



# *Avenue E Intersection Project*

## RELOCATION PLAN

### **Prepared for:**

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## INTRODUCTION

The City of Yucaipa (City) seeks to acquire permanent easements located at the intersections of Avenue E with 4th and 5th Street to construct the Avenue E Intersections Project - Phase II (“Project”). The proposed Project design will require the acquisition of right of way or dedications from eleven (11) properties for this phase and thirty-four (34) properties for the entire Project. The Intersections of 2<sup>nd</sup> and 3<sup>rd</sup> Streets were constructed as Phase I and are complete.

The overall proposed work to be done includes acquiring additional right of way and constructing roundabouts at five intersections, furnishing all labor, materials, necessary tools, equipment, supervision, appurtenances, and all utility and transportation services required for pavement widening, concrete curb and gutter, concrete driveways, sidewalk and ADA ramps, asphaltic concrete pavement, traffic striping and signing, grading, fence relocation, and grading, drainage and storm drain improvements in accordance with the Plans, Drawings, Specifications and other provisions of the Contract located at the intersections of Avenue E and 5<sup>th</sup> Street, 4<sup>th</sup> Street, 3<sup>rd</sup> Street, 2<sup>nd</sup> Street, and Bryant Street; and the intersection of Yucaipa Boulevard and Bryant Street.

The intersections of 2<sup>nd</sup> and 3<sup>rd</sup> have been constructed as Phase I of the Project, and 4<sup>th</sup> and 5<sup>th</sup> Street intersections are Phase II of the project. As a part of the City’s proposed Project, the City will replace all-way stops with a raised circular center island in the intersection around which all traffic will travel in a counterclockwise direction yielding to traffic in the roundabout. Raised pedestrian splitter islands will be constructed in all directions at the approaches to all the intersections traversed by pedestrian crosswalks, improved with curb ramps and detectable warning surfaces. All work is consistent with the City’s General Plan of Circulation.

Three of the proposed full-take properties to be acquired are occupied by residential tenants and an owner-occupant. The City intends to demolish the residences as part of the Project. The three households occupying the properties will be displaced as a result of the acquisition and proposed Project. The occupied Properties and the displaced occupants are the subject of this Relocation Plan (Plan). All existing occupants will be permanently relocated to facilitate the proposed Project. The City has retained Overland, Pacific & Cutler, LLC (OPC) to prepare the Relocation Plan and to provide relocation assistance to the households to be displaced.

The City is utilizing Measure I and Development Impact Fee funds to finance the Project. The use of non-federal public funds triggers the requirements of the California Relocation Assistance Law, Government Code Section 7260, et seq. (CRAL) and the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development as in Title 25, California Code of Regulations Section 6000, et seq. (Guidelines). This Plan conforms to both the CRAL and the Guidelines.

As of the date of this Plan, the Project may cause the permanent displacement of one owner-occupied household and two tenant-occupied households who would be eligible for relocation assistance. The needs and characteristics of the permanent displacees and the City’s program to provide assistance to each affected person are general subjects of this Relocation Plan (Plan).

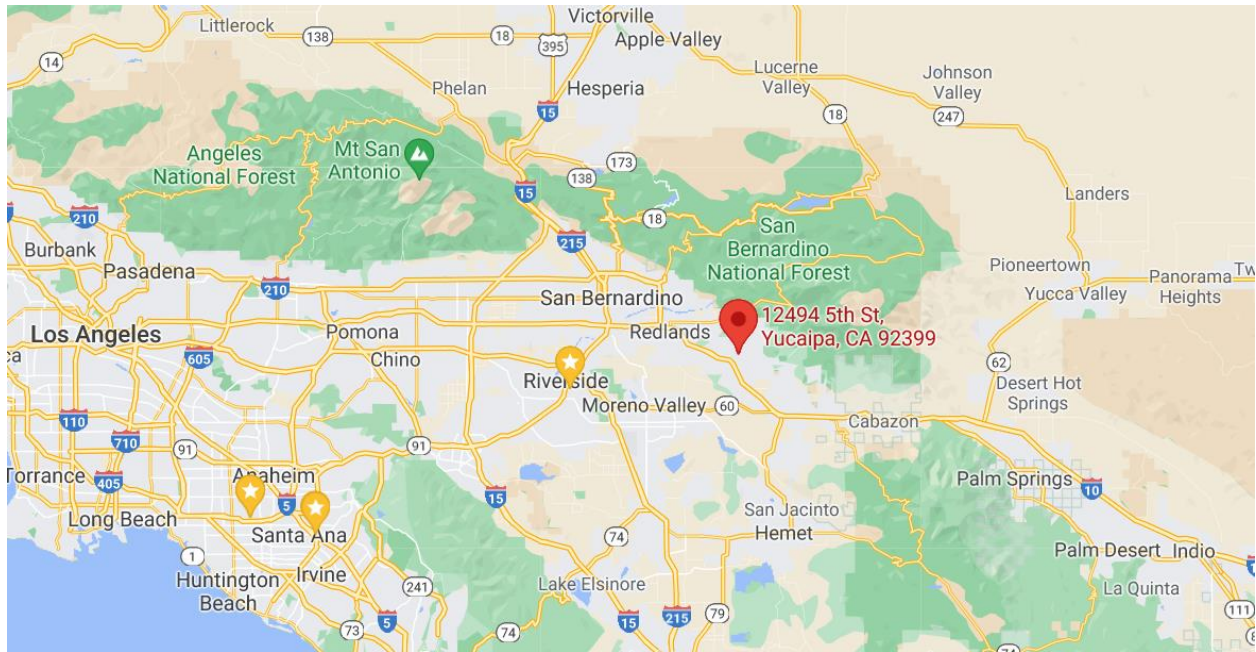
This Plan is organized in five sections:

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

## I. PROJECT DESCRIPTION

### A. PROPERTY LOCATION

The Project site is located in Yucaipa, CA within San Bernardino County. The Properties are accessible via Interstate 10 and State Highway 38. Adjacent communities include Calimesa, Redlands and Beaumont (*Figure 1 – Project Location*).



**Figure 1: Project Location**

**B. PROJECT SITE LOCATION AND DESCRIPTION**

The Project area is comprised of 11 parcels totaling 59,087 SF (*Figure 2: Project Site Location*). Three of the parcels are improved with occupied single-family dwellings. The needed rights-of-way for the remaining eight parcels are easements and partial acquisitions, which will not result in any additional displacements.



**Figure 2: Project Site Location**



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

### **A. SURVEY METHOD**

Individual interviews with two of the three affected households were conducted by OPC staff in April 2021. Attempts have been made to contact the other household in late April throughout May 2021, but the remaining household has been unresponsive to date. OPC made contact with the tenants, but they declined to interview. However, the property owner provided limited data on the household and the dwelling. Inquiries made of the residential occupants interviewed concerned household size and composition, income, existing mortgages on the property, current rent and utilities obligations, length of occupancy, ethnicity, home language, physical disabilities, special relocation needs, and replacement housing preferences.

### **B. HOUSEHOLD DATA**

#### **1. Current Occupants**

There is one owner household and two tenant households to be permanently relocated for the Project that may be eligible for relocation assistance and are the subjects of this Plan. There are five adults and seven children (17 years or younger) on-site for a total of nine persons. All three households occupy wo-bedroom single-family residences (SFR).

#### **2. Replacement Housing Needs**

Replacement housing needs, as expressed in this plan, are defined by the total number of required replacement units and distribution of those units by bedroom size. The projected number of required units by bedroom size is calculated by comparing current data for household size with the City's replacement housing occupancy standards. These standards, generally, allow for up to 1-2 person in a studio unit, three persons in a one-bedroom unit, five persons in a two-bedroom unit, seven persons in a three-bedroom unit and nine or more persons in a four-bedroom unit.

Based on available household data, there are no overcrowded units. The replacement units required for the current Project site occupants include two two-bedroom SFRs for rent and one two-bedroom SFR for purchase.

#### **3. Income**

Verbal income data was provided by the two interviewed households. According to HUD income standards for San Bernardino County (Exhibit A) adjusted for family size, one household qualifies as Very Low Income (31% - 50% of AMI), one household qualifies as Low Income (51%-80% of AMI), and the income for the remaining household is unknown.

**4. Ethnicity/Language**

Two of the Project households are made up of White occupants that do not identify as Hispanic or Latino/a, and the third household is comprised of Hispanic or Latino/a occupants. All three households speak, read and understand English.

**5. Senior/Handicapped Households**

There is one senior household known to be living on the Properties, and no known occupants with a disability. Appropriate steps will be taken to accommodate mobility challenges when considering potential replacement housing options, as applicable.

**6. Preferred Relocation Area**

Both interviewed households expressed the desire to remain in Yucaipa. One of the households also indicated an interest in moving to Arizona.



### III. RELOCATION RESOURCES

#### A. METHODOLOGY

For residential housing, a resource survey was conducted to identify available rental and for sale dwellings initially beginning within a three-mile radius from the Project site. The following sources were utilized:

- Classified rental listings from local newspapers and *For Rent* publications
- Contacts with real estate/property management companies serving the community
- Internet sources of rental opportunities including the MLS

#### B. REPLACEMENT HOUSING AVAILABILITY

##### 1. Residential Rental Housing

The rental replacement housing survey considered SFRs for rent in Yucaipa within three miles of the Project site. This data is summarized in **Table 1** below. The individual figures for number of units found by bedroom size are presented in the table alongside the number of units needed (shown in parentheses) to meet the re-housing obligations.

<b>TABLE 1: Availability and Cost of Replacement Rental Housing</b>	
Bedroom Size	Two
# Found (# Needed)	7 (2)
Rent Range	\$1,000 - \$1,900
Median Rent	\$1,650

##### 2. Residential Housing for Purchase

Real estate listings were obtained for single-family residences for sale in Yucaipa within eight miles of the Project site. Available comparable homes for sale were identified and are summarized in **Table 2** below.

<b>TABLE 2: Availability/Cost of Replacement Housing for Purchase</b>	
Bedroom Size	Two
# Found (# Needed)	16 (1)
Listing Price Range	\$299,000-\$850,000
Median List Price	\$417,500

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

## **2. Summary**

Considering the above-described availability of replacement housing resources gathered, it appears there should be an adequate number of comparable replacement units for the residential occupants.

Adequate replacement housing resources exist for the households, but it is expected that Last Resort Housing payments will be necessary, as in many cases the expected price differential payment will be greater than \$22,500 and the expected rental assistance payment will be greater than \$5,250 (See Section IV, E).

## **C. RELATED ISSUES**

### **1. Concurrent Residential Displacement**

There are no known public projects anticipated in the Project area that will cause significant displacements during the timeframe of anticipated Project displacements. No residential displacee will be required to move without both adequate notice and access to available, comparable, affordable, decent, safe and sanitary housing.

### **2. Temporary Housing**

No need for temporary housing is anticipated.

## **IV. THE RELOCATION PROGRAM**

The City's Relocation Program is designed to minimize hardship, be responsive to unique Project circumstances, emphasize maintaining personal contact with all affected individuals, consistently apply all regulatory criteria to formulate eligibility and benefit determinations and conform to all applicable requirements. The relocation program to be implemented by the City will conform with the standards and provisions of the Law and Guidelines identified previously.

The City has retained Overland, Pacific & Cutler, LLC (OPC), an experienced consulting firm, to administer the Relocation Program for the permanent displacees. OPC has worked on more than 50,000 public acquisition and relocation projects for 40 years. Experienced City staff will monitor the performance of OPC and be responsible to approve or disapprove OPC recommendations concerning eligibility and benefit determinations and interpretations of City's policy.

OPC staff will be available to assist any relocated person and/or household with questions about the relocation process, relocation counseling and/or assistance in relocating. Relocation staff can be contacted at **(951) 683-2353** or toll-free at **(800) 400-7356** from 8:00 am to 5:00 pm Monday through Friday and are available via voicemail and/or cellular phones after hours. The Relocation Office is located at 2280 Market Street, Suite 200, Riverside, CA 92501.

Eligible individuals, who need to permanently move from their existing home, will receive relocation assistance. The relocation program consists of two principal components: advisory assistance and financial assistance (Relocation Benefits).

### **A. ADVISORY ASSISTANCE**

Advisory assistance services are intended to:

- Inform displacees about the relocation program;
- Help in the process of finding appropriate replacement accommodations;
- Facilitate claims processing;
- Maintain a communication link with the City;
- Coordinate the involvement of outside service providers.

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

1. Distribute appropriate written information concerning the City's relocation program;
2. Inform eligible project occupants of the nature of, and procedures for, obtaining available relocation assistance and benefits (See **Exhibit B**);
3. Determine the needs of each displacee eligible for assistance;

4. Provide the residential displacees with at least three referrals to comparable replacement housing within a reasonable time prior to displacement. Generally, a comparable replacement dwelling must satisfy the following criteria:
  - (a) *The unit is decent, safe and sanitary - electrical, plumbing and heating systems are in good repair - no major, observable hazards or defects. The unit is adequate in size and is comparable to the acquired dwelling with respect to number of rooms, habitable living space and type and quality of construction, but not lesser in rooms or living space as necessary to accommodate the displaced person. The unit is functionally equivalent, including principle features.*
  - (b) *The unit is located in an area not subjected to unreasonable adverse environmental conditions from either natural, or man-made sources, and not generally less desirable with respect to public utilities, transportation, public and commercial facilities, including schools and municipal services and reasonably accessible to the displaced person's place of employment.*
  - (c) *The unit is available both on the private market and to all persons regardless of race, color, sex, marital status, religion or, national origin.*
  - (d) *The property is within the financial means of the displaced residential household.*
5. Maintain an updated database of available housing resources, and distribute referral information to displacees for the duration of the Project;
6. Provide transportation to the residential displacee, if necessary, to inspect replacement sites within the local area;
7. Inspect replacement housing to assure it meets decent, safe and sanitary standards as described in State Relocation Regulations;
8. Supply information concerning federal and state programs and other governmental programs providing assistance to displaced persons;
9. Assist eligible occupants in the preparation, and submission, of relocation assistance claims;
10. Provide additional reasonable services necessary to successfully relocate occupants;

11. Make benefit determinations and payments in accordance with applicable law and the City's adopted relocation guidelines;
12. Assure that no occupant is required to move without a minimum of 90 days written notice to vacate;
13. Inform all persons subject to displacement of the City's policies with regard to eviction and property management;
14. Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the City's decisions with respect to relocation assistance; and
15. Provide assistance that does not result in different or separate treatment based on or due to an individual's sex, marital status, race, color, religion, ancestry, national origin, physical handicap, sexual orientation, and domestic partnership status.

## **B. RELOCATION BENEFITS**

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

Relocation benefits will be provided in accordance with the provisions of the applicable Relocation Law and Guidelines and City rules, regulations and procedures pertaining thereto. Benefits will be paid to eligible displaced persons upon submission of required claim forms and documentation in accordance with the City's normal administrative procedures.

The City will process advance payment requests to mitigate hardships for households who do not have access to sufficient funds to pay move-in costs such as an escrow deposit, first month's rent and/or security deposits. Approved requests will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

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

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

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

Displacees may elect to have a licensed professional mover perform the move. The actual cost of the moving services, based on at least two acceptable bids, will be compensated by the City in the form of a direct payment to the moving company

upon presentation of an invoice. Transportation costs are limited to a distance of 50 miles in either case. In addition to the actual move, costs associated with utility reconnections (i.e., gas, water, electricity, telephone, and cable, if any), are eligible for reimbursement.

**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 occupied in the displacement dwelling or ancillary structures on the property. In this case, the person to be relocated takes full responsibility for the move. The fixed payment includes all utility connections as described in (a), above.

The current schedule for fixed moving payments is set forth in **Table 3** below:

<b>TABLE 3: Schedule of Fixed Moving Payments, State of California</b>	
<b>Unfurnished Dwelling</b>	
One room	\$725
Two rooms	\$930
Three rooms	\$1,165
Four rooms	\$1,375
Five rooms	\$1,665
Six rooms	\$1,925
Seven rooms	\$2,215
Eight rooms	\$2,505
each additional room	\$265
<b>Furnished Dwelling</b>	
First Room	\$475
Each additional room	\$90

**Owner-Occupants**

**1. Assistance for Purchase of a Home**

Households that own and occupy a dwelling to be purchased by the City for at least 180 days prior to the initiation of negotiations, are eligible to receive a payment of up to \$22,500.00 to assist in purchasing a comparable replacement unit. This payment is intended to cover the following items:

**a. Purchase Price Differential**

An amount which, when added to the amount for which the City purchased the property, equals the lesser of the actual cost of the replacement dwelling; or the amount determined by the City as necessary to purchase a comparable replacement dwelling.

**b. Mortgage Interest Differential**

This payment is to compensate homeowners for increased interest costs between the acquired dwelling and the replacement dwelling. The payment for increased mortgage interest cost shall be the amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling.

**c. Incidental Expenses**

Those one-time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.

**2. Rental Assistance Option**

Owner-occupants that choose to rent rather than purchase a replacement dwelling, are eligible for a rental assistance payment of up to the amount that they could have received as an owner-occupant purchasing a replacement dwelling. The payment will be based on the difference between the economic rent and utilities cost of the acquired dwelling and the rent and utilities cost for a comparable replacement dwelling.

An owner may receive a rental assistance payment, as described above, and later decide to purchase a replacement dwelling, where 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 already received as a rental assistance payment.

The assistance to be offered within this program is explained in detail in the informational brochure that will be provided to each household (**Exhibit B**).

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

- (i) The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or



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

The base monthly rent for the displacement dwelling is the estimated Economic Rent and utilities for the displacement dwelling, as determined by the City.

**Tenants**

**1. Rental Assistance for Tenant Occupants Who Choose to Rent**

To be eligible to receive the rental assistance benefits, the displaced tenant household has to rent or purchase and occupy a decent, safe, and sanitary replacement dwelling within one year from the date they move from the displacement dwelling.

Based upon the available data regarding the potential displacees, the displaced households may qualify for, and may be eligible to apply for, relocation benefits under the State Regulations, including rental assistance.

Except in the case of Last Resort Housing situations, payments to households under the State Regulations will be payable over a 42-month period and limited to a maximum of \$5,250 as stated under State guidelines. The assistance to be offered within this program is explained in detail in the informational brochure that will be provided to each household (**Exhibit B**).

**Table 4** below portrays **an example** of a benefits determination under State Regulations:

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

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

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

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

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

- (i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the District; or
- (ii) Thirty percent (30%) of the displaced person's average, monthly gross household income. If a displacee refuses to provide appropriate evidence of income or is a dependent, the base monthly rent shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling; or
- (iii) The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities

## **2. Downpayment Assistance to Tenants Who Choose to Purchase**

The displaced household may opt to apply the entire benefit amount for which they are eligible under State Regulations toward the purchase of a replacement unit.

Residential tenants, who are otherwise eligible to receive the Rental Assistance Payment described above, may choose to receive a lump sum payment equal to forty-two months of rental subsidy (including Last Resort Housing benefits) to purchase a new home.

A displaced household, who chooses to utilize up to the full amount of their rental assistance eligibility (including any Last Resort benefits) to purchase a home, will have the funds deposited in an open escrow account, provided that the entire amount is used for the

downpayment and eligible, incidental costs associated with the purchase of a decent, safe, and sanitary replacement home. A provision shall be made in the escrow arrangements for the prompt return of the District funds, in the event escrow should fail to close within a reasonable period of time.

Final determination about the type of relocation benefits and assistance for which the household is eligible will be determined upon verification of the household's occupants, ages, length of occupancy and income.

### **C. PROGRAM ASSURANCES AND STANDARDS**

Adequate funds are available to relocate all displaced households. Relocation assistance 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 other arbitrary or unlawful discrimination.

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

Claims and supporting documentation for relocation benefits must be filed with the City no later than 18 months from one of the following dates, whichever is later:

- The date the household receives final payment for the displacement dwelling, or, in the case of condemnation, the date the full amount of estimated just compensation is deposited in court; **or**
- The date the household moves from the displacement dwelling.

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. OPC and City staff will review all necessary documentation including, but not limited to, scopes-of-service, invoices, lease documents and escrow material before reaching a determination as to which expenses are eligible for compensation;
3. Required claim forms will be prepared by OPC staff and presented to the claimant for review. Signed claims and supporting documentation will be returned to relocation staff and submitted to the City;

4. The City will review and approve claims for payment, or request additional information;
5. The City will issue benefit checks to be disbursed to the claimants via personal delivery;
6. Final payments to residential displacees will be issued after confirmation that the Project premises have been completely vacated, and actual residency at the replacement unit is verified;
7. Receipts of payment and all claim material will be maintained in the relocation case file.

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

Based on data derived from the Project site occupants and costs of replacement housing resources, it is anticipated that Last Resort Housing will be required in some cases as part of this Project due to the high cost of housing in the area. Last Resort Housing is required when “comparable replacement housing” may not be available as required for the households. Specifically, for owners, when the computed replacement housing assistance eligibility exceeds \$22,500.00, Last Resort Housing will have to be provided. Specifically, for renters, when the computed replacement housing assistance eligibility exceeds \$5,250 or replacement dwelling monthly rental costs (including utilities and other reasonable recurring expenses) exceeds 30% of the person’s average monthly income, Last Resort Housing will have to be provided.

Therefore, if the Project is to go forward, the City will authorize its funds or funds authorized for the Project to provide housing of last resort. Funds will be used to make payments in excess of the monetary limit specified in the statute (\$5,250.00 for tenants and \$22,500.00 for owner-occupants); hence, satisfying the requirement that “comparable replacement housing” is available.

A displaced owner-occupant household will be entitled to consideration for supplementary benefits in the form of Last Resort Housing assistance when the computed replacement housing assistance eligibility exceeds \$5,250.00 or \$22,500.00 or when an owner fails to meet the 180-day occupancy requirement or a tenant fails to meet the 90-day occupancy requirement and comparable replacement housing is not available within the displaced person’s financial means.

#### **F. RELOCATION TAX CONSEQUENCES**

In general, relocation payments are not considered income for the purpose of Division 2 of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986 (Title 26, U. S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U. S. Code 301 et seq.) or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part II (commencing with Section 23001)

of Division 2 of the Revenue and Taxation Code. The above statement on tax consequences is not intended as tax advice by the City or OPC. Displacees are responsible for consulting with their own tax advisors concerning the tax consequences of relocation payments.

## V. ADMINISTRATIVE PROVISIONS

### A. NOTICES

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

There are three principal notices to be issued under the State Relocation Regulations:

- 1) Information Statement
- 2) Notice of Relocation Eligibility
- 3) Notice to Vacate

The Informational Statement is intended to provide potential relocatees with a general written description of the City's relocation program and basic information concerning benefits, conditions of eligibility, noticing requirements and appeal rights (**Exhibit B**).

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

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

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

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

A Reminder Notice will be issued to all non-responsive relocatees no later than within the last six months prior to the filing expiration date.

## **B. PRIVACY OF RECORDS**

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

## **C. GRIEVANCE PROCEDURES**

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

Requests for administrative review and informal hearings will be directed to the City Manager or the Director of Development Services. All requests for review will receive written responses from the City within three weeks of their receipt. If an informal appeal is denied, appellants will be entitled to file a written request for a formal hearing before an impartial and independent hearing officer.

The appellant does not have to exhaust administrative remedies first; the appeal/grievance can either go directly to the City, directly to CA State Parks or directly to the Court. Any person and/or organization directly affected by the relocation plan may petition the Department of Housing and Community Development (HCD), located at 2020 West El Camino Ave., Sacramento, CA 95833 to review the relocation plan.

More detail concerning the appeals process will be provided upon request. Appellants will retain their appeal rights for up to 18 months following the date of displacement from the Project premises or receipt of final payment for relocation benefits, whichever is later.

## **D. EVICTION POLICY**

1. Eviction may cause the forfeiture of a displacee's right to relocation assistance or benefits. Relocation records will be documented to reflect the specific circumstances surrounding any eviction action.
2. Eviction may be undertaken for one, or more of the following reasons, including under the circumstance of the displacee renting the home back from the City after the close of escrow:
  - (a) Failure to pay rent, except in those cases where the failure to pay is due to the City's failure to keep the premises in habitable condition; is the result of harassment or retaliatory action; or, is the result of discontinuation, or a substantial interruption of services;



- (b) Performance of a dangerous, and/or illegal act in the unit;
- (c) A material breach of the rental agreement, and failure upon notification to correct said breach within 30 days of Notice;
- (d) Maintenance of a nuisance, and failure to abate such nuisance upon notification within a reasonable time following Notice;
- (e) Refusal to accept one of a reasonable number of offers of replacement dwellings; and/or,
- (f) A requirement under State, or local law or emergency circumstances that cannot be prevented by reasonable efforts on the part of the City.

#### **E. CITIZEN PARTICIPATION**

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

1. Provide affected households with full and timely access to documents relevant to the relocation program;
2. Encourage meaningful participation in reviewing the relocation plan and monitoring the relocation assistance program; including the Project area occupants, neighborhood groups and community organizations forming a relocation committee, if applicable;
3. Provide technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials;
4. Issue a general notice concerning the availability of the Plan for public review, as required, 30 days prior to its proposed approval; and
5. Include written or oral comments concerning the Plan as an attachment (**Exhibit C**) when it is forwarded to the City of Yucaipa for approval.

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

The City anticipates that the earliest date specific Vacate Notices will be issued to the Project occupants is August 2021. They will receive at least 90 days' notice in total.

#### **G. ESTIMATED RELOCATION COSTS**

The total budget estimate for relocation-related payments for this Project, including a 10% contingency, is **\$199,000 (rounded)**. This is based on all households qualifying for and receiving Last Resort Housing payments.

The estimated relocation budget does not include any payments related to property acquisition. In addition, the budget does not consider the cost of any services necessary to implement the Plan and complete the relocation element of the Project.

If the Project is implemented, and circumstances arise that should change either the number or type of residential occupants and/or the amount of relocation benefits' entitlements estimated, the City will authorize any additional funds that may need to be appropriated. The City pledges to appropriate, on a timely basis, the funds necessary to ensure the successful completion of the Project, including funds necessary for LRH as indicated in Section IV, E, of this Plan to meet its obligation under the relocation regulations

## EXHIBIT A

### HUD INCOME LIMITS – SAN BERNARDINO COUNTY

The following figures are approved by the U. S. Department of Housing and Urban Development (HUD) and published by HCD for use in San Bernardino County to define and determine housing eligibility by income level.

Area Median Income: \$77,500			
Family Size	Extremely Low	Very Low	Low
1 Person	16,600	27,650	44,250
2 Person	19,000	31,600	50,600
3 Person	21,960	35,550	56,900
4 Person	26,500	39,500	63,200
5 Person	31,040	42,700	68,300
6 Person	35,580	45,850	73,350
7 Person	40,120	49,000	78,400
8 Person	44,660	52,150	83,450

Figures are per the Department of Housing and Urban Development (California), **updated in April 2021.**

**EXHIBIT B**

**RESIDENTIAL INFORMATIONAL BROCHURE**

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

(CA State)

Displacing Agency:  
**City of Yucaipa**

Project Name:  
**Avenue E Intersection – Phase II**

Displacing Agency Representative:

**Overland, Pacific & Cutler, LLC  
2280 Market Street, Suite 200  
Riverside, CA 92501  
(800) 400-7356**

Informational Statement Content:

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

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

# Informational Statement for Families and Individuals

(CA State)

## **1. GENERAL INFORMATION**

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

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

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

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

## **2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING**

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

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

## **3. MOVING BENEFITS**

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

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

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

**A. Fixed Moving Payment (Self-Move)**

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Displacing Agency, and ranges, for example, from \$475.00 for one furnished room to \$2,505.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation agent will inform you of the amount you are eligible to receive, if you choose this type of payment.

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

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

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

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

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

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

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

**- OR -**

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



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

## **5. SECTION 8 TENANTS**

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

## **6. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS**

7.If you own and occupy a dwelling to be purchased by the Displacing Agency for **at least 180 days** prior to the initiation of negotiations, you may be eligible to receive a payment of up to \$22,500.00 to assist you in purchasing a comparable replacement unit. This payment is intended to cover the following items:

1. **Purchase Price Differential** - An amount which, when added to the amount for which the Displacing Agency purchased your property, equals the lesser of the actual cost of your replacement dwelling; **or** the amount determined by the Displacing Agency as necessary to purchase a comparable replacement dwelling. Your relocation agent will explain both methods to you.
2. **Mortgage Interest Differential** - The amount which covers the increased interest costs, if any, required to finance a replacement dwelling. Your relocation agent will explain limiting conditions.
3. **Incidental Expenses** - Those one-time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.

B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment of up to the amount that you could have received under the Purchase Price Differential, explained above. The payment will be based on the difference between an economic rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

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

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

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

- For a tenant, the date you move from the displacement dwelling.
- For an owner-occupant, the latter of:
  - a. The date you receive final payment for the displacement dwelling, or, in the case of

condemnation, the date the full amount of estimated just compensation is deposited in court; **or**

**b.** The date you move from the displacement dwelling.

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

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

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

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

## **9. RENTAL AGREEMENT**

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

## **10. EVICTIONS**

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

- Failure to pay rent; except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Performance of dangerous illegal act in the unit;
- Material breach of the rental agreement and failure to correct breach within the legally prescribed notice period;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings; or
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

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

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by the Displacing Agency's Relocation Assistance Program may have the appeal application reviewed

by the Displacing Agency in accordance with its appeals procedure. Complete details on appeal procedures are available upon request from the Displacing Agency.

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

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

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

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

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

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

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

EXHIBIT C

90-DAY NOTICE TO VACATE



# Residential 90-Day Notice to Vacate

<<DATE>>

<<HEAD-OF-HOUSEHOLD>> and All Other Occupants  
<<MAILING ADDRESS>>  
<<CITY, STATE ZIP>>

Your OPC Relocation Agent	
Name:	<<AGENT NAME>>
Phone:	<<OFFICE PHONE>>
Case ID:	<<CASE ID>>

Dear Occupants:

On <<PURCHASE DATE>> the **City of Yucaipa** (called here the "Displacing Agency") acquired the property which you occupy at <<SITE ADDRESS>> (called here the "Premises"). The Displacing Agency has now determined that it will be necessary for you to vacate the Premises.

**Notice is hereby given that the Displacing Agency elects to terminate your occupancy in ninety (90) days beginning <<90DAY START>> and ending <<90DAY END>> and you are hereby to quit and deliver up possession of the property you occupy on or before <<90DAY END>>. If you do not vacate the Premises by that date, the Displacing Agency will initiate legal proceedings to recover possession of the Premises, along with any rents and damages.**

During this period, **Overland, Pacific & Cutler, LLC** will be available to provide assistance with referrals to replacement sites, coordination with movers and other vendors, the processing of relocation benefit claim forms, and other tasks to help facilitate your relocation. Please contact your relocation agent listed below if you have any questions regarding this notice or the relocation process. Upon vacating your unit, you are responsible for removing all of your personal property, delivering the Premises in satisfactory condition and turning in the keys to your relocation agent.

Sincerely,

<<AGENT NAME>>  
<<AGENT TITLE>>  
**Overland, Pacific & Cutler, LLC**  
<<OFFICE ADDRESS>>  
Phone <<OFFICE PHONE>>

\_\_\_\_\_  
*Received by*

Delivered on/by: \_\_\_\_\_/\_\_\_\_\_

X \_\_\_\_\_  
*Recipient's Signature*

Posted on/by: \_\_\_\_\_/\_\_\_\_\_

\_\_\_\_\_  
*Date*

Mailed/receipt received on: \_\_\_\_\_/\_\_\_\_\_

EXHIBIT D  
PUBLIC COMMENTS & RESPONSES