

Office of the President
June 8, 1977

TO MEMBERS OF THE COMMITTEE ON GROUNDS AND BUILDINGS:

ITEM FOR ACTION

For Meeting of June 16, 1977

Re: Revised University of California Relocation Regulations

The President recommends that the Committee on Grounds and Buildings recommend to The Regents:

1. That The Regents approve the attached "Revised University of California Relocation Regulations";
2. That the President be authorized to implement these Regulations; and
3. That the Background of and Attachment to this item be forwarded to The Regents.

BACKGROUND

The Revised University of California Relocation Regulations govern situations where persons are required to vacate occupancy of property as a result of its acquisition by The Regents. Section 7267.8 of the California Government Code requires that all public entities adopt rules and regulations to administer relocation assistance and to implement payments under the provision of the Code. The rules and regulations are to conform with Guidelines adopted by the State of California Commission of Housing and Community Development (HCD). The HCD issued revised Guidelines on October 19, 1976, to be effective on January 1, 1977. The proposed Revised University of California Relocation Regulations would replace regulations approved by The Regents in July, 1974, and would incorporate changes made necessary by the revised HCD Guidelines.

Additional background to this item is contained in the proposed Revised Relocation Regulations, which is attached. It should be noted that "Part F-- Policies Relating to Acquisition of Real Property for Public Use," pages 51-53, is based on language of the Government Code statute sections which underlie the HCD Guidelines, rather than on the Guidelines as issued. It is General Counsel's opinion that the property acquisition policies in the HCD Guidelines exceed the authority granted to HCD by the Legislature, and that the University need not adopt that section which deals with acquisition policies but may substitute the statutory language instead.

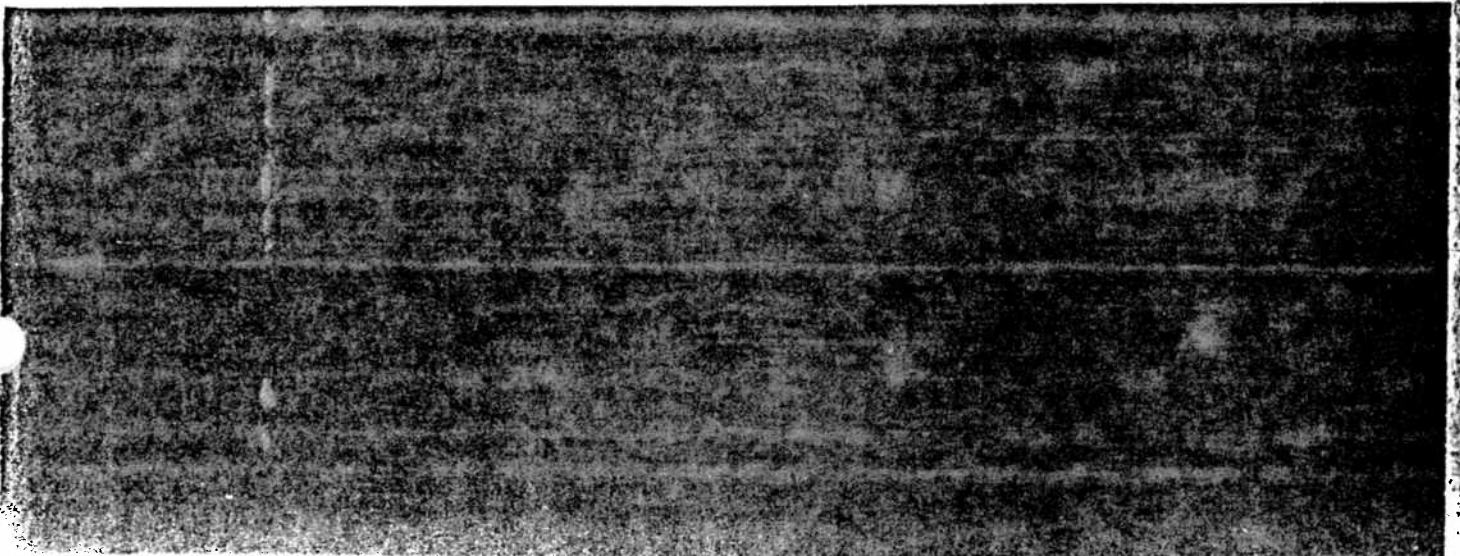
General Counsel also has advised that the applicable Government Code sections are not clear in regard to whether they are applicable to any acquisition of real property by a public agency. Because the policy underlying the statutes is to protect persons who could be displaced by eminent domain, extension of the acquisition policies to acquisitions for other than public use appear inappropriate and, accordingly, the University's real property acquisition policies in the Revised Relocation Regulations are expressly limited to acquisition of real property for public use.

(Attachment)

DA 2027



**Revised
University of California
Relocation Regulations**



REVISED UNIVERSITY OF CALIFORNIA

RELOCATION REGULATIONS

Based upon the State of California Relocation Assistance Law, Government Code, Chapter 16, Sections 7260 et. seq. and the Relocation Assistance and Real Property Acquisition Guidelines, which were dated October 19, 1976 to become effective January 1, 1977.

APPROVED BY THE REGENTS
OF THE UNIVERSITY OF CALIFORNIA

June 17, 1977

University of California
Systemwide Administration
Vice President - Business and Finance
Berkeley, California 94720

REVISED UNIVERSITY OF CALIFORNIA
RELOCATION REGULATIONS

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REVISED UNIVERSITY OF CALIFORNIA
RELOCATION REGULATIONS

A. INTRODUCTION

The Revised University of California Relocation Regulations pertain to situations where persons are required to vacate their present property as a result of acquisition by The Regents.

As required by State law, the Revised University Relocation Regulations are adapted from, and are consistent with, the State of California Relocation Assistance and Real Property Acquisition Guidelines adopted October 19, 1976 and which became effective January 1, 1977. The purpose of the State Guidelines is "to ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes, businesses or farms as a result of actions by a public entity."

As a matter of practicality, administrative units should avoid displacement of local residents from their homes if at all possible, out of consideration for the residents and because of the expense and administrative complexities involved. Administrative units are guided by these Relocation Regulations in the event displacement is considered unavoidable.

B. BACKGROUND

On December 22, 1972, the Governor signed into law AB 1040, which amended Section 7267.8 of the California Government Code as follows:

- (a) All public entities shall adopt rules and regulations to implement payments and to administer relocation assistance under the provisions of this Chapter. Such rules and regulations shall be in conformity with the guidelines adopted by the Commission of Housing and Community Development pursuant to Section 7268. Such rules and regulations shall, to the fullest extent possible, also be consistent as to federal and non-federal projects.
- (b) Notwithstanding the provisions of subdivision (a), with respect to a federally funded project, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

In conformance with AB 1040, the State of California Commission of Housing and Community Development adopted "Relocation Guidelines," dated October 17, 1973. These Guidelines were substantially revised and newly issued as the "Relocation Assistance and Real Property Acquisition Guidelines" on October 19, 1976, to take effect January 1, 1977. The State Guidelines are intended to be consistent with Federal relocation guidelines developed by the Office of Management and Budget pursuant to Public Law 91-646 (The Uniform Relocation Assistance and Land Acquisition Policies Act of 1970).

General Counsel indicates that AB 1040 is applicable to the University and, therefore, The Regents must adopt Relocation Regulations which are consistent with the State Guidelines.

In these Revised University of California Relocation Regulations, The Regents adopt the State Guidelines that specify relocation services and monetary payments to displaced persons in such subject areas as moving and related expenses, replacement housing for homeowners, replacement housing for tenants, advisory assistance, and, as a last resort, actual construction of new replacement housing. Additionally, certain modifications are made in these University Regulations to the State Guidelines which are intended to adapt those Guidelines to the University setting.

The State Guidelines require a survey and analysis of the availability of decent, safe, and sanitary housing before a public entity may initiate displacement. This survey would be submitted to The Regents, as a "Relocation Plan" for Regents' approval, before an administrative unit may take displacement actions. The Relocation Plan would state the reasons for displacement, the number of persons and businesses to be displaced, the socioeconomic characteristics of residents to be displaced, and planned relocation processes. Additionally, the Relocation Plan needs to include, to the extent feasible, an assurance of availability of adequate replacement housing.

These University Regulations also establish grievance procedures, which provide for additional internal University review of disputes or complaints, University Relocation Appeals Board review, or mutually acceptable third party review of matters relating to property acquisition and relocation.

Because most of the cities or counties where The Regents' properties are located already have agencies which provide relocation assistance, The Regents would have the option to contract for such services and then reimburse the local agencies for costs incurred. It is expected that most local agencies in California will adopt relocation assistance regulations which are similar to and consistent with the State Guidelines, and therefore would be in conformance with University Regulations.

The University Relocation Regulations are in conformance with those parts of the State Guidelines which establish minimum payment levels for relocation assistance. As stated in 6002.(d) of the State Relocation Guidelines, local jurisdictions may exceed the minimum requirements. In the event that local jurisdictions exceed the State and University minimum relocation payment requirements, The Regents may wish to conform to local practices.

These Revised Relocation Regulations replace regulations approved by The Regents on July 12, 1974, because of changes necessitated by the new State Guidelines issued on October 19, 1976.

REVISED UNIVERSITY OF CALIFORNIA
RELOCATION REGULATIONS

PART A - General

1.1 Statement of purpose and policy

- A. These regulations are adopted from the State Relocation Assistance and Real Property Acquisition Guidelines, adopted October 19, 1976, which are intended to assist public entities in the development of regulations and procedures implementing the California Relocation Assistance Act, Sections 7260, and following, of the Government Code (hereinafter referred to as the "Act").
- B. These Regulations are designed to carry out the following policies of the Act:
 - (1) To ensure that uniform, fair and equitable treatment is afforded persons displaced from their homes, businesses or farms as a result of the actions of The Regents in order that such persons shall not suffer disproportionate injury as a result of actions taken for the benefit of the University; and
 - (2) In the acquisition of real property by The Regents, 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 courts, and to promote confidence in public land acquisition.
- C. The Regents shall not participate in or undertake a project that will displace individuals from their homes unless comparable replacement dwellings (see subsection 1.4 E) will be available within a reasonable period of time prior to displacement.
- D. These Regulations are intended to establish only minimum requirements for relocation assistance payments. They shall not be construed to limit the authority or obligation which The Regents may have to provide additional assistance and payment.
- E. The Act, Guidelines and these Regulations 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 a result of programs designed for the benefit of the University. The Act, Guidelines and these Regulations on which determinations are based shall be construed to effect this intent.

1.2 Applicability & Supersedure

- A. These Regulations shall become applicable to all displacement and acquisition occurring on or after their adoption by The Regents.
- B. These Regulations supersede those adopted by The Regents on July 12, 1974. The Regulations so superseded shall not apply to any displacement or acquisition occurring on or after the effective date of these Regulations. Any such displacement or acquisition shall be governed solely by these Regulations.

The provisions of these Regulations, however, shall not be construed retroactively to apply to action(s) undertaken by the University prior to their effective date where the purpose of the action was to fulfill obligations imposed by the Act and the action is in compliance with the requirements of the Act and the existing Regulations. For the purpose of this section the term "action" shall include but is not limited to: the provision of information, notice, other assistance, comparable replacement housing, payments and other benefits; the preparation of relocation and last resort housing plans, including the survey and analysis of needs and resources; the processing of grievances; and the various steps taken in connection with the acquisition of property for University use.

1.3 Regulations

The State Relocation Guidelines indicate that

- "A. Each public entity before undertaking or participating in activity which will result in the displacement of persons shall adopt rules and regulations that implement the requirements of the Act, are in accordance with the provisions of the Guidelines, and prescribe additional procedures and requirements that are appropriate to the particular activities of the public entity and not inconsistent with the Act or Guidelines.
- B. Regulations issued under this section shall be promptly revised as necessary to conform to any amendment of these guidelines."
- C. The adoption of these revised Regulations places The Regents in conformance with the requirements of the Act.

1.4 Definitions

The following terms shall mean:

- A. Acquisition. Obtaining ownership or possession of property for public use by lawful means.
- B. Administrative Unit. The Officers of The Regents and those jurisdictions administered by a Chancellor, a Vice President, or a Dean not reporting to a Chancellor or Vice President.

C. Business. Any lawful activity, except a farm operation, 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 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.

D. Comparable replacement dwelling. A dwelling which satisfies each of the following standards:

(1) Decent, safe and sanitary (as defined in subsection 1.4 E), 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 necessary to accommodate the displaced person.

(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 Act, Guidelines and Regulations do not require that the replacement dwelling 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/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.

(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 housing cost (including payments for mortgage, insurance and property taxes) or rental cost (including utilities and other reasonable recurring expenses) minus any replacement housing payment available to the person (as provided in Sections 3.12 and 3.13) does not exceed twenty-five percent (25%) of the person's average monthly income (as defined in subsection 1.4 L.) A replacement dwelling is within the financial means of a displaced person also if the purchase price of the dwelling including related increased interest costs and other reasonable expenses (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.

E. 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 or 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, an adequate and safe wiring system for lighting and other electrical services and heating as required by climatic conditions and local codes.

(b) each nonhousekeeping 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, 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.

- F. Department. Department of Housing and Community Development.
- G. Displaced person. Any person who moves from real property, or who moves his/her personal property from real property, either as a result of the acquisition of such real property, in whole or in part, by The Regents or by any person having an agreement with or acting on behalf of The Regents, or as the result of a written order from The Regents to vacate the real property, for public use.

This definition shall be construed so that persons displaced as a result of public action receive relocation benefits in cases where they are displaced as a result of an owner participation agreement or an acquisition carried out by a private person for or in connection with a public use where the public entity is otherwise empowered to acquire the property to carry out the public use.

- H. 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 nonhousekeeping unit, a mobile home, 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).

- I. 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.
- J. Elderly household. A household in which the head of household or spouse is 62 years or older.
- K. Family. Two or more individuals who by blood, marriage, adoption, or mutual consent live together as a family unit.
- L. 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.
- M. 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 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) 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 or spouse, except that the amount deducted shall not exceed the amount of income received by the person thus released.

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.

- N. Handicapped household. A household in which any member is handicapped or disabled.
- O. Initiation of negotiations. The initial written offer made by The Regents to the owner of real property to be purchased, or the owner's representative.
- P. Mobile home. A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. A self-propelled vehicle is not a mobile home.
- Q. 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.
- R. 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; or
 - (6) A proprietary interest in a mobile home.
 - (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.

- S. Person. Any individual, family, partnership, corporation, or association.
- T. President. "President" means the President of the University of California.
- U. Public entity. Includes the state, The Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state when acquiring real property, or any interest therein, or ordering that acquired property may be vacated, in any city or county for public use.
- V. Public use. A use for which property may be acquired by eminent domain.
- W. Regents. "Regents" means The Regents of the University of California.
- X. Regulations. Unless otherwise specified, "Regulations" means the Revised University of California Relocation Regulations.
- Y. Tenant. A person who rents or is otherwise in lawful possession of a dwelling, including a sleeping room which is owned by another.

1.5 Prior determinations

- A. Displacement. The Regents 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) Fair and reasonable relocation payments will be provided to eligible persons as required by Part C of these Regulations.

(2) A relocation assistance program exists offering the services described in Part B of these Regulations;

(3) Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in these Regulations;

(4) Based upon recent survey and analysis of both the housing needs of persons who will be displaced 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 persons who require them.

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

(6) A relocation plan meeting the requirements of Section 2.5 has been prepared.

B. Acquisition. The Regents may not proceed with any phase of a project or any other activity which will result in the acquisition of real property until they determine that with respect to such acquisition, and to the greatest extent practicable,

(1) Adequate provisions have been made to be guided by the provisions of Part F of these Regulations, and

(2) Eligible persons will be informed of the pertinent benefits, policies and requirements of the Regulations.

1.6 Citizen Participation

- A. All persons who will be displaced, neighborhood groups and any relocation committee shall be given an 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 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.

If a substantial number of persons 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 to the legislative body for approval. (See Section 2.5)

C. 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 persons, is provided in a manner designed to avoid such disclosure. This obligation to avoid improper disclosure shall not effect the right of the person to which the information relates (or any other person authorized in writing by such person) to inspect such documents.

(2) The provision of technical assistance necessary to interpret elements of the relocation plan and other pertinent materials.

(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 local legislative body or the head of the state agency for approval.

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

- 1.7 Prerequisite to displacement. No person shall be displaced until The Regents have fulfilled the obligations imposed by the Act, Guidelines and these Regulations.
- 1.8 Waiver. Any eligible person may voluntarily waive his/her right to receive relocation advisory assistance or relocation assistance benefits.
- 1.9 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 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.
 - C. The University may pay a complainant's attorney's fees and costs when a complaint institutes a successful administrative appeal or judicial action.
 - D. The enumeration of remedies in this section is not intended to discourage or preclude the use of other remedies consistent with the intent of the Act, Guidelines and Regulations. The University will consider and adopt other remedies when appropriate.

- 1.10 Priority of federal law. If the University undertakes a project with federal financial assistance and consequently must provide relocation assistance and benefits as required by federal law, the provisions of the Act, Guidelines and Regulations shall not apply; but if an obligation to provide relocation assistance and benefits is not imposed by federal law the provisions of the Act, Guidelines, and Regulations shall apply.
- 1.11 Severability. If any provisions of these Regulations or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these Regulations are severable.

PART B - 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 and to prescribe the obligation of The Regents not to displace or cause the displacement of any person from his/her dwelling without adequate notice and unless comparable replacement housing is available.
- 2.2 Relocation assistance advisory program. The Regents shall develop and implement a relocation assistance advisory program which satisfies the requirements of this Part and of Title VI of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968, the Unruh Civil Rights Act and the Rumford Act. Such program shall be administered so as to provide advisory services which offer maximum assistance to minimize the hardship of displacement and to assure that (a) all persons displaced from their dwellings are relocated into housing meeting the criteria for comparable replacement housing, and (b) all persons displaced from their places of business or farm operations are assisted in reestablishing with a minimum of delay and loss of earnings.
- 2.3 Eligibility
 - A. Relocation assistance and benefits shall be available to:
 - (1) Any person who occupies property from which he/she will be displaced.
 - (2) Any person who will move from real property or will move his/her personal property from real property, because he/she is displaced from other real property on which he/she conducts a business or farm operation.

(3) Any person who moves from real property as a result of its acquisition by The Regents whether the move is voluntary or involuntary.

(4) Any person who, following the initiation of negotiations, moves as the result of the pending acquisition. Such a person is eligible if the property is subsequently acquired by the University; if it is not acquired, such a person, at the discretion of the University, may be declared eligible.

(5) Any person who moves as the result of pending acquisition 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 if, before occupying the property, they are informed by the University that the property has been acquired for a public use and will be available as housing only in the interim between acquisition and development and that development for such use may result in termination of the tenancy sooner than would otherwise be expected. When post-acquisition tenants are so informed they are not eligible even though they move as the result of a written order from the University to vacate the real property.

The University shall inform prospective tenants regarding the projected date of displacement and, periodically, should inform post-acquisition tenants of any changes in this projection.

Persons who become post-acquisition tenants after the effective date of the Regulations, who are not so informed and who move as the result of a written order from the University to vacate are eligible for assistance and benefits, except where they are evicted in accordance with the provisions of Section 2.15.

(2) When the displacement of a post-acquisition tenant causes a hardship for that person because of a critical housing shortage, age, handicap, infirmity, lack of financial means or other circumstance, the University may provide relocation assistance and benefits. In such hardship situations the University is encouraged by the Guidelines to provide assistance and payment for moving expenses.

(3) Where the University, on property it owns, is making housing available on a permanent basis, (i.e., not pending development), 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 or rehabilitate such units. Sale of such units to a private person establishes eligibility without need for a written order to vacate unless the lease expires by its own terms or the tenant vacates the premises voluntarily prior to expiration of the lease.

2.4 Rehabilitation, Demolition, Code Enforcement. If the University undertakes a rehabilitation or demolition program or enforcement of building codes and as a result a person or business is displaced from privately owned property, the University may provide assistance and benefits, but it is not required to do so. If a person or business is displaced by such an undertaking from property acquired by the University, the University shall provide assistance and benefits.

2.5 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. When the University's action will only result in an insignificant amount of non-residential displacement, the requirements of this section need not be satisfied.

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 2.10) 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 2.12.)

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

(6) A description of the relocation payments to be made (pursuant to Part C) 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 2.13 and Part D) is to be built and financed.

(9) A standard information statement to be sent to all persons to be displaced (as required by Section 2.9).

- (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 2.12).
 - (14) The comments of the relocation committee, if any (pursuant to Section 1.6).
 - (15) A written determination by the University that the necessary resources will be available as required.
- C. A plan prepared by the University shall be consistent with the local housing element where such element is in force (prepared pursuant to California Administrative Code, Title 25, Chapter 1, Subchapter 5).
 - D. In the event of delay of implementation of the relocation program, the plan shall be updated annually.
 - (1) Copies of the plan shall be submitted for review to the relocation committee and the department 30 days prior to submission to the President. Copies shall be available to the public upon request.
 - (2) General notice of the plan shall be provided. Notice shall be designed to reach the occupants of the property; it shall be in accordance with the provisions of paragraph 2.9A and subsection 2.9B; and it shall be provided 30 days prior to submission to the President.

2.6 Minimum requirements of relocation assistance advisory program

- A. Each relocation assistance advisory program undertaken pursuant to this part shall include, at a minimum, such measures, facilities or services as may be necessary or appropriate in order to:
 - (1) Fully inform eligible persons under this Part within 15 days following the initiation of negotiations for a parcel, as to the availability of relocation benefits and assistance and the eligibility requirements therefor, as well as the procedures for obtaining such payments and assistance, in accordance with the requirements of Section 2.9 of these Regulations.
 - (2) Determine the extent of the need of each such eligible person for relocation assistance in accordance with the requirements of Section 2.10.

(3) Assure eligible persons that within a reasonable period of time prior to displacement there will be available comparable replacement housing, meeting the criteria described in Section 1.4D, sufficient in number and kind for, and available to, such eligible persons.

(4) Provide current and continuing information on the availability, prices, and rentals of comparable sales and rental housing, 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 person to complete applications for payments and benefits;

(6) Assist each eligible, displaced person to obtain and move to a comparable replacement dwelling.

Only adequate inspection will insure that a particular unit meets this standard. If a displaced person occupies a unit to which he/she is referred by the University and the unit does not satisfy the comparable replacement dwelling standard, the University has not fulfilled its obligation to assist the displaced person to obtain such a dwelling. Whenever this occurs the University shall offer to locate such a 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/she occupied following referral, the University shall not assert that he/she is ineligible to receive relocation assistance and benefits on the basis of that unit's failure to satisfy the comparable replacement dwelling standard.

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

(8) Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, or other arbitrary circumstances.

(9) Supply to such eligible 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 persons in order to minimize their hardships. The Guidelines recommend that, as needed, such assistance include counseling and referrals with regard to housing, financing, employment, training, health, welfare, and other assistance; and

(11) Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project, which policies shall be in accordance with the provisions of Section 2.15.

- B. Relocation office. When a substantial number of persons will be displaced and the relocation staff's office is not easily accessible to those persons, the University will consider the establishment of at least one appropriately equipped site office which is accessible to all the area residents who may be displaced 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.
 - C. The Regents shall establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of their determinations. The procedure shall be in accordance with the requirements of Part E of these Regulations.
- 2.7 Replacement housing prior to displacement; notices to displaced persons
- A. No eligible person shall be required to move from his/her dwelling unless within a reasonable period time prior to displacement comparable replacement dwellings (as defined in subsection 1.4D) or, in the case of a temporary move (as defined in Section 2.8), adequate replacement dwellings (as defined in paragraph B below) are available to such person.
 - B. 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 person is offered and refuses without justification reasonable choices of specifically identified comparable replacement dwellings which fully satisfy the criteria set forth in the Regulations. The offers shall be in writing, in a language understood by the displaced person. The number of offers determined to be reasonable shall be not less than three.
 - D. Notice. No eligible person occupying property shall be required to move from a dwelling or to move a business or farm operation, without at least 90 days written notice from The Regents. The Regents shall notify each individual tenant to be displaced as well as each owner-occupant. (These requirements are in addition to those contained in Sections 2.6 and 2.9.)

E. Waiver. The requirement in paragraph A above may be waived only when immediate possession of real property is of crucial importance and by one of the following circumstances:

(1) When displacement is necessitated by a major disaster as defined in Section 102(2) of the "Disaster Relief Act of 1974" (88 Stat. 143, 42 U.S.C. 5121);

(2) During periods of declared national or state emergency.

2.8 Temporary Move

A. General

(1) The Regents shall minimize to the greatest extent feasible, the use of temporary relocation resources (as defined in Section 2.7), but when a project plan anticipates moves back into completed project accommodations, temporary relocation resources may be used, at the displaced person's election for a limited period of time.

(2) Temporary relocation does not diminish the responsibility of The Regents 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 will not be available to the displaced person within 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 housing 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 housing 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 claimant's eligibility for a replacement housing payment nor deprive him/her of the same choice of replacement housing units 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 replacement housing accommodations in the project or program area, the person who has been temporarily displaced will be given priority opportunity to obtain such housing accommodations.

(e) The Regents will pay all costs in connection with the move to temporary housing, including increased housing costs.

2.9 Informational Program

A. Basic Requirements. The University shall establish and maintain an information program that provides for the following:

(1) Preparation and distribution of informational material as early as practicable, to each occupant of the property. This material shall be distributed within 15 days following the initiation of negotiation (see paragraph 2.6A(1)) and not less than 90 days in advance of displacement, except for those situations described in subsection 2.5E. Where appropriate, separate informational statements shall be prepared for residential and for non-residential occupants.

(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 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 informational material should be provided in the native language(s) and English.

C. Method of Delivery. To assure receipt of the informational material, The Regents 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 Regents shall also provide each person with individual, written notification as soon as his eligibility status has been established.

- E. Content of Informational Statements. Attachment A identifies the kinds of information required to be included in statements distributed to occupants of the property. The figure lists minimum requirements. Any additional information believed to be helpful should be included. (See Attachment A.)

2.10 Survey and Analysis of Relocation Needs

- A. (1) Requirement. Immediately following the initiation of negotiations, the University shall interview all 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.
- (2) 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.
- (3) 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 for information and assistance.
- (4) 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. The record shall contain a description of the pertinent characteristics of the persons to be displaced 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 effort shall be made to obtain the information by other means. Eligible 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 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

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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 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.

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.

- 2.11 Failure to Conduct Timely and Effective 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 eligible persons who have moved 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 persons all relocation assistance and benefits for which they otherwise qualify and, in addition, shall compensate such persons for all costs occasioned by the University's failure to provide timely notice and offers of relocation assistance and benefits.

2.12 Survey and Analysis of Available Relocation Resources

- A. (1) To enable the University reasonably to determine that the requisite comparable replacement dwellings will be available, the University, within 15 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.

(2) When more than 25 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.

(3) 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, as indicated in the written analysis prepared pursuant to Section 2.10. The survey area shall have relevant characteristics (see subsection 1.4 D) 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.

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. 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 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 housing, including 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.

(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 subsection 1.4 D), 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) Publicly 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; and

(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.

(d) The number of units available in the community exceeds the number of households in need of the units. This requirement may be waived by the department if the University can establish that such units will be replaced by last resort housing within two years. To establish that last resort housing will be developed as required, the University must have site control with permissive zoning, preliminary plans and conditional commitments for subsidy and financing or the equivalent. The University also must identify ownership.

(5) 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.

2.13 Last Resort Housing

- A. No eligible person shall be required to move from his/her dwelling because of the action of The Regents unless comparable replacement housing is available to him/her.
- B. If on the basis of its survey and analysis of relocation needs and resources the University cannot determine that comparable replacement housing 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 housing. (See Part D.)
- C. If the action of The Regents has resulted or is resulting in displacement and comparable replacement housing is not available as needed, The Regents shall use their funds, or funds authorized for the project to provide such housing (see Part D), or shall terminate or suspend further implementation of the project activity in accordance with the provisions of Section 1.10.
- D. Temporary relocation resources may be relied upon in the interim only if the provisions of Section 2.8 are satisfied.

2.14 Termination of relocation assistance

The Regents' relocation obligation ceases under the following:

- (1) A displaced person moves to a comparable replacement dwelling and receives all assistance and payment to which entitled.
- (2) 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/she is entitled.
- (3) All reasonable efforts to trace a person have failed. To ensure that the action of the University does 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 Part D).
- (4) 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.

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

(6) The displaced person or business concern voluntarily waives rights to assistance under these Regulations.

2.15 Eviction

- A. Eviction is permissible only as a last resort. It in no way affects the eligibility of evicted displaced persons for relocation payments. 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 University'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) Refusal to accept one of a reasonable number of offers of replacement dwellings.
 - (6) The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the University.
 - (7) Failure to vacate the premises after expiration of the lease or agreement by its own terms.

2.16 Evaluation of relocation

- A. The University is encouraged by the Guidelines to evaluate its relocation program, assessing the quality and quantity of services provided as well as displacee satisfaction, to determine the adequacy of program planning and to ascertain whether any persons have been denied the full benefits and services to which they are entitled. The evaluation shall 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.

- B. The files and records of displaced persons and property owners should be selected at random. The review 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 include cases in which all payments have been completed and cases in which the 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 agency has determined that a person is ineligible for relocation benefits.

(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.

- C. After the records and files have been reviewed, the reviewer should select cases for further evaluation through personal interviews with displaced persons and/or owners and the inspection of housing to which 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 judgement based on the information he 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. 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, 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, 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 acquisitions 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 relocation in upgrading the housing and overall environmental conditions of persons displaced.

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

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

PART C - Relocation Payments

- 3.1 Purpose. The purpose of this Part 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 payments by The Regents. The Regents shall make relocation payments to or on behalf of eligible displaced persons in accordance with and to the full extent permitted by this Part. The obligations described in this part are in addition to those in Part F.
- 3.3 Basic eligibility conditions. A person establishes basic eligibility for relocation payments if he/she satisfies the conditions described in Section 2.3. A person who moves from real property or who moves his/her personal property from real property because he/she will be displaced from other real property on which he/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.
- 3.4 Notice of intent to displace. The Regents may issue a written Notice of Intent to displace at any time after forming a reasonable expectation of acquiring the 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 18 months of the date on which the claimant receives final payment for the property or the date on which he/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/her tax returns in support of a claim for relocation payments.

- 3.6 Actual reasonable moving expenses
 - A. General. The Regents 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 paragraph C of this section for moving himself or herself, his/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 justified;

(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; and

(5) The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his/her agent, or employee) in the process of moving, where insurance covering such loss, theft or damage is not reasonably available.

(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 and farm operations. In addition to those compensable expenses set forth in paragraph 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 and subject to the limitation imposed by paragraph B.2, of:

(a) Any addition, improvement alteration or other physical change in or to any structure or its premises in connection with the reassembling, reconnection or reinstallation of machinery, equipment or other personal property. The University, at its discretion, may compensate a displaced business or farm for any addition, improvement, alteration or other physical change otherwise required to render such structure, premises, or equipment suitable for the business or farm's use.

Modifying the machinery, equipment, or other personal property to adopt 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 shall be found by the University to be required by law or ordinance or to be otherwise necessary to the reestablishment of the displaced business or farm.

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

(d) The University shall deduct, on the basis of a reasonable estimate, the amount, if any, realized by the displaced business concern as compensation for comparable additions, improvements, alterations or other physical changes to the structure and premises acquired as part of the payment made for the acquisition of such structure and premises.

(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.

(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 (1) the replacement cost, minus any net proceeds received from its sale, or (2) the estimated cost of moving, whichever is less.

- C. Advance payments. A displaced person may be paid for his/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. 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 to self-move may submit a claim for his/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 paragraph 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 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 for the costs incurred by a displaced person for moving his/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. Whenever the University must pay the actual cost of moving a displaced person the costs of such move shall be exempt from regulation 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.

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3.7 Actual direct losses of tangible personal property

- A. General. The Regents shall make a payment to a displaced person who satisfies the eligibility requirements of Section 3.6 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) 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 such 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, cancelled 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 satisfies the pertinent eligibility requirements of Section 3.6 with respect to actual reasonable moving expenses, shall be eligible for a payment in an amount not to exceed \$500, 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/her representative, but not to exceed \$10 per hour; 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. 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:

(1) A moving expense allowance not to exceed \$300, and determined in accordance with established Federal Highway Administration schedules maintained by the California Department of Transportation, and

2) A dislocation allowance of \$200.

3.11 Alternate payments -- businesses and farm operations

A. General.

(1) A person who is displaced from his/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 subsection 3.9 as determined in accordance with paragraph B below except that such payment shall be not less than \$2,500 nor more than \$10,000. 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 good will 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 Sections 1265.510 et seq. (The Eminent Domain Law, Chapter 9, Article 6 - "Compensation for Loss of Goodwill") will be reduced in the same amount. The portion considered to be compensation for loss of goodwill shall not exceed the difference between the payment made under this section and an amount which reasonably approximates the payments for which the displaced person otherwise would be eligible under Sections 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 that:

(1) 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 the clientele, the relative importance to the displaced business of its present and proposed location, and the availability of a suitable relocation site;

(2) The business is not part of a commercial enterprise having another establishment which is not being acquired for a project and which is engaged in the same or similar business. Whenever the sole remaining facility of a business has been displaced from its principal location

(a) has been in operation less than two years;

(b) has had average annual gross receipts of less than \$2,000 during the two taxable years prior to displacement of the major component of the business, or

(c) has had average annual net earnings of less than \$1,000 during the two taxable years prior to the displacement of the major component of the business, the remaining facility will not be considered another "establishment," for the purposes of this section; and

(3) The displaced business

(a) had average annual gross receipts of at least \$2,000 during the two taxable years prior to displacement; or

(b) the displaced business had average annual net earnings of at least \$1,000 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.

- 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; and
 - (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 at least one other establishment 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 taxes, during the two 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 President determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his/her spouse or 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 either spouse and their 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/she shall provide proof of his/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 other similar evidence acceptable to the University.

3.12 Replacement housing payments for homeowners

- A. General. The Regents shall make to a 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 \$15,000 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 3.15A (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/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 Regents 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 3.14, 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 the payments 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 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/she received final payment from the University of all costs of the acquired dwelling or the date on which he/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/she bought the dwelling with the intention of making it his/her place of residence, that the move was not motivated by a desire to receive relocation assistance and benefits, and that he/she neither knew nor should have known that 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 persons 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/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:

(i) 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 1.4 D.

(ii) 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. If more than one entity is administering a project causing displacement in the area, it shall cooperate with the other entities in establishing a uniform schedule for the area. 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 subarea from which persons are displaced, or may cover several different subareas if they satisfy or exceed the criteria listed in subsection 1.4 D. 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.

(iii) 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 three 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 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/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 cost; FHA, VA or similar application fee; cost for certification of structural soundness; credit report charges; charge 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 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 1 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/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/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 \$15,000.

- F. Provisional payment pending condemnation. If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, The Regents may make a provisional replacement housing payment to the displaced homeowner equal to the difference between The Regents' 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.
- 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 Public Health Service of the Department of Health, Education and Welfare, shall be deemed a purchase of the condominium.

3.13 Replacement housing payments for tenants and certain others

- A. General. The Regents 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 \$4,000 for either:
- (1) An amount, computed in accordance with subsection C (1) of this section, necessary to enable such person to lease or rent a replacement dwelling for a period not to exceed 4 years; or
 - (2) An amount, computed in accordance with subsection C (2) of this section, necessary to enable such person to make a downpayment on the purchase of a replacement dwelling (including incidental expenses described in Section 3.12). If such amount exceeds \$2,000, the displaced person shall equally match any such amount in excess of \$2,000 in making the downpayment.
- B. Eligibility conditions. A displaced person is eligible for the payments specified in subsection A if he/she satisfies the following conditions.
- (1) Has occupied the dwelling from which he/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 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 such 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 condition 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 48 times the base monthly rental of the displaced person (as determined in accordance with this subsection), from 48 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 48 times the base monthly rental as determined in accordance with this subsection and 48 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 3-month period prior to initiation of negotiations and 25 percent of the displaced person's monthly income (see subsection 1.4 m). Where the displaced person was the owner of the dwelling from which he/she was displaced or was not required to pay rent for that dwelling, the economic rent (see subsection 1.4 I) 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 months of the date of rental of the replacement dwelling.

(2) Downpayment. The downpayment for which a payment specified under paragraph A (2) of this section may be made, together with any matching share which may be required, shall not exceed the amount of a reasonable downpayment 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 downpayment under this section shall be applied to the purchase price 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 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/her income in the form of gifts from any private person or any academic scholarship or stipend. Full-time 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.

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/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 3.14) 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 2.6 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 eligibility for a replacement housing payment.

(2) If the purchase of such a dwelling is not the result of the 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 standard. (See Section 1.4 D.)

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/she purchases and occupies a dwelling within the time limits prescribed.

3.17 Mobile homes

A. General. A mobile home is a dwelling. (See subsection 1.4 H.) A person displaced from a mobile home 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 mobile home 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 mobile home.

C. Replacement housing payments

(1) A person who owns a mobile home 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 mobile home 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 mobile home 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 mobile home 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 dwelling; and

(b) The amount necessary to purchase a replacement mobile home (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 paragrah 3.13 D (1).)

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

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

(a) If a mobile home 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 mobile home (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 3.14); or

(c) If he/she elects to rent a replacement mobile home and site, the amount required to do so in accordance with Section 3.14. In calculating this payment, the average monthly rental shall equal the economic rent for the mobile home 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.

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3.18 Affected Property

- A. In addition to the payment required by Section 7262 of the Act (see Sections 3.6, 3.7, 3.8, 3.9, 3.10 and 3.11), as a cost of acquisition, the University shall make a payment to any affected property owner meeting the requirements of this section.
- B. Such affected property is immediately contiguous to property acquired for airport purposes and the owner shall have owned the property affected by acquisition by the University not less than 180 days prior to the initiation of negotiation for acquisition of the acquired property.
- C. Such payment, not to exceed fifteen thousand dollars (\$15,000), shall be the amount, if any, which equals the actual decline in the fair market value of the property of the affected property owner caused by the acquisition by the University for airport purposes of other real property and a change in the use of such property.
- D. The amount, if any, of actual decline in fair market value of affected property shall be determined according to rules and regulations adopted by the University. Such rules and regulations shall limit payment under this section only to such circumstances in which the decline in fair market value of affected property is reasonably related to objective physical change in the use of acquired property.
- E. "Affected property" means any real property which actually declines in fair market value because of acquisition by the University for University use of other real property and a change in the use of the real property acquired by the University.

PART D - 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 housing 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 2.10 and 2.12, the University is unable to demonstrate that comparable replacement housing will be available as required, the President 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 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, 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 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, 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 shall establish a committee which will consult with and provide advice and assistance to the University in the development of the plan. The committee shall 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 and the central relocation agency, if any. In addition, the committee should include representatives of other appropriate public groups (e.g., local and areawide 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. These representatives may be appointed by the President 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 may substitute his/her approval.

C. Consultation with other housing agencies and organizations. The President may consult or contract with the department, a local housing authority, or other agency 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 President shall submit the plan and all significant amendments to the department and 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 2.9 A (3) and subsection 2.9 B, and it shall be provided 30 days prior to submission to the committee, or the local governing body or head of state agency for approval.

4.5 Determination by the University of feasibility and compliance. Upon receipt and consideration of the comments, the University shall determine whether or not:

(1) The plan is feasible.

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

(3) The plan is compatible with local general plan and housing element and the areawide 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 should 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 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 President 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:

- (1) Transfer of funds to State and local housing agencies;
- (2) Contract with organizations experienced in the development of housing;
- (3) Direct construction by the University.

Whenever practicable, the President 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 shall monitor the production of the last resort housing to assure 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 out 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 part in lieu of the displaced person's acquisition payment, if any, for the real property from which he/she is displaced or the relocation payments for which the displaced person may be eligible.
- 4.10 Conformity with the Act and other statutes, policies and procedures
- A. Civil Rights and other Acts. The administration of this part shall be in accord with the provisions of the Unruh Civil Rights Act (Civil Code Sections 51 et. seq.), the Rumford Act (Health and Safety Code Section 35700 et. seq.), Section 1 of the Civil Rights Act of 1866 (42 U.S.C. 1982), Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Environmental Quality Act of 1970, (Public Resources Code Section 21100 et. seq.) 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, Guidelines and these Regulations.

PART E - Grievance Procedures

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

5.2 Right of Review

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

B. A person or organization directly affected by the relocation plan may petition the department to review the final relocation plan of the University to determine if the plan is in compliance with state laws and guidelines or review the implementation of a relocation plan to determine if the University is acting in compliance with its relocation plan. Review undertaken by the department under this section may be informal or may follow the procedures outlined in Government Code, Section 11180 et seq. Before conducting an investigation under the Government Code sections, the department should attempt to constrain disputes between parties.

Failure to petition the department shall not limit a complainant's right to seek judicial review.

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 2.9 B.

5.4 Stages of review by the University

A. Request for further written information. A complainant may request the University to provide him/her with a full written explanation of its determination and the basis therefore, if the person 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 his/her request.

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- 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/her choosing. This oral presentation shall enable the complainant to discuss the claim with the President or a designee (other than the person who made the initial determination) having authority to revise the initial determination on the claim. The University 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 therefor, 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 with the University within eighteen months following the date he/she moves from the property or the date he/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 determination or the determination of a previous oral presentation. The University 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 him/her that he/she has the right to be represented by an attorney to present his or her 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 he/she 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 University based its original determination 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 the University

(1) The final 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 its decision rests, including any pertinent explanation or rationale.

(c) 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 six 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 no later than two 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 5.5 D may be extended for good cause by the University.
- 5.8 Relocation Appeals Board and third party review
- A. University Relocation Appeals Board. Upon request by the claimant, the President may refer a grievance which may remain unsettled to a University Relocation Appeals Board. Upon such referral, this Board shall review the President's final internal determination and make any revision thereto it deems is in order. Pursuant to Section 7266 of the Act, the decision of the Board shall be final.
- B. Composition of Board. The purpose of the University Relocation Appeals Board is to provide impartial review. This Board, appointed by the President, may be composed of the following members:
- (1) A University administrator who is involved in relocation and is knowledgeable of the technical aspects and regulations of relocation matters, but who would not be directly involved in specific cases brought to the Board for appeal.
- (2) A University faculty representative.
- (3) A representative from the State of California Department of Housing and Community Development Relocation Assistance Program or a representative from the State Department of Transportation Relocation Assistance Branch.
- C. Recommendation by third party. As an alternative to the Relocation Appeals Board, or in some unusual cases as an additional review measure, upon agreement between the claimant and the President a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the President for his/her determination. In reviewing the claim and making recommendations to the President, the third party or parties should be guided by the provisions of subsections 5.5 B. and D.
- 5.9 Review of files by claimant. Except to the extent the confidentiality of material is protected or its disclosure is prohibited by law, the University shall permit the claimant to inspect all files and records bearing upon his/her 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 to counsel. Any aggrieved party has a right to representation by legal or other counsel at his/her 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 part 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 section.

PART F - Policies Relating to Acquisition of Real Property for Public Use

- 6.0 Purpose. The purpose of this part is to set forth practices to be followed with respect to the acquisition of real property by The Regents. The Regents shall, to the greatest extent practicable, be guided by these practices.
- 6.1 Encouraging property acquisition by agreements, avoiding litigation, etc.: Applicable provisions. In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the public programs, The Regents shall, to the greatest extent practicable, be guided by the provisions of Sections 6.2 to 6.8 herein, except that the provisions of Section 6.2B and Section 6.3 shall not apply to the acquisition of any easement, right-of-way, covenant, or other nonpossessory interest in real property to be acquired for the construction, reconstruction, alteration, enlargement, maintenance, renewal, repair, or replacement of subsurface sewers, waterlines or appurtenances, drains, septic tanks, or storm water drains.

- 6.2 Required effort to acquire property by negotiation: property appraisal.
- A. The Regents shall make every reasonable effort to acquire expeditiously real property by negotiation.
 - B. Real property shall be appraised by the University before the initiation of negotiations, and the owner, or his designated representative, shall be given an opportunity to accompany the appraiser during his inspection of the property.
- 6.3 The University's establishment of amount of compensation, and offer to acquire property: Statement to owner. Before the initiation of negotiations for real property, the University shall establish an amount which it believes to be just compensation therefor, and shall make a prompt offer to acquire the property for the full amount so established. In no event shall such amount be less than the University's approved appraisal of the fair market value of such property. Any decrease or increase in the fair market value of real property to be acquired prior to the date of valuation caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant, will be disregarded in determining the compensation for the property. The University shall provide the owner of real property to be acquired with a written statement of, and summary of the basis for, the amount it established as just compensation. Where appropriate, the just compensation for the real property acquired and for damages to remaining real property shall be separately stated.
- 6.4 Notice before requiring person to move. The construction or development of a public improvement shall be so scheduled by the University that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, assuming a replacement dwelling will be available, or to move his business or farm operation, without at least 90 days' written notice from the University of the date by which such move is required.
- 6.5 Amount of rent if property occupied on rental basis. If the University permits an owner or tenant to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the University on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier.
- 6.6 Prohibited coercive action by the University. In no event shall the University either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid for the property.

- 6.7 Required institution of formal condemnation proceedings. If any interest in real property is to be acquired by exercise of the power of eminent domain, The Regents shall institute formal condemnation proceedings. The University shall not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his/her real property.
- 6.8 When offer to acquire entire property required. If the acquisition of only a portion of a property would leave the remaining portion in such a shape or condition as to constitute an uneconomic remnant, The Regents shall offer to and may acquire the entire property if the owner so desires.

ATTACHMENT A

Minimum Contents of Informational Statement(s)

Item To Be Included	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 outlining 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, sanitary and otherwise comparable housing within their financial means have been made, except for the causes set forth in the University'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 University's relocation office and cooperate with the staff. The address, telephone number, 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.	X	

Attachment A. Minimum Contents of Information Statement, Cont'd

Item To Be Included	For Distribution to	
	Displaced Persons	Business Concerns and Others
7. Information on replacement housing, including:		
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.	X	
c. Statement that the University (or its agent) will identify comparable replacement dwellings within the financial means of and otherwise available to the 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.	X	
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 University of the business concern's intention to move.		X
10. Summary of the University's eviction policy, which shall be in accordance with the provisions of Section 2.13.	X	X
11. Statement describing the University's grievance procedure, its purpose, and how it may be used, which procedure shall be in accordance with the provisions of Part E.	X	X