



**Third Amendment to the
Relocation Assistance Plan**

For The

Natomas Basin Project

Formerly The

Natomas Levee Improvement Program

Regarding The

**Sacramento River East Levee
Reach A**

Prepared for

**Sacramento Area Flood Control Agency
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LIST OF EXHIBITS

- EXHIBIT A: 2019 HUD Annual Income Limitations – Sacramento County
- EXHIBIT B: Residential Informational Brochure
- EXHIBIT C: Information Statement for Businesses, Farms, and Non-profit Organizations
- EXHIBIT D: SAFCA Resolution 99-001 - Adoption of Relocation Rules and Regulations for SAFCA Projects

INTRODUCTION

The Sacramento Area Flood Control Agency ('SAFCA' or, the 'Agency') was established in 1989 to address the Sacramento area's vulnerability to catastrophic flooding. This vulnerability was particularly exposed during the record flood of 1986, when Folsom Dam exceeded its normal flood control storage capacity and several area levees nearly collapsed under the strain of the storm.

In response, the City of Sacramento; the County of Sacramento; the County of Sutter; the American River Flood Control District; Reclamation District No. 1000; the Sutter County Water Agency; and the Sacramento County Water Agency created SAFCA – a Joint Powers Authority (JPA) – through the execution of a Joint Exercise of Powers Agreement to provide the Sacramento region with increased flood protection along the American and Sacramento Rivers within the Counties of Sacramento and Sutter.

SAFCA's mission is to provide the Sacramento metropolitan area with at least a 100-year level of flood protection as quickly as possible, while seeking a 200-year or greater level of flood protection over time. To that end, SAFCA is empowered to coordinate regional and local efforts to finance, provide and maintain facilities and works necessary to ensure a reasonable and prudent level of flood protection within its boundaries, as determined by the Agency.

Based upon data provided by the United States Army Corps of Engineers (USACE), SAFCA has identified the Natomas Basin – at the confluence of the American and Sacramento Rivers, and including portions of the County of Sutter and the City and County of Sacramento – as being at a *particularly* acute risk for flooding.

The Natomas Basin is a flood plain surrounded by existing levees on the west holding back the Sacramento River; on the east containing the Pleasant Grove Creek Canal and Natomas East Main Drainage Canal; on the south containing the American River; and, on the north containing the Natomas Cross Canal.

The Natomas Basin is protected by a 42-mile long perimeter levee system that protects approximately 53,000+/- acres of improved agricultural, conservation, and

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urban lands; lands owned by the Sacramento International Airport (Airport) account for more than 10% of the total.

An uncontrolled flood in the Natomas Basin would result in substantial, direct damage to structures in the Basin, with damages estimated at \$7.4 billion, and could pose a serious threat of injury and, loss of life.

In 2007, SAFCA began constructing improvements to the levee system surrounding the Natomas Basin (or 'Basin') as an advance part of a larger Federal project designed to achieve a minimum 200-year level of flood protection for the Basin. By the end of 2013, SAFCA completed 18.3 miles of improvements along the Natomas Cross Canal south levee and the Sacramento River east levee from the Cross Canal to just south of Power Line Road.

In June 2014, Federal legislation was enacted that authorized the USACE to construct the remaining 24 miles of levee improvements required in the Basin. Work on the Sacramento River east levee from Farm Road/Lateral 13 (located about 0.5 miles south of San Juan Road) to Gateway Oaks Drive, referred to as the Reach A Levee Improvement Project (Reach A), is expected to begin in calendar year 2022 and extend through 2023, following award of the Reach A construction contract on or around September 30, 2021. The timing and extent of work will depend on the amount of Federal appropriations dedicated to the project in any given year.

The first phases of the extensive landscape modifications and infrastructure improvements which SAFCA constructed in the Natomas Basin, at a cost of more than \$400 million, known as the Natomas Levee Improvement Program ('NLIP'), was intended to provide at least a 100-year level of flood protection as soon as possible – and a 200-year or greater level of protection over time. The Reach A project will continue the CVFPB and SAFCA efforts to achieve the minimum 200-year level of flood protection for the Natomas Basin. An additional objective is to use the project as a catalyst to enhance habitat for special-status species within the Natomas Basin and reduce wildlife hazards to the Airport.

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The Agency has been implementing the project in phases over the past two decades. Levee work has been steadily completed since 2007. Construction of additional phases, under the Federal Natomas Basin Project ('NBP'), is currently underway for Reaches B, D, H and I and planned to continue with construction on Reach A in 2022. The upcoming Reach A phases, and the potential displacement that may be caused thereby, are the subject of this amendment to the Relocation Assistance Plan.

The project area concerning this amendment to the Relocation Assistance Plan, is located within Sacramento County, California. The Reach A project estimated total length is 9,800 feet (approximately 3.5 miles). To accomplish the goals of the Reach A project, SAFCA and its project partners are proposing to construct an adjacent setback levee on the landside of the existing levee, accompanied by seepage berms or cutoff walls, or a combination thereof. The project also requires the relocation of existing utility pole infrastructure, removal of the Riverside Canal, planting of required mitigation habitat, and establishment of a flood control works protection zone.

To generate the earthen materials for these improvements, the Agency plans to re-contour land to create marsh and upland habitat. To mitigate the impacts of the project on habitat, USACE will plant grasslands and install woodland plantings.

A graphic representation, identifying the various “reaches” of the project and construction phasing follows immediately hereafter. On August 20, 2009, the SAFCA Board of Directors adopted the NLIP Relocation Assistance Plan that referenced the acquisition and displacement of residents for the Phase 2 Project - Natomas Cross Canal South Levee Phase 2 (NBP Reach D) and Sacramento River East Levee Phase 1 (NLIP SREL Reaches 1 - 4B, NBP Reach C) program components. On June 17, 2010, the SAFCA Board of Directors adopted the First Amendment to the Relocation Assistance Plan for the Natomas Levee Improvement Program that referenced the acquisition and displacement of residents for the Phase 3 and Phase 4a Projects - Sacramento River East Levee Reaches 5A-9B and Reaches 10-15 (NBP Reach B) program components. On December 21, 2017, the

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SAFCA Board of Directors adopted the Second Amendment to the Relocation Assistance Plan for the Natomas Levee Improvement Program that referenced the acquisition and displacement of residents for the Natomas Basin Project - Sacramento River East Levee Reach B and Riverside Canal Relocation program components.

This Third Amendment to the Relocation Assistance Plan for Natomas Basin Project Reach A ('Plan') references acquisition and displacement of residents for this next construction phase of the NBP. The relocation needs for the Pleasant Grove Creek Canal West Levee Reach E (Howsley Road to Sankey Road), and Natomas East Main Drainage Canal West Levee Reaches F and G (Sankey Road to Elkhorn Boulevard) portions of the NBP Project will be addressed at the time that those acquisitions begin and the need for displacement of residents in those reaches is identified.

As is evident from the preceding description, as a result of the project and its sub-phases, SAFCA and its project partners will be acquiring additional property and easements which may require the displacement of households. No businesses are expected to be displaced by the project in the Reach A area.

OPC, LLC. (OPC), an acquisition and relocation consulting firm, has been retained by SAFCA to prepare the Relocation Assistance Plan (Plan), including this draft amendment. In compliance with statutory requirements, the Plan was prepared to evaluate the existing and future housing circumstances and analyze replacement housing and other space resources required for households being displaced from the project site(s). As detailed designs are developed over time and land requirements are identified, the Plan will be amended to identify any residential displacements subsequently identified as prospective “displaced persons”.

The Plan provides the methodology for a future "needs assessment" survey, housing replacement resource analysis, and details of the Agency’s relocation program.

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Any land acquisition and relocation carried out pursuant to the Plan, and this Plan itself, will be administered in accordance with the policies and procedures set forth in statutes and regulations established by the California Relocation Assistance Law, California Government Code section 7260 *et seq.* (the “CRAL”) and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, chapter 6, section 6000 *et seq.* (the “Guidelines”). To the extent that Federal sources of funding are applicable to the implementation of the Project, the Uniform Relocation Act (46 U.S.C. Section 4600 *et seq.*), its implementing regulations (49 C.F.R. Part 24) and any, and all other requirements and regulations of applicable funding source(s) for the Project will also apply.

NOTE: This Plan is intended to be a living document and will be periodically updated with pertinent data to the Project, persons impacted, and any regulatory changes. The Plan includes and provides for the following:

1. A description of the Project Site (**SECTION I**);
2. An *ongoing* assessment of the relocation needs of any households which may subsequently be identified for displacement as a result of the Project, including resource survey methods and results (**SECTION II**);
3. **Replacement Housing Resources** – An ongoing assessment of the availability of comparable replacement housing within the vicinity of the Project (**SECTION III**);
4. **Concurrent Residential Displacement** – A description of any other current or proposed displacing activities within the Agency’s jurisdiction which may impact the ability of SAFCA to relocate displacee households. (**SECTION III**);
5. **Temporary Housing.** A statement regarding any anticipated need for temporary accommodation (**SECTION III**); and,

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- 6. The Relocation Program.** The steps and procedures that SAFCA will follow to ensure a fair and equitable relocation program **(SECTION IV)** including, without limitation, the following:
- a. Program Assurances and Standards;
 - b. Relocation Assistance Program;
 - c. Citizen Participation/Plan Review;
 - d. Relocation Benefit Categories;
 - e. Payment of Relocation Benefits;
 - f. Eviction Policy;
 - g. Appeals Policy;
 - h. Projected Dates of Displacement; and,
 - i. Estimated Acquisition and/or Relocation Costs

I. PROJECT AREA DESCRIPTION

A. THE REGIONAL LOCATION

The City of Sacramento – General

Population

With a city Charter being adopted in 1849, and recognition by the state legislature in 1850 and incorporation February 27, 1850; Sacramento, the capital of the State of California (1854) and the “seat” of Sacramento County is located along the Sacramento River, at the confluence with the American River, in California’s Central Valley. Sacramento is the seventh largest city in the State and is the core cultural and economic center of a four-county *metropolitan* area including El Dorado, Placer, Sacramento, and Yolo Counties.

As of the U.S. Census Bureau’s 2017 American Community Survey (ACS) 5 Year Estimates, there are an estimated 489,650 persons residing in the City of Sacramento in a total of 181,690 households and 107,047 families.

Racial and Ethnic Groups

The estimated racial and ethnic distribution of the City of Sacramento according to the 2017 ACS 5 Year Estimates is: 28.3% Hispanic or Latino (any race); 33.1% White, Not Hispanic or Latino; 13.1% Black or African American; 18.4% Asian; 0.2% American Indian and Alaska Native; 1.6% Native Hawaiian and Other Pacific Islander; 0.4% Some Other Race; and 4.7% Two or More Races.

Income

Based on the information in the 2017 ACS 5 Year Estimates, of the 181,690 households, median *household* income was estimated at \$54,615; and, the median income for the 107,047 *families* is approximately \$62,934.

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Roughly 23.7% of households (i.e., 43,018) and 18.6% of families (i.e. 19,946) have annual incomes less than \$25,000 per annum; and, 24.0% of households (i.e., 43,614) and 29.7% of families (i.e., 31,759) have annual incomes over \$100,000.

Approximately 52.8% of households (i.e., 95,058) and 52.9% of families (i.e., 55,342) have incomes ranging from \$25,000 - \$100,000 per annum.

The County of Sacramento – General

Population

Sacramento County was incorporated in 1850 as one of the original 27 counties of the State of California. Sacramento County encompasses approximately 994-square miles in the middle of the 400-mile long Central Valley, which is California's prime agricultural region. The County is bordered by Contra Costa and San Joaquin Counties on the south, Amador and El Dorado Counties on the east, Placer and Sutter Counties on the north, and Yolo and Solano Counties on the west. Sacramento County extends from the low delta lands between the Sacramento and San Joaquin rivers north to about ten miles beyond the State Capitol and east to the foothills of the Sierra Nevada Mountains. The southernmost portion of Sacramento County has direct access to the San Francisco Bay.

Based on the 2017 ACS 5 Year Estimates, the population estimate for the County of Sacramento is 1,495,400 persons of all ages, of which 1,133,511 are adults 18 years or older. The gender representation in the County is 48.9% male and 51.1% female which is an almost exact ratio as in the United States, with 49.2% male and 50.8% female population.

Race and Ethnicity

The estimated racial and ethnic distribution of the County of Sacramento according to the 2017 ACS 5 Year Estimates is: 22.8% Hispanic or Latino (any race); 45.7%

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White, Not Hispanic or Latino; 9.5% Black or African American; 15.1% Asian; 0.4% American Indian and Alaska Native; 1.1% Native Hawaiian and Other Pacific Islander; 0.4% Some Other Race; and 5.0% Two or More Races.

Income

Based on the information provided in the 2017 ACS 5 Year Estimates, of the 532,050 households, median *household* income is approximately \$60,239; and, the median income for the 351,693 *families* is approximately \$70,821.

Roughly 20.3% of households (i.e. 107,856) and 15.5% of families (i.e. 54,453) have annual incomes *less* than \$25,000 per annum; and, 27.4% of households (i.e. 145,897) and 33.3% of families (i.e. 117,225) have annual incomes *over* \$100,000.

Approximately 52.3% of households (i.e. 278,297) and 51.2% of families (i.e. 180,015) have incomes ranging from \$25,000 - \$100,000 per annum.

II. ASSESSMENT OF RELOCATION NEEDS

A. METHODOLOGY

In order to determine the eligibility for relocation assistance and determine specific needs of persons displaced by the Project, an eligibility and needs assessment survey will be conducted at a future date prior to the issuance of any Notices of Eligibility (NOE) for relocation assistance. This survey will be carried out in the form of interviews with each potentially displaced household. OPC will make three attempts to interview each potential displacee prior to issuing the NOE.

Inquiries to be made of residential occupants include household size and composition, income information, length of tenure as property owners and/or tenants of the property owner, disabilities and/or health problems (if any) present in the household, and any locational preferences related to replacement housing.

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All information is expected to be in oral narrative form initially. This data will be subsequently validated by obtaining documentary evidence required at the time of determination of displacement to conform to qualifying criteria such as housing costs, length of residency and income.

B. FIELD SURVEY DATA

Limited specific information is available at this time. This Plan will be updated once the specific data described above is acquired from the displacees.

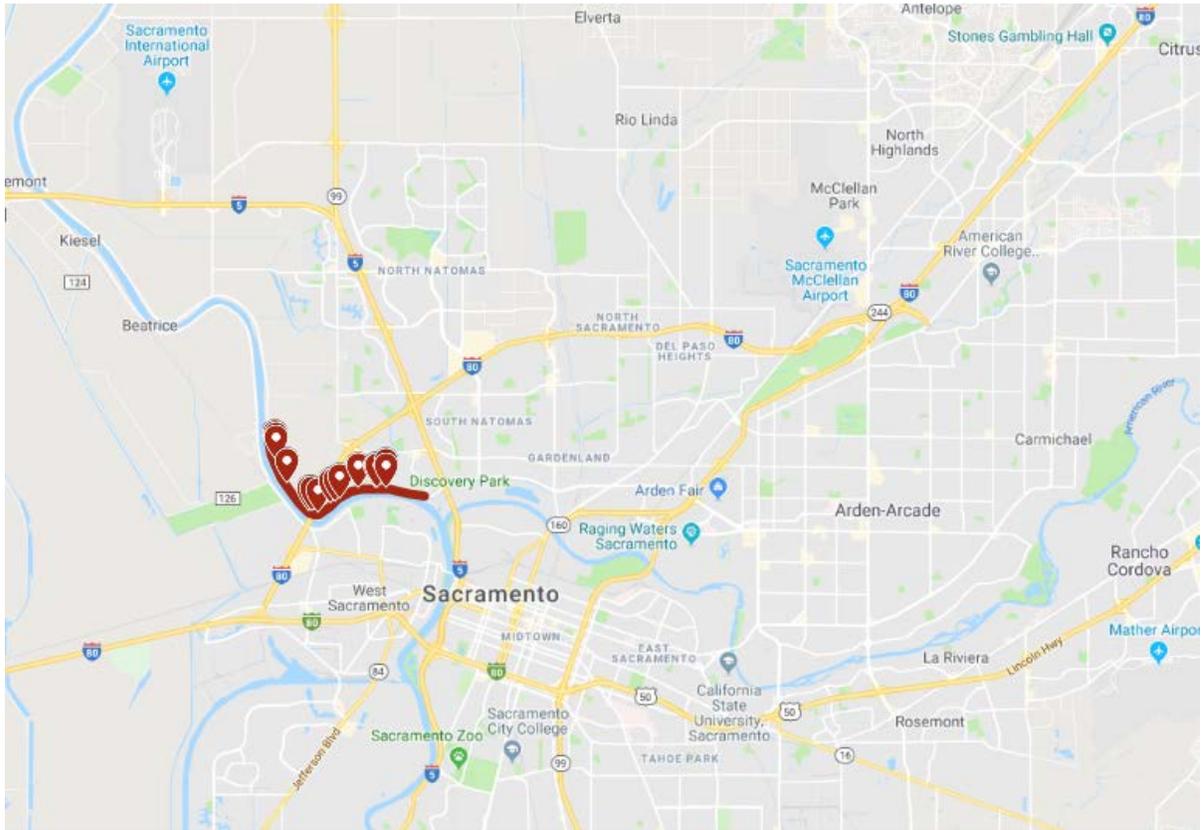
There are fifteen (15) households residing in single-family residential dwellings that may be displaced by the Reach A Project. There are no businesses or farming operations expected to be impacted by the Project at this time.

The following maps identify the general location of the fifteen households in Sacramento County that may be displaced.

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Figure 1: Regional Project Location



III. RELOCATION RESOURCES

A major requirement of a relocation plan is to assess the displacees' needs and the availability of comparable, decent, safe and sanitary replacement housing available on the open market. This Project is not expected to impact businesses. At this time, it is unknown how many of the impacted households are owner occupants versus tenant occupants. This Plan assesses the availability of both rental and for purchase housing units. OPC has conducted a market review and has determined that there is a sufficient number of available units currently on the market. As required by California State Guidelines, SAFCA will provide adequate funds to compensate for increased rents under the Last Resort Housing provisions.

A. METHODOLOGY

Both in preparing this Plan and, in the subsequent provision of relocation assistance, the characteristics and needs of those to be displaced must be fully understood and addressed. OPC will follow this methodology to locate replacement housing.

To determine the availability of comparable housing prior to the displacement of occupants from the Site, “real-time” resources will be researched, including, though not necessarily limited to, the following:

- Windshield surveys of comparable residential neighborhoods in the area to locate units/space for lease and sale.
- Telephone and field contact with residential real estate and property management companies in Sacramento.
- On-line searches of various commercial sources such as realtor.com, craigslist.org, and other internet resources for single-family and multi-family homes and commercial property for rent or sale.

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B. REPLACEMENT HOUSING AVAILABILITY

Purchase Housing

Based on preliminary data provided by the Agency, the replacement housing needs consist of two- to five-bedroom detached single-family homes in the vicinity of the proposed Project area (within 5 miles from the Project).

OPC located 90 homes for sale meeting these requirements in the same ZIP Code of the Project area. The asking prices for these properties range from \$205,000 to \$1,695,000, with a median asking price of \$335,000. The lot sizes of the available properties range from 0.03 to 1.61 acres. Twenty properties on larger lots (2.5 to 40 acres) were also located. The asking prices for these properties range from \$325,000 to \$1,850,000, and they are generally located no further than 15-30 miles from the Project site.

Households will be provided information on other types of for sale housing such as mobile homes or duplexes if they request such information.

Rental Housing

A survey of two- and three-bedroom rental housing was also conducted. The survey identified a total of 19 available two- to five-bedroom rental single-family dwellings within 5-miles of the Project. Table 1 below provides the result of this survey.

| TABLE 1: Availability and Cost of Rental Housing | | | | |
|---|-----------------|-----------------|-----------------|-------------|
| Bedroom Size | Two | Three | Four | Five |
| # Found | 3 | 9 | 6 | 1 |
| Rent Range (monthly) | \$1,350-\$1,975 | \$1,400-\$2,685 | \$2,100-\$2,695 | \$2,450 |
| Median Rent | \$1,950 | \$2,195 | \$2,348 | \$2,450 |

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Businesses

While there is no *specific* requirement pursuant to Relocation Law or guidelines mandating that alternate relocation sites be made available to businesses at the time of displacement – including Non-profit organizations and farms – SAFCA is committed to making every effort to satisfactorily relocate and re-establish business enterprises.

At this time, this Project is *not* expected to displace any businesses or farm operations. Should these plans change, this Relocation Plan will be updated accordingly.

C. RELATED ISSUES

1. Concurrent Residential Displacement

To the best of the Agency’s knowledge, there are no concurrent projects sponsored by others now, or planned in the immediate future, which will impact negatively upon the efforts and ability of the Agency in relocating the subject permanently displaced households. In addition, impact upon the Sacramento market will be relatively minimal though, perhaps over time, not insignificant.

2. Temporary Housing

It is anticipated that comparable replacement housing will be available; therefore, there will be no need to rely on temporary relocation resources to meet site occupant needs. Should such a need arise, SAFCA will respond appropriately and in conformance with all applicable laws and requirements.

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3. Language Needs

It is unknown if there are any language requirements of the displacees other than English. OPC has Spanish speaking agents on staff who can communicate with Spanish speaking displacees verbally and through written translation. Other languages will be added as necessary.

IV. THE RELOCATION PROGRAM

A. PROGRAM ASSURANCES, STANDARDS AND OBJECTIVES

The relocation assistance program to be implemented by SAFCA will conform to the standards and provisions of the Uniform Relocation Act (46 U.S.C. § 4600 *et seq.*), its implementing regulations (49 C.F.R., Part 24), the California Relocation Assistance Law, California Government Code Section 7260 *et seq.* (the “CRAL”) and the California Relocation Assistance and Real Property Acquisition Guidelines, Title 25, California Code of Regulations, Chapter 6, Section 6000 *et seq.* (the “Guidelines”) for residential displacements. SAFCA’s adoption of appropriate Relocation Rules and Regulations may be found at **EXHIBIT “D”**.

Program objectives will be as follows:

1. To fully inform the eligible site occupants of the nature of, and procedures for, obtaining relocation assistance and benefits.
2. To determine the needs of each displacee eligible for assistance.
3. To provide an adequate number of referrals to comparable, decent, safe, and sanitary housing units within a reasonable time prior to displacement, and ensure that no occupant is required to move without a minimum of ninety (90) days written notice to vacate. Residential

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owner occupied displacees will be provided up to twelve (12) months to relocate from the date of initiation of negotiations.

4. To provide current and continuously updated information concerning replacement housing opportunities
5. To assist each eligible, displaced person to obtain and move to a comparable replacement dwelling.
6. To assist each eligible person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location. Note that no businesses or farm operations are expected to be displaced by the Reach A Project.
7. To provide other advisory assistance to eligible persons in order to minimize their hardships. Such assistance could include counseling and referrals with regard to housing, financing, employment, training, health and welfare, as well as other assistance.
8. To ensure all claims will be reviewed and payments will be made expeditiously.
9. To provide assistance that does not result in different or separate treatment due to race, color, religion, national origin, sex, marital status, or other arbitrary circumstances.
10. To supply information concerning Federal and State housing programs and other governmental programs providing assistance to displaced persons.
11. To assist each eligible person to complete applications for payments and benefits.

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12. To inform all persons subject to displacement of the Agency's policies with regard to eviction and property management following acquisition.
13. To establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of SAFCA's decisions with respect to relocation assistance.

There are adequate Project funds available to relocate the displaced households. Services will be provided to ensure that displacement does not result in different or separate treatment of households based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Unruh Act, as well as any otherwise arbitrary or unlawful discrimination to ensure that the relocation of displaced persons occurs with a minimum of delay and hardship.

Under 49 Code of Federal Regulations Section 24.208 persons determined to be not lawfully present in the United States will be ineligible to receive relocation payments and advisory assistance, unless such person can demonstrate that the denial will result in an exceptional and extremely unusual hardship to such person's spouse, parents or child who is a citizen of the United States, or is an alien lawfully admitted for permanent residence in the United States. This requirement does not exist under California Relocation Law. The Agency will provide relocation assistance to any member of the household regardless of their presence status.

No one will be displaced without ninety (90) days written notice and unless "comparable" replacement housing can be located, and is available. "Comparable" housing includes standards such as: decent, safe, and sanitary (as defined in Section 6008[d] of the Guidelines); comparable as to the number of bedrooms, living space, and type and quality of construction of the acquired unit but not lesser in rooms or living space than necessary to accommodate the displaced household; in an area that does not have unreasonable environmental conditions; not generally

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less desirable than the acquired unit with respect to location to schools, employment, health and medical facilities, and other public and commercial facilities and services; and, within the financial means of the displaced household as defined in Section 6008, subdivision (c)(5) of the Guidelines.

The relocation program to be implemented by the Agency conforms to the standards and provisions set forth in Government Code Section 7260 *et seq.*, the Guidelines, California Health and Safety Code Section 33410 *et seq.*, if applicable, and all other applicable regulations and requirements.

B. CITIZEN PARTICIPATION/PLAN REVIEW

The Draft Third Amendment to the Relocation Plan and any subsequent amendments was provided to the prospective displacees and was made available to the public for the mandatory thirty (30) day review period. Comments regarding this Amendment were included as an Addendum to the Plan and/or were addressed prior to submission of the final Third Amendment to the Relocation Plan to the SAFCA Board for approval. In addition, the Plan may be amended from time-to-time, and as other households in the pertinent Project phases are required to relocate, another amendment to this Plan shall be processed, providing for same.

Section 6012 (Citizen Participation) of the California Code of Regulations, Title 25, Chapter 6, will be adhered to in both the spirit and letter of the law by SAFCA and OPC in implementing its Relocation Assistance Program. The Agency has ensured the following:

1. Full and timely access to documents relevant to the relocation program.
2. The provision of technical assistance necessary to interpret elements of the relocation plan and other pertinent materials.

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3. Copies of the Draft Third Amendment to the Relocation Plan were available for review thirty (30) days prior to adoption by SAFCA.
4. The right to submit written or oral comments and objections, including the right to submit written comments regarding the Draft Third Amendment to the Relocation Plan and to have these comments appended to the Third Amendment to the Relocation Plan when it is forwarded to the SAFCA Board of Directors for final adoption.
5. A general notice and copy of this Third Amendment to the Relocation Plan was provided to the prospective displacees. This Third Amendment to the Relocation Plan was made available for circulation for information and review by interested citizen groups, state and county agencies, and all persons affected by the Plan.
6. Upon completion of the review period and an address of all review comments, the final Third Amendment to the Relocation Plan was presented for adoption by the SAFCA Board.

C. RELOCATION ASSISTANCE PROGRAM

OPC has been retained by SAFCA to assist in the administration of its relocation assistance program. OPC will work closely with the Agency's staff. SAFCA will review and approve OPC's recommendations or request further information prior to moving forward. Every reasonable effort will be made to ensure that the relocation of displaced persons occurs with a minimum of delay and hardship.

OPC Staff is available to assist the displaced households with questions about relocation and/or assistance in relocating. Relocation staff can be contacted **Toll-free** at **1.800.385.0244** from 9:00 a.m. to 5:00 p.m., Monday through Friday; or, on-site by appointment. The OPC Relocation Office for purposes of this displacement is located at:

*SACRAMENTO AREA FLOOD CONTROL AGENCY –
NATOMAS BASIN PROJECT (AKA NATOMAS LEVEE IMPROVEMENT PROGRAM)
SACRAMENTO RIVER EAST LEVEE – REACH A - RELOCATION ASSISTANCE PLAN*

OPC, LLC.
980 9th Street, Suite 1600 (16th floor)
Sacramento, CA 95814

The following specific services will be provided:

1. Distribution of a ‘Residential Information Brochure’ (See: **EXHIBIT “B”**); where appropriate, an ‘Informational Statement for Businesses, Farms and Non-Profit Organizations’ would be distributed, but no businesses are being displaced by the Reach A Project (See: **EXHIBIT “C”**);
2. Fully informing eligible project occupants of the nature of, and procedures for, obtaining relocation assistance and benefits;
3. Determining the needs of each residential displacee eligible for assistance;
4. The provision of an adequate number of referrals – which, pursuant to the Guidelines, requires a minimum of three – to comparable, decent, safe and sanitary housing units within a reasonable time prior to displacement, and assuring that no residential occupant is required to move without a minimum of 90 days written notice to vacate;
5. Provision of current and continuously updated information concerning replacement housing opportunities;
6. Special assistance in the form of referrals to governmental and social service agencies will be made, if needed or requested. Referral agencies may include, but not necessarily be limited to, the Department of Public and Social Services (DPSS) for income maintenance or food stamps, Medi-Cal, Employment Development Department, Sacramento City, Sacramento County, and Sutter County Health and Human Services Department(s), and Child and Adult

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Protective Services.

7. Ensuring that the provision of assistance does not result in different or separate treatment due to race, color, religion, national origin, sex, sexual-orientation, marital status, familial status, or other essentially arbitrary circumstances;
8. Supplying information concerning Federal and State housing programs and other governmental programs providing assistance to displaced persons;
9. Assisting each eligible person to complete applications for payments and benefits;
10. Assisting SAFCA in making relocation benefit payments in accordance with State of California Guidelines, including the provisions of the Last Resort Housing sections, where applicable;
11. Informing all persons subject to displacement of SAFCA's policies with regard to eviction and property management following acquisition; and
12. Establishing and maintaining a formal grievance procedure for use by displaced persons seeking administrative review of Agency decisions with respect to relocation assistance.

D. RELOCATION BENEFITS CATEGORIES – GENERAL

Benefits will be provided in accordance with the Uniform Relocation Act (the URA) and California Relocation Assistance Law (the CRAL) and all other applicable regulations and requirements, and will be paid directly by SAFCA upon submission of required signed claim forms and documentation in accordance with approved procedures. The Agency will provide appropriate benefits for all eligible households as required by the above laws and requirements.

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Commercial occupants to be displaced are considered eligible for relocation assistance and benefits if they lawfully occupied the site on the date of the initiation of negotiations for acquisition at the project site.

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

Whether residential or commercial, displacees will be entitled to receive “advances” on relocation payments for such needs as credit checks, security deposits, permitting fees and licenses, etc.

Residential Moving Expense Payments

All displaced residential occupants will be eligible to receive a payment for moving expenses except as noted. Moving expense payments will be made based upon *either* an invoice for actual reasonable moving expenses from a licensed professional mover *or*, a fixed payment based on a room-count schedule.

a. Actual Cost (Professional Move)

A displacee household can elect to have a licensed professional mover perform the move. The actual cost of the moving services (including packing if desired), based on at least two acceptable bids, will be compensated by SAFCA *either* in the form of a *direct payment to the mover* *or*, as a *reimbursement* to the displacee household, with proper documentation. Transportation costs are limited to a distance of 50 miles.

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In addition to the actual physical move, SAFCA will pay reasonable charges for utility connection charges, such as water, electricity, telephone and cable, if any.

b. Fixed Payment (based on Room Count Schedule)

An occupant may elect to receive a *fixed payment* for moving expenses which is based on the number of rooms containing furniture or other personal property to be moved. The fixed moving payment will be based on the most recent Federal Highway Administration (FHWA) schedules maintained by the California Department of Transportation (Caltrans).

If the displaced person *elects* a fixed payment, the displaced person takes full responsibility for the move. The fixed payment includes, and the displacing entity will not separately pay, any charges for utility connection as described at (a), above.

The current schedule for fixed moving payments is set forth in the table, below.

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| FIXED MOVING SCHEDULE (CALIFORNIA) | | | |
|---|------------|--|----------|
| Occupant owns furniture | | Occupant does NOT own furniture | |
| 1 room | \$725.00 | 1 room | \$475.00 |
| 2 rooms | \$930.00 | each additional room | \$90.00 |
| 3 rooms | \$1,165.00 | / | |
| 4 rooms | \$1,375.00 | | |
| 5 rooms | \$1,665.00 | | |
| 6 rooms | \$1,925.00 | | |
| 7 rooms | \$2,215.00 | | |
| 8 rooms | \$2,505.00 | | |
| each additional room | \$265.00 | | |

Permanent Relocation

Rental Assistance/Down Payment Assistance

For *permanent* residential tenant displacee households – *except* in the case of ‘Last Resort Housing’ situations, as defined below – a Rental Assistance Payment (RAP) will be *limited* to a maximum of \$7,200 based upon the household’s monthly housing need over a 42-month period.

Last Resort Housing

Based on survey results, it appears that an adequate number of “comparable replacement housing” units will be available at the time of displacement to meet the needs of the displaced tenants.

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“Last Resort Housing” payments, however, *are* authorized by statute if “*affordable, comparable* replacement housing” *cannot* be located for the displaced tenant household (i.e., housing renting for *not more than* 30% of the household’s gross, adjusted monthly income). In such cases, payments may be made *beyond* the \$7,200 statutory “cap” up to 42 months’ worth of rental assistance. Any supplemental increment beyond \$7,200 may be paid in installments *or*, a “lump-sum”, at the discretion of SAFCA.

The table on the following page illustrates the manner in which monthly housing need is determined.

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| Monthly Housing Need Calculation | | |
|---|-----------------|---|
| 1. Old Rent | \$ 500 | Old Rent plus Utility Allowance |
| Or | | |
| 2. Ability to Pay | \$ 445 | 30% of the Gross Household Income* |
| 3. Lesser of lines 1 or 2 | \$ 445 | |
| Subtracted From: | | |
| 4. Actual New Rent | \$ 550 | Actual New Rent including Utility Allowance |
| – OR – | | |
| 5. Comparable Rent | \$ 575 | Determined by Agency; <u>includes</u> Utility Allowance |
| 6. Lesser of lines 4 or 5 | \$ 550 | |
| 7. Yields Monthly Need: | \$ 105 | Subtract line 3 from line 6 |
| 8. Rental Assistance | \$ 4,410 | Multiply line 7 by 42 months |

*Gross income means the total annual income of an individual less the following: (1) a deduction of \$500.00 for each dependent in excess of three; (2) a deduction of 10% of total income for an elderly or disabled head of household; (3) a deduction for recurring extraordinary medical expenses; defined for this purpose to mean medical expenses in excess of 3% of total income, where not compensated for, or covered by insurance or other sources; (4) a deduction of “reasonable” amounts paid for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head of household or spouse, except that the amount deducted shall not exceed the amount of income received by the person who would not otherwise be able to seek employment in the absence of such care.

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Replacement Housing Payment – Homeowners

If a household owned and occupied a dwelling purchased by SAFCA for at least ninety (90) days *prior to* the first written offer to purchase, they may be eligible to receive a payment of up to \$31,000 to assist in purchasing a comparable replacement unit. This Replacement Housing Payment is intended to cover the following items:

- 1. Purchase Price Differential** – An amount which, when added to the amount for which SAFCA purchased the property, equals the *lesser of* the actual cost of a comparable replacement dwelling; *or*,

The amount determined by the Agency as necessary to purchase a comparable replacement dwelling.

- 2. Mortgage Interest Differential** – The amount which covers the *increased* interest costs, *if any*, required to finance a replacement dwelling.

- 3. Incidental Expenses** – Those “one-time” costs incidental to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as pre-paid taxes and insurance premiums are *not* compensable.

If the sum of these three payments exceeds the \$31,000 limit, then Last Resort Housing (LRH) provisions apply.

Rental Assistance Option - If the displacee household is an owner-occupant and *chooses to rent* rather than purchase a replacement dwelling, they may be eligible for a rental assistance payment in an amount not to exceed the calculated purchase price differential payment.

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The payment will be based on the difference between the fair market rent (FMR) of the dwelling the household *owns* and *occupies* and, the rent they must pay for a comparable replacement dwelling.

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

Summary

SAFCA has begun, and will continue to take the necessary steps to ensure a thorough and effective relocation process. The findings in this Plan indicate that there are adequate resources to address the needs of the households anticipated to be displaced.

The Agency will uphold the letter and spirit of the California Relocation Assistance Law (Government Code Section 7260 et seq.) and the Uniform Act. The Agency accepts its responsibility to assist displaced persons in order to minimize hardships related to the relocation process.

Upon implementation of relocation assistance, prospectively displaced persons will be given further detailed interviews and their corresponding case files will be updated to reflect any new or updated information. All field-collected data from initial and follow-up interviews is considered confidential and not available to the public.

E. GENERAL INFORMATION – PAYMENT OF RELOCATION BENEFITS

Claims and supporting documentation for relocation benefits must be filed with SAFCA within eighteen (18) months from:

- The date the claimant moves from the acquired property; ***or***,

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- *In the case of owner-occupants, the date on which final payment for the acquisition of real property is made, whichever is later.*

The procedure for the preparation and filing of claims and the processing and delivery of payments will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance.
2. Assistance amounts will be determined in accordance with the provisions of California Relocation Law.
3. Required claim forms will be prepared by OPC relocation personnel in conjunction with Claimant(s). Signed claims and supporting documentation will be submitted by OPC to the Agency.
4. SAFCA will review and approve claims for payment or request additional background information.
5. The Agency will issue benefit checks which will be available at SAFCA offices for receipt by Claimants, unless circumstances dictate otherwise.
6. Final payments will be issued after confirmation that the relevant premises have been completely vacated and actual residency at the replacement unit is verified.
7. Receipts of payment will be obtained and maintained in the relocation case file.
8. If Federal funds are utilized in this project, Federal legislation (PL105-117) prohibits the payment of relocation assistance benefits under the Uniform Act to any alien not lawfully present in the United States unless such ineligibility would result in an exceptional and extremely unusual hardship to the alien's spouse, parent, or child any of whom is

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a citizen or an alien admitted for permanent residence will be applicable. Exceptional and extremely unusual hardship is defined as significant and demonstrable adverse impact on the health or safety, continued existence of the family unit, and any other impact determined by the Sponsor to negatively affect the alien’s spouse, parent or child. This requirement does not exist under California Relocation Law. The Agency will provide relocation assistance to any member of the household regardless of their presence status. In order to track and account for relocation assistance and benefit payments, OPC will ask the Residential Occupant to self-certify their lawful presence in the country in order to receive relocation payments.

F. LAST RESORT HOUSING

Section 6139 of the Guidelines call for Last Resort Housing . . . *“Whenever comparable replacement dwellings are not available, or are not available within the monetary limits of Government Code sections 7263 or 7264, as appropriate, the displacing City shall provide additional, or alternative assistance under the provisions of this part.”* These provisions apply to SAFCA.

G. TAX CONSEQUENCES OF RELOCATION ASSISTANCE PAYMENTS

Generally, relocation payments are not income for the purpose of the Internal Revenue Code of 1968 or the Personal Income Tax Law, Part 10 of the Revenue and Taxation Code. However, neither SAFCA, nor any staff, consultants, agents, assigns or other party acting on behalf of said Agency, is authorized to give tax advice to displaced persons, and any statements herein shall not be construed as tax advice. Displaced persons are encouraged to consult with independent tax advisors or legal counsel concerning the tax consequences of receiving relocation payments. Reasonable costs for obtaining this consultation will be considered for reimbursement under the provisions of 42 USC Section 4625.c(6).

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H. GRIEVANCE PROCEDURES AND APPEALS POLICY

SAFCA's Grievance Policy follows the standards described in Article 5, Section 6150 et seq., Title 25, Chapter 6, State of California, Department of Housing and Community Development Program guidelines.

Briefly stated, any displacees will have the right to seek redress when there is a perceived grievance regarding any of their rights to relocation and relocation assistance, such as a determination as to eligibility; the amount of a payment or the failure to provide a comparable replacement housing referral.

I. EVICTION POLICY

As a result of the Agency's action to purchase a property for the Project, a displacee may become a tenant of SAFCA for a limited period of time. If this occurs, the displacee may be asked to sign a rental agreement which will specify the monthly rent to be paid; when rent payments are due; where they are to be paid; and, other pertinent information.

Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Agency will be required to move without having been provided with at least ninety (90)-days written notice from SAFCA. Eviction will be undertaken only in the event of one or more of the following infractions:

- 1.** Under the Guidelines, eviction by the displacing entity (i.e., SAFCA) is permissible only as a last resort and relocation records must be documented to reflect the specific circumstances surrounding any eviction.
- 2.** Eviction by the Agency may be undertaken only for one or more of the following reasons:

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- a) Failure to pay rent, except in those cases where the failure to pay is due to the Lessor Agency's failure to keep the premises in habitable condition; is the result of harassment or retaliatory action; or, is the result of a discontinuation or substantial interruption of services.
- b) Performance of a dangerous or illegal act in the unit by tenant, its guests or invitees or any combination thereof.
- c) A material breach of the rental agreement and failure to correct the breach within thirty (30) days of Notice or as otherwise provided in the rental or lease agreement.
- d) Maintenance of a nuisance and failure to abate within a reasonable time following notice.
- e) Refusal to accept one of a reasonable number of offers of replacement dwellings.
- f) A requirement under State or local law or emergency circumstances that cannot be prevented by reasonable efforts on the part of the Agency.

J. PROJECTED DATES OF DISPLACEMENT

Households will receive a minimum of a Ninety (90) day Notice-to-Vacate before being required to move. Ninety-Day Notices to Vacate the Project site will be issued immediately upon acquisition of the pertinent property or the adoption of this Relocation Plan; whichever is later.

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K. ESTIMATED RELOCATION COSTS

Any and all required financial assistance will be provided.

As any requisite displacements are identified during the progressive design and construction process, an amendment to this Plan will be prepared – including an estimated cost of displacement – and, presented to the SAFCA Board for adoption.

For those households displaced pursuant to this Third Amendment to the Relocation Plan, the estimated relocation costs including a 50% contingency and project administration costs are **\$337,000**. The 50% contingency is due to the lack of data including tenant rent and income and/or potential values of homes. Once information to this end is available, OPC will review and revise the cost estimate.

To the extent that any household to be *prospectively* displaced may exercise any of a number of options in moving to a replacement location, any firm relocation budget estimate for the *balance* of the *total* project would, at this time, be purely speculative in nature.

As replacement options are reviewed by a displaced household, reasonably anticipated expenditures will be considered in conjunction with those displacements. SAFCA pledges to appropriate the necessary funds, on a timely basis, to ensure the successful completion of the right of way acquisition and relocation component of the Project.

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**EXHIBIT “A”
 H.U.D. ANNUAL INCOME LIMITATIONS
 -
 SACRAMENTO COUNTY**

The following figures are approved by the U. S. Department of Housing and Urban Development (H.U.D.) and California Department of Housing & Community Development (HCD) for use in the County of Sacramento to define and determine housing eligibility by income level for 2017.

**SACRAMENTO COUNTY, CALIFORNIA –
 MEDIAN FOUR-PERSON HOUSEHOLD INCOME: \$ 83,600.**

| Household Size | Extremely Low Income | Very Low Income | Lower Income | Median Income | Moderate Income |
|-----------------------|-----------------------------|------------------------|---------------------|----------------------|------------------------|
| 1 Person | \$ 17,600. | \$ 29,300. | \$ 46,850. | \$ 58,500. | \$ 70,200. |
| 2 Person | \$ 20,100. | \$ 33,450. | \$ 53,550. | \$ 66,900. | \$ 80,250. |
| 3 Person | \$ 22,600. | \$ 37,650. | \$ 60,250. | \$ 75,250. | \$ 90,250. |
| 4 Person | \$ 25,750. | \$ 41,800. | \$ 66,900. | \$ 83,600. | \$ 100,300. |
| 5 Person | \$ 30,170. | \$ 45,150. | \$ 72,300. | \$ 90,300. | \$ 108,300. |
| 6 Person | \$ 34,590. | \$ 48,500. | \$ 77,650. | \$ 97,000. | \$116,350. |
| 7 Person | \$ 39,010. | \$ 51,850. | \$ 83,000. | \$ 103,650. | \$124,350. |
| 8 Person | \$ 43,430. | \$ 55,200. | \$ 88,350. | \$ 110,350. | \$132,400. |

EXHIBIT "B" INFORMATIONAL STATEMENT FOR FAMILIES AND INDIVIDUALS

- I. GENERAL INFORMATION**
- II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING**
- III. MOVING BENEFITS**
- IV. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS**
- V. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS**
- VI. LAST RESORT HOUSING ASSISTANCE**
- VII. RENTAL AGREEMENT**
- VIII. APPEAL PROCEDURES - GRIEVANCE**
- IX. TAX STATUS OF RELOCATION BENEFITS**
- X. LEGAL PRESENCE REQUIREMENT**
- XI. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE**

I. GENERAL INFORMATION

The residence in which you now live is in an area to be improved by the Sacramento Area Flood Control Agency ('SAFCA' or, the 'Agency'), the U.S. Army Corps of Engineers, and the Central Valley Flood Protection Board. SAFCA is the Project sponsor responsible for right of way acquisition and relocation assistance in this particular area of the Project. As the project schedule proceeds, it may be necessary for you to move from your dwelling. If you are required to relocate, you will be notified in a timely manner as to the date by which you must move.

Please read this information as it will be helpful to you in determining your eligibility and the amount of your relocation benefits under the federal and/or state law. We suggest you save this informational statement for reference.

SAFCA has retained the services of OPC, LLC. (OPC), a qualified professional relocation firm to assist you. The firm is available to explain the program and benefits. Their address and telephone number is:

**OPC, LLC.
980 9th Street, Suite 1600 (16th floor)
Sacramento, CA 95814
Phone Toll-free: 800.400.7356**

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

PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING. However, if you desire to move sooner than required, you must contact your representative with OPC, LLC, so you will not jeopardize any benefits.

This is a general informational brochure only, and is not intended to give a detailed description of either the law or regulations pertaining to SAFCA's relocation assistance program.

II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

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

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

III. MOVING BENEFITS

If you must move as a result of displacement by SAFCA, you will receive a payment to assist in moving your personal property. There are two types of moving payments. You have the option of selecting either one of the following types of moving payments:

A. Fixed Moving Payment

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule established for the purpose by the Federal Highway Administration, for the State of California, and adopted by SAFCA and ranges, for example, from \$725.00 for one room furnished by the *Lessor* to \$2,505.00 for eight rooms of *Lessee's* furnishings in an otherwise unfurnished dwelling. (For details, see the Table, below). Your relocation representative will inform you of the amount you are eligible to receive if you choose this type of payment.

FIXED MOVING SCHEDULE – California

| Occupant Owns Furniture | | Occupant Does <i>NOT</i> Own Furniture | |
|-------------------------|------------|--|----------|
| 1 room | \$ 725.00 | 1 furnished room | \$475.00 |
| 2 rooms | \$ 939.00 | each additional room | \$ 90.00 |
| 3 rooms | \$1,165.00 | | |
| 4 rooms | \$1,375.00 | | |
| 5 rooms | \$1,665.00 | | |
| 6 rooms | \$1,925.00 | | |
| 7 rooms | \$2,215.00 | | |
| 8 rooms | \$2,505.00 | | |
| each additional room | \$ 265.00 | | |

If you select a *fixed* payment, you will be responsible for arranging for your own move and SAFCA will assume no liability for any loss or damage of your personal property.

B. Actual Moving Expense (Professional Move)

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

IV. REPLACEMENT HOUSING PAYMENT – TENANTS AND CERTAIN OTHERS

You may be eligible for a payment of up to \$7,200.00 to assist you in renting, or purchasing a comparable replacement dwelling. In order to qualify, you must be a tenant who has occupied your present dwelling for **at least ninety (90) days** prior to the Agency's first written offer to purchase the property.

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

- or -

- B. Down-payment Assistance** If you qualify, as a tenant, for relocation assistance (see above) and, wish to purchase a home as a replacement dwelling, you must apply the total amount of your rental assistance payment toward the down-payment and non-recurring incidental expenses pertaining to the acquisition of your new home. Your OPC representative will clarify procedures necessary to apply for this type of payment.

V. REPLACEMENT HOUSING PAYMENT – HOMEOWNERS

- A.** If you owned, and occupied a dwelling purchased by SAFCA for **at least 180 days** prior to the first written offer to purchase, you may be eligible to receive a payment of up to \$31,000.00 to assist you in purchasing a comparable replacement unit. If you owned, and occupied the displacement dwelling for **at least ninety (90) days, but not more than 180 days** immediately prior to the date of the Agency’s first written offer to purchase, you may be eligible for a payment of up to \$7,200.00.

This Replacement Housing Payment is intended to cover the following items:

- 1. Purchase Price Differential** – An amount which, when added to the amount for which SAFCA purchased your property, equals the *lesser of* the actual cost of your comparable replacement dwelling; **or**, The amount determined by the Agency as necessary to purchase a comparable replacement dwelling. Your relocation representative will explain both methods to you.
 - 2. Mortgage Interest Differential** – The amount which covers the *increased* interest costs, *if any*, required to finance a replacement dwelling. Your relocation representative will explain limiting conditions.
 - 3. Incidental Expenses** – Those “one-time” costs incidental to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as pre-paid taxes and insurance premiums are *not* compensable.
- B. Rental Assistance Option** – If you are an owner-occupant and *choose* to *rent* rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment in an amount not to exceed the calculated purchase price differential payment. The payment will be based on the difference between the fair market rent (FMR) of the dwelling you *own* and *occupy* and, the rent you must pay for a comparable replacement dwelling.

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

VI. QUALIFICATION FOR, AND FILING OF RELOCATION CLAIMS

To qualify for a Replacement Housing Payment, you must rent or purchase and occupy a comparable replacement unit **within one (1) year from the later** of the following:

1. For a *tenant*, the date you move from the displacement dwelling;
2. For an *owner-occupant*, the date you receive final payment for the displacement dwelling or, in the case of an eminent domain condemnation action, the date the full amount of estimated just compensation is deposited in court; or,
3. The date SAFCA fulfills its obligation to provide referrals to comparable replacement dwellings.

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

VII. LAST RESORT HOUSING ASSISTANCE

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

If you are a tenant and you choose to *purchase* rather than rent a comparable replacement dwelling, the entire amount of your rental assistance and last resort eligibility, if any, must be applied toward the down-payment of the home you intend to purchase.

VIII. RENTAL AGREEMENT

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

Except for the causes of eviction set forth below, no person lawfully occupying property to be purchased by the Agency will be required to move without having been provided with at least ninety (90)-days written notice from SAFCA. Eviction will be undertaken only in the event of one or more of the following infractions:

- A. Failure to pay rent; except in those cases where the failure to pay is due to the Lessor Agency's failure to keep the premises in habitable condition; is the result of harassment or retaliatory action; or, is the result of a discontinuation or substantial interruption of services;

- B. Performance of (a) dangerous and/or illegal act(s) in the unit by lessee, its guests or invitees, or any combination thereof;
- C. Material breach of the rental agreement and failure to correct the breach within thirty (30)-days of notice;
- D. Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- E. Refusal to accept one of a reasonable number of offers of replacement dwellings; or,
- F. The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of SAFCA.

IX. APPEAL PROCEDURES - GRIEVANCE

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have his/her claim reviewed or reconsidered in accordance with the Agency's appeals procedure. Complete details on appeal procedures are available upon request from SAFCA.

X. TAXABLE STATUS OF RELOCATION BENEFITS

Relocation benefit payments are *generally* not considered as income for the purpose of the Internal Revenue Code of 1986 or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11(commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. The preceding statement is *not* tendered as legal advice by SAFCA, its employees, agents, consultants or assigns in regard to tax consequences, and displacees should consult with an independent tax advisor or legal counsel to determine the current status of such payments.

XI. LAWFUL PRESENCE REQUIREMENT

Pursuant to the Public Law 105-117 of 11-21-1997, in order to be eligible to receive relocation benefits in a wholly or partially federally-funded project, all members of the household to be displaced must provide information regarding their lawful presence in the United States.

In Federally-assisted projects, any member of the household who is *not* lawfully present in the United States, or declines to provide this information, may be denied relocation benefits and relocation benefits are required to be pro-rated to reflect the number of household members with certified lawful presence in the U.S.

This requirement does not exist under California Relocation Law. The Agency will provide relocation assistance to any member of the household regardless of their presence status.

XII. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

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

EXHIBIT "C" INFORMATIONAL STATEMENT FOR BUSINESSES, FARMS, AND NON-PROFIT ORGANIZATIONS

Introduction

The property on which you now conduct your business is in an area to be improved by the Sacramento Area Flood Control Agency ('SAFCA' or, the 'Agency'), the U.S. Army Corps of Engineers, and the Central Valley Flood Protection Board. SAFCA is the Project sponsor responsible for right of way acquisition and relocation assistance in this particular area of the Project. The plans for flood control improvements within the Natomas Basin will require the relocation of certain existing commercial uses located thereupon. If you are determined to be one of the commercial uses requiring relocation, you will be notified in a timely manner as to the date by which you may be required to move.

Please read this information as it will be helpful to you in determining your eligibility for, and the amount of, your relocation benefits under the appropriate federal and/or state law. We suggest you save this informational statement for reference.

This is *not* a notice to move. It is important that you *do not move* before you learn what you must do to receive relocation payments and other assistance to which you may be entitled.

The Agency has retained the services of OPC, LLC. (OPC), a qualified professional relocation firm, to assist you. The firm is available to explain the program and benefits. Their address and telephone number is:

OPC, LLC.
980 9th Street, Suite 1600 (16th floor)
Sacramento, CA 95814
Telephone: (916) 857-1520

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

Summary of Relocation Assistance

As an eligible "displaced person", you will be offered appropriate financial *and* advisory assistance to help you relocate, including:

- A.** Payment for your moving expenses. You will receive either:
- A Payment for Actual Reasonable Moving and Related Expenses; *or*,
 - A Fixed Payment In Lieu of a Payment for Actual Moving and Related Expenses;
- B.** Referrals to suitable replacement locations; and,

- C. Other help to re-establish your business and minimize the impact of the move including help in preparing claim forms to request relocation payments.

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

SOME GENERAL QUESTIONS

How will I know I am eligible for relocation assistance?

Eligibility for relocation begins on the sooner of the date that the Agency makes the first written offer to acquire the property or the date the Agency enters into an agreement to utilize public funds or provide other assistance. However, a displacee will not receive relocation assistance until they are provided a Notice of Eligibility (NOE). Any displacee that incurs costs or vacates prior to receiving an NOE may not receive the assistance they are eligible for.

How will SAFCA Know How Much Help I Need?

You will be contacted at an early date and personally interviewed by a representative of the Agency to determine your needs and preferences for a replacement location and other services. The interviewer will ask questions about such matters as your space requirements. It is to your advantage to provide the information so that SAFCA, through its relocation consultant, can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

How Soon Will I Have to Move?

Every reasonable effort will be made to provide you with sufficient time to find, and re-establish your business, in a suitable replacement location. If possible, a mutually agreeable date for the move will be worked out.

Unless there is an urgent need for the property (e.g., your occupancy would present a health, or safety emergency), you will not be required to move without at *least* ninety (90)-days advance written notice.

It is important, however, that you keep in close contact with the Agency, through its relocation consultant, so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.

Will I Have To Pay Rent To SAFCA Before I Move?

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

How Will I Find A Replacement Location?

SAFCA will provide you with current and continuing information on available replacement locations that meet your needs. The Agency may also provide you with the names of real estate agents and brokers who can assist you in finding the type of replacement location you require.

While SAFCA will assist you in obtaining a suitable replacement location, you should take an active role in finding and relocating to a location of your choice. No one knows your needs better than you. You will want a facility that provides sufficient space for your planned activities. You will also want to ensure that there are no zoning, or other requirements which will unduly restrict your planned operations. Ask the Agency's representatives to explain which kind of moving costs are eligible for repayment and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

What Other Assistance will be Available to Help Me?

In addition to help in finding a suitable replacement location, other assistance, as necessary, will be provided by SAFCA. This includes information on Federal, State, and local programs that may be of help in re-establishing a business. For example, the Small Business Administration (SBA) provides managerial and technical assistance to some businesses.

There may also be a government grant or loan program which can help you reestablish your business. The Agency will assist you in applying for help available from government agencies.

The range of services depends on the needs of the business being displaced. You should ask the SAFCA representative to tell you about the specific services that will be available to you.

I Have A Replacement Location And Want To Move. What Should I Do?

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

I Plan To Discontinue My Business Rather Than Move. What Should I Do?

If you have decided to *discontinue* your business rather than re-establish, you may still be eligible to receive a payment. Contact the Agency and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible, the requirements to be met, and how to obtain your payment.

What Kinds of Payments For Moving Expenses Will I Receive?

Every business is entitled to a relocation payment to cover the reasonable cost of moving. You may choose either:

- A. **A Payment for Actual Reasonable Moving and Related Expenses;** or,
- B. **A Fixed Payment In Lieu of Moving and Related Expenses** (if you meet the eligibility requirements).

What is Payment for Actual Reasonable Moving and Related Expenses?

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

- A. Transportation of personal property from your present location to the replacement location. (Generally, transportation costs are limited to a distance of 50 miles. If you plan to move beyond fifty [50] miles, discuss your planned move with SAFCA).
- B. Packing, crating, uncrating, and unpacking personal property.
- C. Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby and modifications necessary to adapt such property to the replacement structure, or to the utilities or, to adapt the utilities to the personal property. This includes alterations to the replacement *structure* required to reinstall machinery, equipment or other personal property.
- D. Storage of personal property for a reasonable period of time, if required, at the Agency's discretion.
- E. Insurance of personal property in connection with the move and required storage and the replacement value of property lost, stolen, or damaged in the process of moving where insurance is not readily available.
- F. Any license, permit or certification required by the displaced business, to the extent that the cost is: **(1)** necessary to its reestablishment at the replacement location and **(2)** does not exceed the cost for the remaining useful life of the existing license, permit, or certification.
- G. Reasonable and pre-authorized professional services, including architect's, attorney's, and engineer's fees, and consultant's charges necessary for: **(1)** planning the move of the personal property; **(2)** moving the personal property; or, **(3)** installing the relocated personal property at the replacement location.
- H. Re-lettering signs, printing replacement stationery made obsolete by the move and customer notifications.
- I. The reasonable cost incurred in attempting to sell an item that is not relocated.

- J.** Actual direct loss of personal property. This payment provides compensation for property that is neither moved, nor promptly replaced with a "substitute item" at the replacement location. Payment is limited to the lesser of: **(1)** the estimated cost of moving the property; or, **(2)** the fair market value of the property for its continued use at the old location, less any proceeds from its sale.

To be eligible, you must make a good faith effort to sell the property, unless SAFCA determines that such effort is not necessary.

- K.** Purchase and installation of substitute personal property. Payment will be limited to the lesser of: **(1)** the estimated cost to move the item to the replacement location; or, **(2)** the actual cost of the substitute item delivered and installed at the replacement location, less any proceeds from the sale of the existing personal property or its trade-in value. It is important to discuss your plans with the Agency before you proceed.

- L.** Searching for a replacement location. This payment may *not* exceed \$2,500.00 and may cover costs for:

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

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

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

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

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

What are Re-establishment Expenses?

A small business, farm or non-profit organization may be eligible to receive a payment of up to \$25,000.00 for expenses actually incurred in relocating and re-establishing such operation at a replacement site.

Eligible expenses must be reasonable and necessary, as determined by SAFCA. They may include, but are not limited to the following:

- A.** Repairs or improvements to the replacement real property as required by federal, state, or local law, code or ordinance.
- B.** Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- C.** Construction and Installation costs for exterior signage to advertise the business.
- D.** Provision of utilities from right-of-way to improvements on the replacement site.
- E.** Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
- F.** Licenses, fees, and permits where not paid as part of moving expenses.
- G.** Feasibility surveys, soil testing and marketing studies.
- H.** Advertising of replacement location.
- I.** Professional services in connection with the purchase or lease of a replacement site.
- J.** Estimated increased costs of operation during the first 2 years at the replacement site, for such items as:
 - 1.** Lease or rental charges;
 - 2.** Personal or real property taxes;
 - 3.** Insurance premiums; and,
 - 4.** Utility charges (excluding Impact fees)
- K.** Impact fees or one-time assessments for anticipated heavy utility usage.
- L.** Other items the Agency considers essential to the reestablishment of the business.

What Expenses Are Not eligible for Reestablishment Payment?

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

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

What is Fixed Payment In Lieu Of A Payment for Actual Reasonable Moving and Related Expenses?

A Fixed Payment In Lieu Of a Payment for Actual Reasonable Moving and Related Expenses to a business is based on the average annual net earnings of the business. The payment to an eligible business may not be less than \$1,000.00 or more than \$40,000.00.

Any payment in excess of \$1,000.00 must be supported with financial statements for the two (2) twelve (12)-month periods *prior to* displacement.

The amount to be used for the payment is the average of the last two (2) years' annual net earnings. Documentation required may be income tax returns, certified financial statements and accounting records, or other similar evidence acceptable to SAFCA.

To qualify for an "In-Lieu" payment, a displaced **business**:

1. Must own or rent personal property which must be moved in connection with the displacement and for which an expense would be incurred in such move, and the business vacates or relocates from its displacement site.
2. Must be unable to relocate without a substantial loss of existing patronage.

3. Must *not* be part of a commercial enterprise having more than three other entities which is not being acquired by the Agency, and which is under the same ownership and engaged in the same or similar business activities.
4. Must *not* be operated at a displacement dwelling/site solely for the purpose of renting such dwelling/site to others.
5. Must have contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement.

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

The displaced person shall furnish SAFCA proof of net earnings through income tax returns, certified financial statements, or other reasonable evidence which the Agency determines is satisfactory. SAFCA will inform you as to your eligibility for this payment and the documentation you must submit to support your claim. **Remember, when you elect to take this payment, you are *not* entitled to reimbursement for any other moving expenses.**

How do I File a Claim for a Relocation Payment?

You must file a claim for a relocation payment.

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

If you are a tenant, you must file your claim within 18 months from the date you **move**. If you own the property, you must file within 18 months from the date you move; **or** the date you receive the final acquisition payment, whichever is **later**. However, it is generally to your advantage to file as soon as possible after you move.

The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, the Agency *may* extend this period.

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

Appeals

If you disagree with SAFCA's decision as to your right to a relocation payment or the amount of payment, you may appeal the decision first to the Agency. SAFCA will inform you of its appeal procedures. At a *minimum*, you will have 18 months from the date of the denial to file your appeal with the Agency. Your appeal must be in writing. However, if you need help, SAFCA will assist you in preparing your appeal. If you are not satisfied with the final appeal decision, you may seek review of the matter through the courts.

Taxable Status of Relocation Benefits

Relocation benefit payments are generally *not* considered as income for the purpose of the Internal Revenue Code of 1986 or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. The preceding statement is not tendered as legal advice by SAFCA, its employees, agents, consultants or assigns in regard to tax consequences, and displacees should consult with an independent tax advisor or legal counsel to determine the current status of such payments.

Lawful Presence Requirement

Pursuant to the Public Law 105-117 of 11-21-1997, in order to be eligible to receive *non-residential* relocation benefits in fully, or partially *federally-funded* projects, the owner of a sole proprietorship and *all* owners of a *partnership* must provide information regarding their lawful presence in the United States; and, a for-profit *or* a non-profit corporation must certify that it is authorized to conduct business in the United States. Sole proprietorships or partnerships with owners who are *not* lawfully present in the United States, or who *decline to provide* this information, may be denied relocation benefits. Relocation benefits are required to be pro-rated to reflect the number of owners with certified lawful presence in the United States.

This requirement does not exist under California Relocation Law. The Agency will provide relocation assistance to any member of the household regardless of their presence status.

Additional Information

If you have further questions after reading this brochure, contact OPC, LLC., and discuss your concerns with your relocation representative. You may wish to read the California Relocation Assistance Act regulations and the Federal Uniform Relocation Act which describe the relocation process in more detail.

**EXHIBIT “D”
RELOCATION RULES AND REGULATIONS FOR
SAFCA PROJECTS**

RESOLUTION NO. 99-001

Adopted by the Sacramento Area Flood Control Agency

**ADOPTION OF RELOCATION ASSISTANCE RULES AND REGULATIONS FOR
SAFCA PROJECTS**

WHEREAS, the provisions of the California Relocation Assistance Act, as amended, Government Code Section 7260 et seq., require public entities to provide relocation assistance benefits to displaced persons in accordance with the requirements and limitations specified therein; and

WHEREAS, pursuant to Government Code Section 7267.8 (a), all public entities are required to adopt rules and regulations in accordance with guidelines adopted by the Department of Housing and Community Development to implement payments and to administer relocation assistance under the Relocation Assistance Act; and

WHEREAS, pursuant to authority contained in Health and Safety Code Section 50460, the California Department of Housing and Community Development has promulgated Title 25, Division 1, Chapter 6 of the California Code of Regulations, commencing at section 6000, entitled "Relocation Assistance and Real Property Acquisition Guidelines" (herein referred to as "State Guidelines") in order to implement, interpret and to make specific provisions of the Relocation Assistance Act; and

WHEREAS, pursuant to Government Code Section 7267.8 (b), notwithstanding the foregoing, with respect to federally funded projects, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law; and

WHEREAS, the Office of the Secretary, Department of Transportation of the Federal Highway Administration has promulgated 49 Code of Federal Regulations, Part 24, entitled "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs" (herein referred to as Federal DOT Guidelines") as its rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et seq.).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SACRAMENTO AREA FLOOD CONTROL AGENCY:

With respect to non-federally funded projects, the State Guidelines, as the same may be amended and revised from time to time, are hereby adopted as the guidelines, rules and regulations for providing relocation assistance by SAFCA to the extent they are not inconsistent with statutory provisions.

IT IS FURTHER RESOLVED that, with respect to federally funded projects, the Federal DOT Guidelines, as the same may be amended and revised from time to time, as implemented by the California Department of Transportation, shall be the

Resolution 99-001
Page 2

guidelines, rules and regulations for providing relocation assistance by the SAFCA,
to the extent they are not inconsistent with statutory provisions.

This resolution shall not have a retroactive effect.

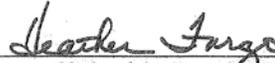
ON A MOTION BY Director Johnson, seconded by Director Dean, the foregoing resolution
was passed and adopted by the Board of Directors of the Sacramento Area Flood Control Agency,
this 21th day of January, 1999, by the following vote, to wit:

AYES: Directors: Christophel, Cohn, Dean, Dickinson, Fargo, Gault, Jennings,
Johnson, Kerth, Macdonald, Moose, Nottoli

NOES: Directors:

ABSTAIN: Directors:

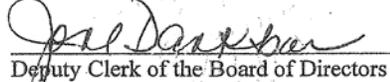
ABSENT: Directors:



Chair of the Board of Directors of the
Sacramento Area Flood Control Agency

(SEAL)

ATTEST:


Deputy Clerk of the Board of Directors

TNWthreloctrs.wpd