of an effort to sell shall be added to the determination of loss.

(c) Documentation to Support Claim. A claim for payment hereunder shall be supported by written evidence of loss which may include appraisals, certified prices, bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and other records appropriate to support the claim or the University may agree as to the value of the property left in place.

3.8 Actual Reasonable Expenses in Searching for a Replacement Business or Farm.

A displaced person who is eligible for moving expenses pursuant to section 3.6, shall be eligible for a payment in an amount not to exceed $1,000.00, in searching for a replacement business or farm, including expenses incurred for:

(a) Transportation;

(b) Meals and lodging away from home;

(c) Time spent in searching, based on the hourly wage rate of the salary or earnings of the displaced person or his representative; and

(d) Fees paid to a real estate agent or broker to locate a replacement business or farm.

3.9 Moving Expenses – Outdoor Advertising Businesses

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal

property, or services by the erection and maintenance of outdoor advertising displays is entitled to payment for the reasonable cost of moving such displays or their in-place value, whichever is lesser.

3.10 Alternate Payments – Individuals and Families

A person or family, who is displaced from a dwelling and is eligible for a payment for actual reasonable moving expenses under section 3.6 may elect to receive and shall be paid, in lieu of such payment a moving expense and dislocation allowance determined in accordance with established Federal Highway Administration schedules maintained by the California Department of Transportation.

3.11 Alternate Payments – Businesses and Farm Operations

(a) General.

(1) A person who is displaced from his or her place of business or farm operation and is eligible for payments under sections 3.6, 3.7, 3.8 or 3.9 and complies with the requirements of this section, may elect to receive and shall be paid, in lieu of such payments, a payment equal to the average annual net earnings of the business or farm operation (but not including a business as described in section 3.9) as determined in accordance with subsection (b) below, except that such payment shall be not less than $1,000.00 nor more than $20,000.00 (as such amounts may be increased by State law). For purposes of this section, the dollar limitation specified in the preceding sentence shall apply to a single business, regardless of whether it is carried on under one or more legal entities.

(2) Loss of Goodwill. When payment under this section will precede settlement of a claim for compensation for loss of goodwill under the Eminent Domain Law, the University, 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. will be reduced in the same amount. The portion considered to be compensation for loss of goodwill shall not exceed the difference between the payment made under this section and an amount which reasonably approximates the payments for which the displaced person otherwise would be eligible under Section 3.6, 3.7, 3.8 and 3.9. Failure to provide such written statement and explanation shall constitute a conclusive indication that no portion of the payment is considered to be compensation for loss of goodwill for the purposes of that portion of the Code of Civil Procedure referenced above.

(b) Requirements - Businesses. Payment shall not be made under this section unless the University determines all of the following to be true:

(1) The business is not operated solely for rental purposes;

(2) The business 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) The business is not part of a commercial enterprise that operates at least 3 other establishments which are not being acquired for a project and which are engaged in the same or similar business.

(4) The displaced business:

A. Had average annual gross receipts of at least $5,000.00 during the two taxable years prior to displacement; or

B. The displaced business had average annual net earnings of a least $1,000.00 during the two taxable years prior to displacement; or

C. The displaced 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. If in any case the University determines that the two-year period prior to displacement is not representative of average receipts, earnings or income, it may make use of a more representative period.

D. If the application of the above criteria creates an inequity or hardship, the University may use other criteria as permitted in 49 CFR 24.305.

No payment shall be made under this Section, when the sole remaining facility of a business which has been displaced from its principal location: (i) has been in operation for less than two years; or (ii) has had average annual gross receipts of less than $2,000.00 during the two taxable years prior to displacement of the major component of the business; or (iii) has had average annual net earnings of less than $1,000.00 during the two taxable years prior to the displacement of the principal location of the business. Such a remaining facility will not be considered another "establishment" for purposes of this Section.

(c) Determination of Number of Businesses. In determining whether one or more legal entities, all of which have been acquired, constitute a single business, the following factors among others shall be considered:

(1) The extent to which the same premises and equipment are shared.

(2) The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled.

(3) The extent to which such entities are held out to the public, and to those customarily dealing with such entities, as one business.

(4) The extent to which the same person or closely related persons own, control or manage the affairs of the entities.

(d) Requirements - Farms. In the case of a farm operation, no payment shall be made under this section unless the University determines that the farm met the definition of a farm operation prior to its acquisition. If the displacement is limited to only part of the farm operation, the operator will be considered to have been displaced from a farm operation if: the part taken met the definition of a farm operation prior to the taking and the taking caused such a substantial change in the nature of the existing farm operation as to constitute a displacement.

(e) Requirements - Nonprofit Organizations. In the case of a nonprofit organization, no payment shall be made under this section unless the University determines that

(1) The nonprofit organization 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) The nonprofit organization is not a part of an enterprise having more than 3 other establishments not being acquired which is engaged in the same or similar activity.

(f) Net Earnings. The term "average annual net earnings" as used in this section means one-half of any net earnings of the business or farm operation, before federal and state income taxes, during the 2 taxable years immediately preceding the taxable year in which the business or farm operation moves from the real property acquired for such project, or during such other period as the University determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his or her spouse or his or her dependents during such period. The term "owner" as used in this section includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the University. For purposes of determining a principal stockholder, stock held by a spouse wife and dependent children shall be treated as one unit.

(g) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this section, he or she shall provide proof of his or her earnings from the business or farm operation to the University. Proof of earnings may be established by income tax returns, financial statements and accounting

records or similar evidence acceptable to the University.

3.12 Replacement Housing Payments for Homeowners

(a) General. The University shall make to a displaced person who is displaced from a dwelling who satisfies the conditions of subsection (b) of this section, a payment not to exceed a combined total of $22,500.00[1] (as such amount may be changed by State law from time to time) for:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost, as determined in accordance with subsection (c), of a comparable replacement dwelling. This amount shall not exceed the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling, except where a displaced person, in the circumstance described in paragraph 3.15 (a)(1), is willing to use the extra money to improve the condition of the dwelling.

(2) The amount, if any, to compensate the displaced person for any increased interest costs, as determined in accordance with subsection (c), he or she is required to pay for financing the acquisition of a replacement dwelling. The payment shall not be made unless the dwelling acquired by the University was encumbered by a bona fide mortgage which was a valid lien on the dwelling for not less than 180 days prior to the initiation of negotiations for acquisition of such dwelling. (This time requirement may be modified in accordance with the provisions of subsection (b) below.)

(3) Reasonable expenses, determined in accordance with subsection (c) of this section, incurred by the displaced person incident to the purchase of the replacement dwelling.

(4) In accordance with section 3.15, the cost of rehabilitating a dwelling which does not satisfy the decent, safe and sanitary standard.

(b) Eligibility Conditions.

(1) A displaced person is eligible for payment under this section if such person:

A. Is displaced from a dwelling that is acquired;

B. Has actually owned and occupied such dwelling for not less than 180

[1] The limitation on replacement housing payments to tenants and homeowners is only applicable if the displaced person can be relocated to comparable replacement dwellings within that person's financial means as set forth in Section 1.5(c)(5). If a comparable replacement dwelling is not available within the displaced person's financial means, the displaced person is eligible for last resort housing, including payments that exceed the $22,500 in accordance with Section 4.11(b)(1).

days prior to the initiation of negotiations for its acquisition; and

C. Purchases and occupies a replacement dwelling within one year subsequent to the date on which he or she received final payment from the University of all costs of the acquired dwelling or the date on which he or she moves from the acquired dwelling, whichever is later.

(2) If an owner satisfies all but the 180 day requirement and can establish to the satisfaction of the University that he or she bought the dwelling with the intention of making it his or her place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits, and that he or she neither knew nor should have known that a public acquisition was intended the University may reduce the requirement as necessary.

(3) Where for reasons beyond the control of the displaced person completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed beyond the date by which occupancy is required, the University shall determine the date of occupancy to be the date the displaced person enters into a contract for such construction, rehabilitation, or relocation or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated, if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed.

(4) Where, for reasons of hardship or circumstances beyond the control of the displaced person, such person is unable to occupy the replacement dwelling by the required date, the University may extend the deadline as necessary. If by the deadline the displaced person has contracted to purchase a replacement dwelling, the University should extend the deadline.

(5) No person otherwise eligible for a payment under this section or under section 3.13 shall be denied such eligibility as a result of his or her being unable, because of a major state or national disaster, to meet the occupancy requirements.

(c) Computation of Replacement Housing Payment.

(1) Cost of Comparable Replacement Dwelling.

A. In determining the reasonable cost of a comparable replacement dwelling, the University shall use one of the following methods:

1. Comparative Method. On a case-by-case basis by determining the listing price of dwellings which have been selected by the University and which are most representative of the acquired dwelling unit and meet the definition of comparable replacement dwelling set out in subsection 1.5(c). Whenever possible the listing price of at least three comparable replacement dwellings shall be considered.
2. Schedule Method. Where the University determines that the comparative method is not feasible, it may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings. The schedule shall be

based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas this analysis may be confined to the sub-area from which persons are displaced or may cover several different sub-areas, if they satisfy or exceed the criteria listed in subsection 1.5(c). To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of bedrooms, and price ranges.

3. Alternative Method. Where the University determines that neither the schedule, nor comparative method is feasible in a given situation, by the use of another reasonable method.

B. Whichever method is selected the cost shall be updated to within 3 months of the date of purchase of the replacement dwelling.

(2) Interest Payments. Interest payments shall be equal to the discounted present value of the difference between the aggregate interest applicable to the amount of the principal of the mortgage on the acquired dwelling over its remaining term at the time of acquisition, and other debt service costs, and the aggregate interest paid on the mortgage on the replacement dwelling, and other debt service costs. The term and amount of the mortgage on the replacement dwelling for purposes of this paragraph shall be the lesser of the remaining term and amount of the mortgage on the acquired dwelling, or the actual term and amount of the mortgage on the replacement dwelling.

The amount of the debt service cost with respect to the replacement dwelling shall be the lesser of the debt service cost based on the cost required for a comparable replacement dwelling, or the debt service cost based on the actual cost of the replacement dwelling.

Prepaid interest or "points" shall be considered in the determination of aggregate interest.

In calculating the amount of compensation, increased interest cost shall be reduced to discounted present value using the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(3) Expenses Incident to the Purchase of the Replacement Dwelling. Payment under this section shall include the amount necessary to reimburse the displaced person for actual costs incurred by him or her incident to the purchase of the replacement dwelling, including but not limited to the following: legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid

incident to recordation; lender, FHA, VA or similar appraisal costs; FHA, VA or similar application fee; cost for certification of structural soundness; credit report charges; charges for owner's and mortgagee's evidence or assurance of title; escrow agent's fee; and sales or transfer taxes. Payment for any such expenses shall not exceed the amount attributable to the purchase of a comparable replacement dwelling. Such expenses shall be reasonable and legally required or customary in the community.

Reimbursement shall not be made under the provisions of this paragraph for any fee, cost, charge, or expense which is determined to be a part of the debt service or finance charge under Title I of the Truth in Lending Act (Pub. L. 90-321), and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System. Any such sum should be considered in the determination of interest payments.

(d) Multi-family Dwelling. In the case of a displaced homeowner who is required to move from a one-family unit of a multi-family building which he or she owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multi-family building of approximately the same density or if that is not available in a building of the next less density, or, if a comparable one-family unit in such a multi-family building is not available, the cost of an otherwise comparable single-family structure.

(e) Owner Retention.

(1) If a displaced homeowner elects to retain, move, and occupy his or her dwelling, the amount payable under this section is the difference between the acquisition price of the acquired property and the sum of the moving and restoration expenses, the cost of correcting decent, safe, and sanitary deficiencies, if any, and the actual purchase price of a comparable relocation site. The University may limit the payment made under this subsection to the amount of the replacement housing payment for which the homeowner would otherwise be eligible.

(2) The payment shall not exceed $22,500 (as such amount may be changed by State law from time to time).

(f) Provisional Payment Pending Condemnation. If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the University may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the University's maximum offer for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement that upon final adjudication of the condemnation suit the replacement housing payment will be

recomputed on the basis of the acquisition price determined by the court. If the acquisition price as determined by the court is greater than the maximum offer upon which the provisional replacement housing payment is based, the difference will be refunded by the homeowner to the University. If the acquisition price as determined by the court is less than the maximum offer upon which the provisional replacement housing payment is based, the difference will be paid to the homeowner.

Lease of Condominium. For the purposes of this section, the leasing of a condominium for a 99-year period, or for a term which exceeds the life expectancy of the displaced person as determined by the most recent life tables in Vital Statistics of the United States, as published by the Center for Disease Control of the Department of Health, and Human Services, shall be deemed a purchase of the condominium.

3.13 Replacement Housing Payment for Tenants and Certain Others

(a) General. The University shall make to a displaced person who satisfies the conditions of subsection (b) below, a payment not to exceed $5,250.00 (as such amount may be changed by State law from time to time)[2] for either:

(1) An amount, computed in accordance with paragraph (d)(1) of this section, necessary to enable such person to lease or rent a replacement dwelling for a period not to exceed forty-two (42) months; or

(2) An amount, computed in accordance with paragraph (d)(2) of this section, necessary to enable such person to make a down payment on the purchase of a replacement dwelling (including incidental expenses described in section 6102).

(b) Eligibility Conditions. A displaced person is eligible for the payments specified in subsection (a) if he or she satisfies the following conditions:

(1) Has occupied the dwelling from which he or she is displaced for a period of not less than 90 days prior to the initiation of negotiation for acquisition of such dwelling.

(2) Is not eligible to receive a replacement housing payment for homeowners under section 3.12 or elects not to receive such payment. Where the displaced person is the owner-occupant of the dwelling, the payment made

[2] The limitation on replacement housing payments to tenants and homeowners is only applicable if the displaced person can be relocated to comparable replacement dwellings within that person's financial means as set forth in Section 1.5(c)(5). If a comparable replacement dwelling is not available within the displaced person's financial means, the displaced person is eligible for last resort housing, including payments that exceed the $5,250 in accordance with Section 4.11(b)(1).

under paragraph 3.13(a)(2) shall not exceed the amount of payment to which the person would be eligible under section 3.12.

(3) Whenever a payment under subsection (a)(2) is sought the displaced person shall within one year from the date of displacement purchase and occupy a replacement dwelling.

(c) The provisions in subsection 3.12(b) for modifying the conditions of eligibility also apply to this section.

(d) Computation of Payment.

(1) Rentals. The amount of payment necessary to lease or rent a comparable replacement dwelling, under subsection (a)(1), shall be computed by subtracting 42 times the base monthly rental of the displaced person (as determined in accordance with this subsection), from 42 times the monthly rental for a comparable replacement dwelling (as determined in accordance with this subsection): Provided, that in no case may such amount exceed the difference between 42 times the base monthly rental as determined in accordance with this subsection and 42 times the monthly rental actually required for the replacement dwelling occupied by the displaced person.

A. Base Monthly Rental. The base monthly rental shall be the lesser of the average monthly rental paid by the displaced person for the three (3) month period prior to initiation of negotiations or 30 percent of the displaced person's average monthly income. (See subsection 1.5(k).) Where the displaced person was the owner of the dwelling from which he or she was displaced or was not required to pay rent for that dwelling, the economic rent (see subsection 1.5(g)) shall be used in lieu of the average monthly rental to calculate base monthly rental.

B. Comparable Rental. The monthly rental for a comparable replacement dwelling shall be the amount of rent determined by the University by one of the methods described in paragraph 3.12 (c)(1), considering rental charges instead of listing price or acquisition cost.

C. Whichever method is selected the cost shall be updated to within three (3) months of the date of rental of the replacement dwelling.

(2) Downpayment. The down payment for which a payment specified under paragraph (a)(2) of this section may be made, shall not exceed the amount of a reasonable down payment for the purchase of a comparable replacement dwelling where such purchase is financed, plus expenses

incident to the purchase of a replacement dwelling computed in accordance with Section 3.12. The full amount of a down payment under this section shall be applied to the purchase of the replacement dwelling and shall be shown on the closing statement or other document acceptable to the University.

(e) Rental Payments for Displaced Owners and Dependents.

(1) Owners. A displaced owner who elects to rent rather than purchase a replacement dwelling and who meets the eligibility conditions specified in subsection (b) is eligible for the payment specified in paragraph (a)(1).

(2) Dependents. A dependent who is residing separate and apart from the person or family providing support shall be entitled to relocation in accordance with the State Guidelines.

(f) Disbursement. Except where specifically provided otherwise, the University shall have the authority to disburse payments under this section in a lump sum, monthly or at other intervals acceptable to the displaced person.

3.14 Proration of Payments

For the purpose of calculating an alternate payment under section 3.10 or a replacement housing payment under section 3.12 or 3.13, two or more individuals (whether they are members of one family or not) living together in and displaced from a single dwelling shall be regarded as one person.

Where a tenant is sharing a single-family 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 supplement otherwise payable. The owner-occupant shall not be required to share the payment to which he or she is entitled or accept a prorated amount.

3.15 Condition of Replacement Dwelling

(a) When a displaced person qualifies for a replacement housing payment (under section 3.12 or 3.13) by purchasing or renting a replacement dwelling, the unit, as a general rule, must be decent, safe and sanitary. There are three exceptions. One is described in paragraph 2.5(a)(6). The others are:

(1) If the purchase of such a dwelling is the result of the University's failure to identify a reasonable number of comparable replacement dwellings as required or if the dwelling is one to which the person was referred by the University, the condition of the dwelling does not affect eligibility for a

replacement housing payment.

(2) If the purchase of such a dwelling is not the result of a University's referral or failure to refer, the otherwise eligible person qualifies for a replacement housing payment if the unit is brought into compliance with the decent, safe and sanitary standard. In this situation payment shall be limited to the amount that would be provided in connection with the purchase of a similar, comparable replacement dwelling or the sum of the actual costs of acquisition (including related expenses) and rehabilitation, whichever is less.

(b) The University shall not induce or encourage a displaced person to acquire a dwelling which does not satisfy the comparable replacement dwelling standard. (See section 1.5(c).)

3.16 Certificate of Eligibility

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a replacement dwelling, but who is otherwise eligible for a replacement housing payment, the University shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he or she purchases and occupies a dwelling within the time limits prescribed.

3.17 Manufactured Homes and Mobilehomes

(a) General. A manufactured home or mobilehome is a dwelling. A person displaced from a manufactured home or mobilehome must satisfy the same eligibility requirements and must be provided the same assistance, assurance and payments as a person displaced from a conventional dwelling.

(b) Moving Expenses. If a manufactured home or mobilehome is moved to another site, the displaced person shall be compensated for moving expenses in accordance with sections 3.6 and 3.7. The provisions of these sections which generally apply only to businesses and farms shall also apply to displaced persons who move a manufactured home or mobilehome.

(c) Replacement Housing Payments.

(1) A person who owns a manufactured home or mobilehome and site and as a replacement purchases both a dwelling and site shall be provided a replacement housing payment in accordance with section 3.12 A person who owns a manufactured home or mobilehome and site, and as a replacement rents both a dwelling and site, shall be provided a payment in

accordance with section 3.13.

(2) A person who rents a manufactured home or mobilehome and site, and as a replacement rents or purchases a dwelling and site, shall be provided a payment in accordance with section 3.13.

(3) A person who owns a manufactured home or mobilehome and site, and as a replacement purchases a dwelling and rents a site, shall be provided a payment in accordance with sections 3.12 and 3.13. The payment shall be limited to the lesser of:

A. The amount necessary to purchase a conventional comparable replacement manufactured home or mobilehome; or

B. The amount necessary to purchase a replacement manufactured home or mobilehome (in accordance with section 3.12) plus the amount necessary to rent a replacement site (in accordance with section 3.13). In calculating this amount, the economic rent for the site shall be used in lieu of average monthly rental to determine the base monthly rental (as provided in paragraph 3.13(d)(1)).

(4) A person who owns a site from which he or she moves a manufactured home or mobilehome shall be provided a replacement housing payment under section 3.12 if he or she purchases a replacement site and under section 3.13 if he or she rents a replacement site.

(5) A person who owns a manufactured home or mobilehome which is acquired and rents the site shall be provided payment as follows:

A. If a manufactured home or mobilehome, as appropriate, is not available the amount required to purchase a conventional replacement dwelling (in accordance with section 3.12);

B. The amount necessary to purchase a replacement manufactured home or mobilehome (in accordance with section 3.12) plus the amount necessary to lease, rent or make a downpayment on a replacement site (in accordance with section 3.13); or

C. If he or she elects to rent a replacement manufactured home or mobile home and site, the amount required to do so in accordance with section 3.13. In calculating this payment, the average monthly rental shall equal the economic rent for the manufactured home or mobilehome plus the actual rent for the site.

(6) Similar principles shall be applied to other possible combinations of ownership and tenancy upon which a claim for payment might be based.

ARTICLE 4 LAST RESORT HOUSING

4.1 Purpose

The purpose of this part is to set forth the criteria and procedures for assuring that if the action of the University results, or will result in displacement, and comparable replacement dwellings will not be available as needed, the University shall use its funds or funds authorized for the project to provide such housing.

4.2 Determination of Need for Last Resort Housing

If on the basis of data derived from surveys and analyses which satisfy the requirements of sections 2.8 and 2.10, the University is unable to demonstrate that comparable replacement dwellings will be available as required, the President or his or her designee shall determine whether to use the University's funds or the funds authorized for the project to provide such necessary replacement housing or to modify, suspend or terminate the project or undertaking.

4.3 Development of Replacement Plan

(a) General.

(1) Following the determination pursuant to section 4.2, the President or his or her designee shall develop or cause to be developed a replacement housing plan to produce a sufficient number of comparable replacement dwellings. The plan shall specify how, when and where the housing will be provided, how it will be financed and the amount of funds to be diverted to such housing, the prices at which it will be rented or sold to the displaced persons, the arrangements for housing management and social services as appropriate, the suitability of the location and environmental impact of the proposed housing, the arrangements for maintaining rent levels appropriate for the displaced persons, and the disposition of proceeds from rental, sale, or resale of such housing. If a referendum requirement or zoning presents an obstacle, the issue shall be addressed.

(2) All contracts and subcontracts for the construction, rehabilitation or management of last resort housing shall be let without discrimination as to race, sex, sexual orientation, marital status, color, religion, national origin, ancestry or other arbitrary circumstance and pursuant to an affirmative action program. The University shall encourage participation by minority persons in all levels of construction, rehabilitation, planning, financing and management of last resort housing. When the housing will be located in an

area of minority concentration, the University shall seek to secure significant participation of minorities in these activities. The University shall require that, to the greatest extent feasible, opportunities for training and employment arising in connection with the planning, construction, rehabilitation, and operation of last resort housing be given to persons of low income residing in the area of such housing and shall determine and implement means to secure the participation of small businesses in the performance of contracts for such work.

(b) Citizen Participation.

(1) If the need for last resort housing exceeds 25 units, the President or his or her designee shall establish a committee which will consult with and provide advice and assistance to the University in the development of the plan. The committee should include appointed representatives of the University and state and local agencies knowledgeable regarding housing in the area, including but not limited to the local housing authority. In addition, the committee should include representatives of other appropriate public groups (for example, local and area wide planning agencies) and private groups knowledgeable regarding housing and the problems of housing discrimination.

(2) The committee shall include representatives of displaced persons. These representatives may be appointed by the President or his or her designee or elected by the residents, as the residents wish. Resident representatives shall, at a minimum, constitute one-third of the committee membership. Votes shall be allocated so that the total votes of resident representatives shall equal one-half of the total votes of the committee membership.

(3) The plan must be approved by the vote of a simple majority of the committee membership. In the event the committee fails to approve the plan, the President or his or her designee may approve the plan.

(c) Consultation with Other Housing Agencies and Organizations. The University may consult or contract with the Department, a local housing authority, or other agency or organization having experience in the administration or conduct of housing programs to provide technical assistance and advice in the development of the replacement housing plan.

4.4 Submission Plan for Comment

The University shall submit the plan and all significant amendments to the local housing and planning agencies for comment and to assure that the plan accurately reflects housing

conditions and needs in the relocation area. Reviewing agencies shall have 30 calendar days following receipt of the plan to prepare their comments. Copies of all comments received shall be forwarded to the committee and available to all interested persons.

General notice of the plan shall be provided. Notice shall be designed to reach the residents of the relocation area; it shall be in accordance with the provisions of paragraph 2.7(a)(3**)** and subsection 2.7(b); and it shall be provided 30 days prior to submission to the committee, or the President or his or her designee for approval.

4.5 Determination by University of Feasibility and Compliance

Upon receipt and consideration of the comments, the President or his or her designee shall determine whether or not:

(a) The plan is feasible.

(b) The plan complies with applicable environmental standards and procedures.

(c) The plan is compatible with the local general plan and housing element and the area wide housing plan or strategy

If any of the above determinations is negative the University shall revise the plan as necessary. Substantial modifications in the plan shall be submitted for review and comment as provided in section 4.4. If necessary for timely implementation of the plan or execution of the project, the President or his or her designee may shorten the time allowed in section 4.4 for review of modifications.

4.6 Implementation of the Replacement Housing Plan

Upon making the determinations required by section 4.5, the University may expend funds and take such other actions as necessary to provide, rehabilitate, or construct replacement housing pursuant to the approved replacement housing plan through methods including but not limited to the following:

(a) Transfer of funds to state and local housing agencies.

(b) Contract with organizations experienced in the development of housing.

(c) Direct construction by the University.

Whenever practicable, the University should utilize the services of federal, state, or local housing agencies, or other agencies having experience in the administration or conduct of similar housing programs.

4.7 Housing Production

The President or his or her designee shall monitor the production of the last resort housing to ensure that it is in accordance with the plan.

4.8 Jointly Sponsored Development

Where several agencies are administering programs resulting in residential displacement, opportunities shall be sought for joint development and financing to aggregate resources in order most efficiently to provide replacement housing in sufficient quantity to satisfy the aggregate needs of such programs.

4.9 Last Resort Housing In Lieu of Payments

The University shall not require a displaced person to accept a dwelling provided pursuant to this Article in lieu of the displaced person's acquisition payment, if any, for the real property from which he or she is displaced or the relocation payments for which he or she may be eligible.

4.10 Conformity with the Act and Other Substances, Policies and Procedures

(a) Civil Rights and Other Acts. The administration of this Article shall be in accordance with the provisions of all applicable federal and state non-discrimination laws and regulations issued pursuant thereto.

(b) Dwelling and Relocation Standards. Determinations made pursuant to section 4.2 and any plan developed and implemented for providing replacement housing and all such housing provided thereunder shall be in conformity with the standards established in the Act, the Guidelines and this Policy.

4.11 Last Resort Housing

(a) Whenever comparable replacement dwellings are not available, or are not available within the monetary limits of Government Code sections 7263 or 7264, as appropriate, the University shall provide additional or alternative assistance under the provisions of this part.

(b) The methods of providing replacement housing of last resort include, but are not limited to:

(1) A replacement housing payment calculated in accordance with the provisions of sections 3.12 or 3.13, as appropriate, even if the calculation is in excess of the monetary limits of Government Code sections 7263 and 7264. A rental assistance payment under this part shall be paid to the displaced person in a lump sum, or at the discretion of the University, $5,250.00 shall be paid to the displaced person in a lump sum upon displacement and the remainder of the payments shall be paid to the displaced person in periodic payments over a period not to exceed (42) months unless otherwise specified by statute.

(2) Major rehabilitation of and/or additions to an existing replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under subsection (b)(1).

(3) The construction of a new replacement dwelling in a sum equal to or greater than the payment to which the displaced person is entitled under subsection (b)(1) of this section.

(4) The relocation and, if necessary, rehabilitation of a dwelling.

(5) The purchase of land and/or a replacement dwelling by the University and subsequent sale or lease to, or exchange with a displaced person.

(6) For purposes of accommodating the needs of handicapped persons, the removal of barriers to the handicapped.

ARTICLE 5 GRIEVANCE PROCEDURES

5.1 PURPOSE

The purpose of this article is to set forth guidelines for processing appeals from University determinations as to eligibility, the amount of payment, and for processing appeals from persons aggrieved by a University's failure to refer them to comparable permanent or adequate temporary replacement housing.

5.2 Right of Review

Any complainant, that is any person who believes himself or herself aggrieved by a determination as to eligibility, the amount of payment, the failure of the University to provide comparable permanent or adequate temporary replacement housing may, at his or her election, have his or her claim reviewed and reconsidered by the President of the University or his or her authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in this article, as supplemented by the procedures the University shall establish for such review and reconsideration.

5.3 Notification to Complainant

If the University denies or refuses to consider a claim, the University's notification to the complainant of its determination shall inform the complainant of its reasons and the applicable procedures for obtaining review of the decision. If necessary, such notification

shall be printed in a language other than English in accordance with section 2.7.

5.4 Stages of Review by a University

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

(b) Informal Oral Presentation. A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed within the period described in subsection (d) of this section, and within 15 days of the request the University shall afford the complainant the opportunity to make such presentation. The complainant may be represented by an attorney or other person of his or her choosing. This oral presentation shall enable the complainant to discuss the claim with the President of the University or his or her designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The President or his or her designee shall make a summary of the matters discussed in the oral presentation to be included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.

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

(d) Time Limit for Requesting Review. A complainant desiring either an informal oral presentation or seeking a formal review and reconsideration shall make a request for such review to the University within 18 months following the date he or she moves from the property.

5.5 Formal Review and Reconsideration by the University

(a) General. The University shall consider the request for review and shall decide whether a modification of its initial determination is necessary. This review shall be conducted by the President or an authorized, impartial designee. (The designee may be a committee). A designee shall have the authority to revise the initial

determination or the determination of a previous oral presentation. The President or designee shall consider every aggrieved person's complaint regardless of form, and shall, if necessary provide assistance to the claimant in preparing the written claim. When a claimant seeks review, the University shall inform the claimant that the claimant has the right to be represented by an attorney at the claimant's expense, to present the claimant's case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, 'and to seek judicial review once the claimant has exhausted administrative appeal.

(b) Scope of Review. The University shall review and reconsider its initial determination of the claimant's case in light of:

(1) All material upon which the original determination was based including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness.

(2) The reasons given by the claimant for requesting review and reconsideration of the claim.

(3) Any additional written or relevant documentary material submitted by the claimant.

(4) Any further information which the University in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

(c) Determination on Review by University.

(1) The determination on review by the University shall include, but is not limited to:

A. The University's decision on reconsideration of the claim.

B. The factual and legal basis upon which the decision rests, including any pertinent explanation or rationale.

C. A statement to the claimant of the right to further administrative appeal, if the University has such an appeal structure, or if not, a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought.

(2) The determination shall be in writing with a copy provided to the claimant.

(d) Time Limits.

(1) The University shall issue its determination of review as soon as possible but no later than 6 weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later.

(2) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the University shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than 2 weeks from receipt of the last material submitted by the claimant or the date of the hearing, whichever is later.

5.6 Refusals to Waive Time Limitation

Whenever the University rejects a request by a claimant for a waiver of the time limits provided in section 3.5, a claimant may file a written request for review of this decision in accordance with the procedures set forth in sections 5.4 and 5.5, except that such written request for review shall be filed within 90 days of the claimant's receipt of the University's determination.

5.7 Extension of Time Limits

The time limits specified in section 5.4 may be extended for good cause by the University.

5.8 Recommendations by Third Party

Upon agreement between the claimant and the University, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the President or his or her designee for his or her final determination. In reviewing the claim and making recommendations to the President or his or her designee, the third party or parties shall be guided by the provisions of this Article.

5.9 Review of Files by Claimant

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

5.10 Effect of Determination on Other Persons

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

5.11 Right of Counsel

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

5.12 Stay of Displacement Pending Review

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

5.13 Joint Complainants

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

5.14 Judicial Review

Nothing in this Article shall in any way preclude or limit a claimant from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available under this Article.

III. COMPLIANCE / RESPONSIBILITIES

In July 1974, The Regents approved University of California relocation regulations and authorized the President to implement those regulations. The regulations were amended in 1977, and on January 15, 2004, the Regents delegated to the President the authority to further amend the regulations, subject to the concurrence of the Chair of the Board and the Chair of the Committee on Finance. In order to facilitate stakeholders' access to the updated regulations, they are published and administered as this University of California Relocation Assistance Act Policy for Real Estate Acquisitions and Leases.

Effective with the publication of this Policy, the President's authority to implement the Policy, including any provisions requiring the President's approval, is delegated to the Chancellors, the Executive Vice President-Chief Operating Officer, the Director-Lawrence Berkeley National Laboratory, and the Vice President-Agricultural and Natural Resources, ("Responsible Officers") within their respective jurisdictions. Each Responsible Officer may redelegate this authority.

IV. PROCEDURES

Not Applicable

V. RELATED INFORMATION

Not Applicable

VI. FREQUENTLY ASKED QUESTIONS

Not Applicable

VII. REVISION HISTORY

July 1974: The Regents approved "University of California Relocation Regulations" and authority the President to implement those regulations.

June 1977: The Regents approved "Revised University of California Relocation Regulations" and authorized the President to implement those regulations.

January 2004: The Regents delegated to the President, subject to the concurrence of the Chair of the Board and the Chair of the Committee on Finance, the authority to update and amend, from time to time as necessary, the revised University of California Relocation Regulations.

May 2013: The Regents, in an action by concurrence, approved the updated "University of California Relocation Assistance Act Policy for Real Estate Acquisitions and Leases."

May 2015, Technical Update – Updated title of Responsible Officer and Responsible Office in connection with UCOP reorganization.

VIII. APPENDIX

Attachment A: Minimum Contents of Informational Statement(s)

ATTACHMENT A

Minimum Contents of Informational Statement(s)

For Distribution To

		Displaced Persons	Business Concerns and Others
1.	General description of the nature and types of activities that will be undertaken, including an identification of areas which may involve displacement. A diagrammatic sketch of the project area should be attached	X	X
2.	Statement that public action may result in displacement but that no one lawfully occupying property will be required to surrender possession without at least 90 days' written notice from the University and no one will be required to move until 90 days after the provision of information.	X	X
3.	Assurance that families and individuals will not be required to move before reasonable offers of decent, safe, and sanitary and otherwise comparable housing within their financial means have been made, except for the causes set forth in the local agency's eviction policy (which shall be in accordance with section 2.13.)	X	
4.	General description of types of relocation payments available, including general eligibility criteria and a caution against premature moves that might result in loss of eligibility for a payment.	X	X
5.	Identification of the University's relocation program and a description of the relocation services and aids that will be available.	X	X
6.	Encouragement to visit the agency's relocation office and cooperate with the staff. The address, telephone #, and hours of the relocation office should be specified.	X	X
7.	Information on replacement housing, including: a. Brief description of what constitutes comparable replacement housing, including physical standards. b. Laymen's description of Federal fair housing law (Title VIII Of Civil Rights Act Of 1968), and applicable State and local fair housing laws, as well as rights under Title IV of the Civil Rights Act of 1964. c. Statement that the University (or its agent) will identify comparable replacement dwellings within the financial means of and otherwise available to displaced persons and will provide assistance to persons in obtaining housing of their choice, including assistance in the referral of complaints of discrimination to the appropriate Federal, State or local fair housing enforcement agency. d. Statement that persons may seek their own housing accommodations and urging them, if they do so, to notify the relocation office prior to making a commitment to purchase or occupy the property	X	
8.	Statement that the University will provide maximum assistance in locating relocation accommodations, including consultation with the Small Business Administration and other governmental agencies which might be of assistance.		X
9.	Statement describing requirement for prior notification to the agency of the business concern's intention to move.		X
10.	Summary of the local agency's eviction policy, which shall be in accordance with the provisions of section 2.13.	X	X
11.	Statement describing the agency's grievance procedure, its purpose, and how it may be **used,** which procedure shall be in accordance with the provisions of Article 5.	X	X