MEMORANDUM
DEPARTMENT OF FACILITY SERVICES
COUNTY OF PLACER

To: **BOARD OF SUPERVISORS** Date: **JANUARY 10, 2012**

From: **JAMES DURFEE / MARK RIDEOUT**

Subject: **BELL GARDEN APARTMENTS RELOCATION PLAN ADOPTION**

ACTION REQUESTED / RECOMMENDATION: It is recommended that your Board (1) determine that the adoption of a Relocation Plan for the residents of Bell Garden Apartments is exempt from CEQA, and (2) adopt a resolution adopting a Relocation Plan and delegating authority to the Director of Facility Services, or his designee, to take all actions necessary to provide relocation advisory assistance, moving expenses, and hardship assistance as specified in the Plan at an amount not to exceed $50,000.

BACKGROUND: On July 12, 2011, your Board provided direction to Facility Services to prepare a Relocation Plan for the Bell Garden Apartments (Plan), and adopted a resolution delegating authority to the Director of Facility Services to enter into a sole source contract with Overland, Pacific & Cutler, Inc. (OPC) to prepare the Plan and to provide residential property management services on an as needed basis.

Also on July 12, 2011, your Board agreed to amend A&G Development Company's (A&G) Lease Agreement to incrementally reduce A&G's rent, as an offset to their reduction in rental income and as incentive for A&G to continue its Agreement until the buildings were completely vacant. This amendment was prepared in recognition of the County and A&G's concurrence that ongoing leasing should cease given the apartment buildings' age and condition. Despite this arrangement, A&G has informed to the County that they may wish to terminate this lease sooner by providing a thirty-day notice of termination. If this does occur, then staff will direct OPC to perform these services pursuant to terms of the existing OPC contract. This will ensure orderly and appropriate residential property management of the Apartments until such time that the units are vacated.

Consistent with your Board's direction on July 12, 2011, OPC prepared the Plan in accordance with California State Relocation Law. The Plan: includes an assessment of the aggregate relocation needs of the tenants; identifies available replacement housing resources; describes the relocation procedures and benefits required by law; and defines the appeals policy for decisions rendered. The process for development of the Plan included the issuance of a general information notice, in English and Spanish, informing the 25 tenants of their potential rights for relocation assistance and requesting an interview to determine the status of their tenancy.

After interviewing these tenants and reviewing their rental agreements, it was determined that no tenants are eligible for full relocation benefits since each signed a lease agreeing to their temporary month-to-month tenancy and acknowledging their "post acquisition tenant" status within the meaning of the California Relocation Assistance Act of 1970 (Government Code section 7260 et seq.). Each tenant also acknowledged that he or she is not eligible for relocation benefits as a "displaced person." Given OPC's analysis, the staff has determined that the County is only required to provide advisory assistance and not other relocation benefits. Nevertheless, while not legally required, the proposed Plan recommends some payments to assist with the move in consideration that moving from the apartments could cause some financial impact to the tenants.

The Plan establishes a schedule to provide each tenant with monies to defray the cost of moving, and provides "hardship case" tenants with a one-time payment towards security deposits and initial monthly rents. Moving expense payments are calculated using the Residential Moving Cost Schedule California 2008, as defined in the Federal Register. Moving payments are based on the number of rooms in a dwelling (excluding the bathroom). The buildings have (21) 3-room and (4) 4-room units, resulting in a potential total payment amount of $25,700. The Plan identifies 11 "hardship case" tenants, who demonstrated extremely low income or other special needs circumstances. These tenants would be eligible to receive up to $1,200 per unit, resulting in a potential total payment amount of $13,200. The Plan establishes a total budget of $50,000 for these moving related payments.

As required by State law, the draft Plan was distributed to the Bell Garden Apartments tenants during a 30-day public review period. The Plan was translated for Spanish speaking residents, posted on the County's website, and provided to a local representative of Legal Services of Northern California. Staff received no comments from the residents, but received and subsequently responded to comments from Legal Services of Northern California. Legal Services' comments and Facility Services' response are included in the proposed final Plan.

In order to proceed with relocation of the Bell Garden Apartment tenants, staff recommends that your Board adopt the resolution attached to this staff report which has the Relocation Plan attached as Exhibit A. Staff will return to your Board with recommendations related to actions necessary for the implementation of the Plan following completion of contract negotiations with OPC.

ENVIRONMENTAL CLEARANCE: The adoption of the Relocation Plan is an administrative activity that does not result in physical changes to the environment and is not a "project" and therefore not subject to the California Environmental Quality Act per CEQA Guidelines Section 15378(b)(5).

FISCAL IMPACT: Costs associated with payment of moving expenses and hardship assistance is estimated in an amount not to exceed $50,000. Funding for this expense is available in Capital Project No. 4606 in the Capital Projects Fund.

JD:MR:LM:NT:DB

ATTACHMENTS: RESOLUTION (WITH EXHIBIT A: RELOCATION PLAN FOR BELL GARDEN APARTMENTS)

cc: COUNTY EXECUTIVE OFFICE T:\FAC\BSMEMO2011\BELL GARDENS RELOCATION PLAN ADOPTION.DOCX

Before the Board of Supervisors
County of Placer, State of California

IN THE MATTER OF: A RESOLUTION ADOPTING A RELOCATION PLAN FOR THE BELL GARDENS APARTMENTS AND DELEGATING AUTHORITY TO THE DIRECTOR OF FACILITY SERVICES, OR HIS DESIGNEE, TO TAKE ALL ACTIONS NECESSARY TO PROVIDE RELOCATION ADVISORY ASSISTANCE, MOVING EXPENSES AND HARDSHIP ASSISTANCE AS SPECIFIED IN THE RELOCATION PLAN

Reso. No:_____

The following RESOLUTION was duly passed by the Board of Supervisors of the County of Placer at a regular meeting held _____, 2012, by the following vote on roll call:

Ayes:

Noes:

Absent:

Signed and approved by me after its passage.

_____
Chairman, Board of Supervisors

Attest:

_____
Clerk of said Board

WHEREAS, in recognition of the age and condition of the Bell Garden Apartments, on July 12, 2011, the Placer County Board of Supervisors directed the Director of Facility Services to contract for the preparation of a Relocation Plan for Bell Garden Apartments (Relocation Plan) in accordance with California Relocation Law, a copy of which is attached hereto as Exhibit A; and,

WHEREAS, after surveying the Bell Garden Apartments' tenants, and reviewing their current lease agreements, it has been determined there are no tenants eligible for full relocation benefits, since each are considered a "post acquisition tenant" within the meaning of the California Relocation Assistance Act of 1970 (Government Code section 7260 et seq.) and each tenant has signed a lease acknowledging this post acquisition status and agreement that he/she is not eligible for relocation benefits; and,

WHEREAS, the Relocation Plan incorporates survey results, identifies available housing resources describes relocation procedures and benefits required by law; and,

WHEREAS, the Relocation Plan provides for relocation advisory assistance, and while not required by law, the payment of moving expenses and additional assistance on a case-by-case basis; and,

WHEREAS, pursuant to California Relocation Law, Facility Services issued the draft Relocation Plan for a 30-day public review, responded to comments received, and appended these comments to the final Relocation Plan; and,

WHEREAS, on January 10, 2012, the Placer County Board of Supervisors held a public hearing to receive public comment on the Plan and to consider adoption of the Plan; and,

NOW THEREFORE, BE IT RESOLVED, that the Placer County Board of Supervisors does hereby:

(1) Adopt and approve the Relocation Plan for Bell Garden Apartments, attached hereto as Exhibit A; and,

(2) Delegate authority to the Director of Facility Services, or his designee, to take all actions necessary to provide relocation advisory assistance, moving expenses, and hardship assistance as specified in the Relocation Plan at an amount not to exceed $50,000.

ATTACHMENT: EXHIBIT A: RELOCATION PLAN FOR BELL GARDEN APARTMENTS

RELOCATION PLAN
FOR
BELL GARDEN APARTMENTS PROJECT

Prepared for:

PLACER COUNTY DEPARTMENT OF FACILITY SERVICES
PROPERTY MANAGEMENT DIVISION

Prepared by:

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September 28, 2011

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INTRODUCTION

Placer County, California (County) continues to be one of the fastest growing business communities in California. World class recreational opportunities, available housing from affordable to executive, clean and safe schools and neighborhoods, an educated workforce, an international transportation network, and the choice of rural, urban and suburban living create unique lifestyle opportunities for work and play.

Placer County encompasses 1,506 square miles (including 82 square miles of water) or 964,140 acres (including 52,780 acres of water) and is located 80 miles northeast of San Francisco, California. It is bordered by Nevada County to the north, the State of Nevada to the east, El Dorado and Sacramento Counties to the south, and Sutter and Yuba Counties to the west. The County is part of the Sacramento Region, which also includes the Counties of El Dorado, Sacramento, Sutter, Yolo, and Yuba. The government center of Placer County, the City of Auburn, is located 30 miles northeast of the state capitol, Sacramento (Source: "Placer County 2011 Economic and Demographic Profile").

Owned by Placer County since 1972, and housing many of the County's administrative offices and services, the Placer County Government Center (PCGC), formerly the Dewitt Center in North Auburn, is a former Army hospital originally constructed in 1943 and subsequently used by the State of California as a psychiatric hospital. In 1972, the County of Placer acquired the buildings and grounds of the former State-run hospital facility following closure. This included six multi-family residential buildings known as Bell Garden Apartments which were leased and managed by different private development companies since 1975. In 1998, the lease and management were assumed by A & G Development Company. To this date, A & G Development Company continues to manage the apartments.

In late 1997 and early 1998 the County evaluated the continued use of buildings with residential occupancies and concluded that some of the Bell Gardens Apartment buildings would eventually need to be demolished. Four of the six buildings were demolished in 2003 and two apartment buildings remain. In 2011, the County staff and A & G Development Company agreed that due to the age and condition of the remaining buildings, they are no longer economically feasible to operate and maintain, and therefore concluded that their ongoing occupancy should be discontinued. Therefore, the County has contracted with OPC to prepare the Relocation Plan to address the relocation of the Bell Garden Apartment residents, hereinafter the Project.

At this time, no funding for this Project is anticipated from either the Federal government, State government, or the County's Redevelopment Agency. The County will provide the necessary funds to alleviate hardship of any current tenants and facilitate their moving to the replacement units.

The location of the site is in North Auburn, on A Avenue, west of the Grass Valley Highway (US 49) and south of Bell Road. There were, during the period of survey in August 2011, a total of 25 occupied residential dwelling units within the Bell Garden Apartments complex.

In order to evaluate the present circumstances and re-housing requirements of the 25 households which would need to move, Overland, Pacific & Cutler, Inc. (OPC) - an experienced relocation firm - has been selected to prepare this Relocation Plan conforming to the applicable relocation law of the State of California.

The general purposes of a relocation plan are to describe the circumstances of current residents, the availability of replacement housing, and the County's program to provide required advisory assistance. Also included in the plan is a description of the limited financial assistance to residents to assist them in securing replacement housing. It is important to be aware that the preparation and approval of a relocation plan fulfills an administrative requirement but does not, by itself, constitute a commitment to proceed with the planned Project.

This Relocation Plan (Plan) was prepared by OPC and is presented in five sections:

1) A description of the planned Project's regional location and specific site settings **(SECTION I)**;

2) An assessment of the aggregate relocation needs of persons/households who, and which, may be relocated as a result of the implementation of the Project, including survey methods and results **(SECTION II)**;

3) An assessment of availability of comparable replacement housing units in proximity to the planned Project **(SECTION III)**;

4) The steps, and procedures that the County will follow to ensure a satisfactory and thorough relocation program **(SECTION IV)**; and

5) Necessary administrative provisions, plus a relocation cost estimate **(SECTION V)**.

I – PROJECT AREA DESCRIPTION

A. The Regional Location

The Bell Garden Apartments are located to the west of the US Highway 49, and west of the I-80 Freeway within the City of Auburn, the county seat of Placer County, California. The Project site is less than a mile southwest of Rock Creek Lake and approximately half a mile south of Auburn Regional Park. (See **Figure 1**: Regional Project Location)

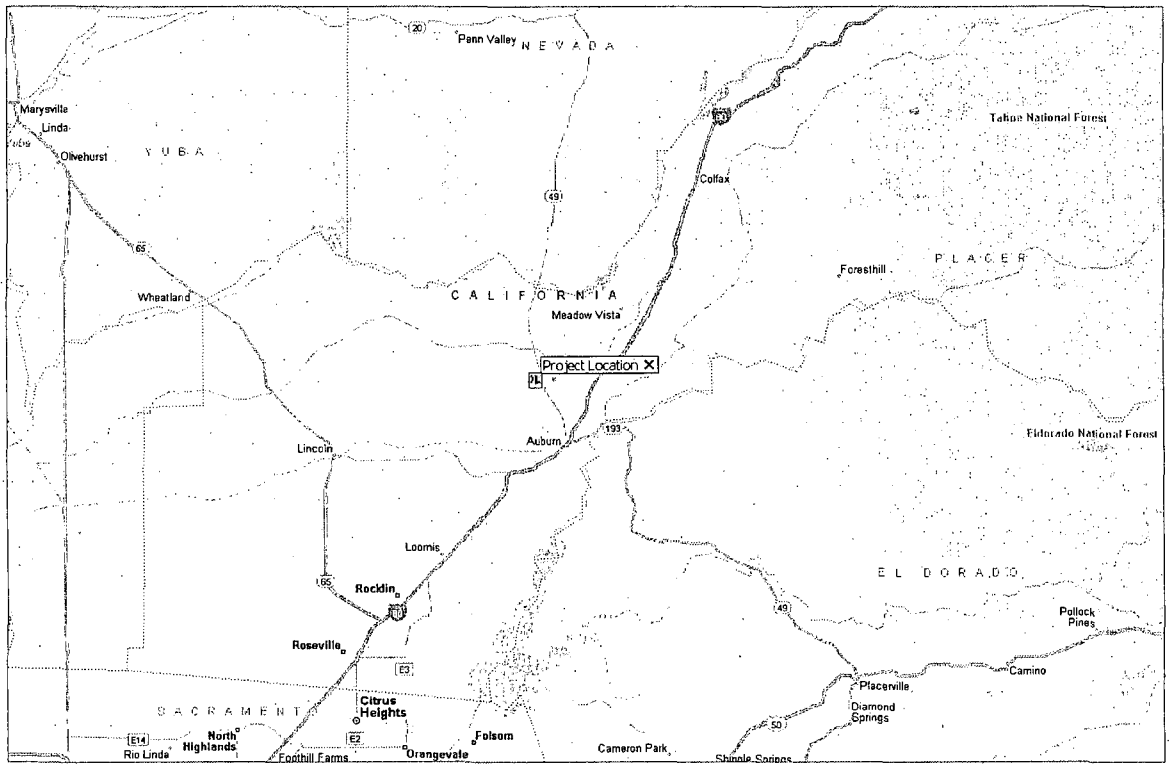

Figure 1: Project Regional Location

B. Project Site Location

The Project site is located at 11540 A Avenue and is generally bounded by Bell Road on the north, First Street on the east, County Center Drive on the west and A Avenue on the south. (See **Figure 2** for Project boundaries)

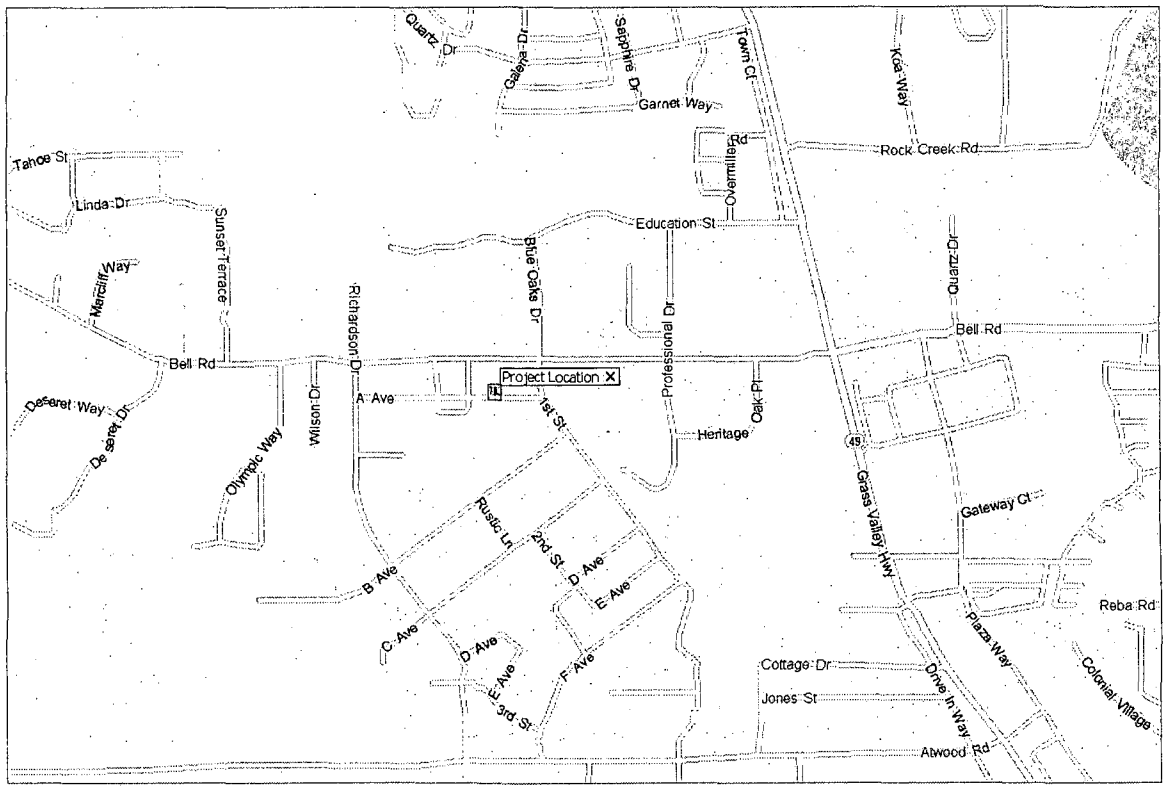

Figure 2: Project Site Boundaries

C. General Demographic & Housing Characteristics

The 2010 United States Census reported that Auburn had a population of 13,330. The population density was 1,860.2 people per square mile. The racial makeup of Auburn was 11,863 (89.0%) White, 100 (0.8%) African American, 129 (1.0%) Native American, 240 (1.8%) Asian, 9 (0.1%) Pacific Islander, 405 (3.0%) from other races, and 584 (4.4%) from two or more races. Hispanic or Latino of any race were 1,331 persons (10.0%).

The Census reported that 13,052 people (97.9% of the population) lived in households, 145 (1.1%) lived in non-institutionalized group quarters, and 133 (1.0%) were institutionalized.

There were 5,759 households, out of which 1,502 (26.1%) had children under the age of 18 living in them, 2,613 (45.4%) were opposite-sex married couples living together, 604 (10.5%) had a female householder with no husband present, 257 (4.5%) had a male householder with no wife present. There were 352 (6.1%) unmarried opposite-sex partnerships, and 33 (0.6%) same-sex married couples or partnerships. 1,845 households (32.0%) were made up of individuals and 801 (13.9%) had someone living alone who was 65 years of age or older. The average household size

was 2.27. There were 3,474 families (60.3% of all households); the average family size was 2.85.

The population was spread out with 2,645 people (19.8%) under the age of 18, 1,031 people (7.7%) aged 18 to 24, 2,898 people (21.7%) aged 25 to 44, 4,224 people (31.7%) aged 45 to 64, and 2,532 people (19.0%) who were 65 years of age or older. The median age was 45.4 years. For every 100 females there were 89.5 males. For every 100 females age 18 and over, there were 86.1 males.

There were 6,139 housing units at an average density of 856.7 per square mile, of which 3,388 (58.8%) were owner-occupied, and 2,371 (41.2%) were occupied by renters. The homeowner vacancy rate was 2.0%; the rental vacancy rate was 6.5%. 8,017 people (60.1% of the population) lived in owner-occupied housing units and 5,035 people (37.8%) lived in rental housing units.

Table 1 represents general demographic and housing characteristics within one mile, three miles and five miles from the planned Project.

TABLE 1: Demographic and Housing Characteristics

Population	**One Mile Radius**	**Three Mile Radius**	**Five Mile Radius**
2010 Census	7,159	22,759	39,974
2000 Census	5,402	21,537	37,464
2010 Population by Race (% of Total Population)			
White	5,719 (79.9%)	19, 944 (87.6%)	35,552 (88.9%)
Black or African American	83 (1.2%)	176 (0.8%)	309 (0.8%)
American Indian and Alaska Native	96 (1.3%)	264 (1.2%)	463 (1.2%)
Asian	193 (2.7%)	461 (2.0%)	733 (1.8%)
Native Hawaiian and Pacific Islander	7 (0.1%)	22 (0.1%)	39 (0.1%)
Other Race	799 (11.2%)	1,098 (4.8%)	1,505 (3.8%)
Two or More Races	268 (3.7%)	794 (3.5%)	1,37 3 (3.4%)
Hispanic or Latino (of Any Race)	1,608 (22.5%)	3,016 (13.2%)	4,529 (59.45%)
2010 Housing (% of Total Housing)			
Occupied Units	2,556 (90.5%)	9,046 (92.5%)	16,133 (92.8%)
Vacant Units	268 (9.5%)	734 (7.5%)	1,252 (7.2%)

II – ASSESSMENT OF RELOCATION NEEDS

A. Survey Method

Information necessary for the preparation of this Plan was obtained through personal interviews with Project residents during the month of August 2011. Interviewers were successful in obtaining survey responses from all 25 residential households (100%). Interviews were conducted on-site, in English or Spanish, as appropriate or by telephone if the household was unavailable at the time of personal visits. A sample survey form is attached as **Exhibit A**.

Inquiries made of residential occupants concerned household size and composition, income, monthly rent obligation, length and type of occupancy, ethnicity, home language, disabilities/health problems, and replacement housing preferences.

The descriptive data in this Plan concerning residents are based solely on anecdotal responses. No attempt was made to qualify information obtained.

B. Field Survey Data

The interviewed households included 25 tenant-occupied apartment units. There are three vacant units, one of which serves as an office for the on site property manager.

1. Housing Mix

The housing mix includes two two-story apartment complexes, and measure a total of approximately 22,640 square feet. **Table 2** outlines the breakdown of units based on responses from 25 households.

TABLE 2: Housing – Dwelling Bedroom Sizes (25 Households)

# of Bedrooms	One	Two
# of Units	21	4

2. Project Rents

Table 3, below, represents the monthly rent payments of the tenant households residing at the proposed Project site. The average monthly rents at the time of the surveys were as follows: one-bedrooms - $491.00; and two-bedrooms - $535.00.

TABLE 3: Actual Project Rents (25 Households)	
One Bdr **Avg. - $491.00**	**Two Bdr** **Avg. - $535.00**
$468.00 (1)	$492.00 (1)
$492.00 (20)	$550.00 (3)

3. Occupancy/Overcrowding

The planned Project site consists of 70 individuals among 25 respondent households, 49 of which are adults and 21 are children. The average household size is 2.8 persons per unit.

The distribution of household sizes is provided in **Table 4,** following.

TABLE 4: Current Household Size Occupancies (25 Respondents)		
# of People in Household	**# Households**	**Total Occupants**
One	4	4
Two	11	22
Three	4	12
Four	2	8
Five	1	5
Six	2	12
Seven	1	7

4. Replacement Housing Needs

Replacement housing needs, as expressed in this Plan, are defined by the total number of required replacement units and the distribution of those units by bedroom size. The projected number of required units by bedroom size is calculated by comparing survey data relative to household size with the County's replacement housing occupancy standards. These standards, generally, allow for up to three persons in a one-bedroom unit, five persons in a two-bedroom unit, and seven persons in a three-bedroom unit. Any households consisting of eight or more members require a four-bedroom replacement unit.

TABLE 5: Replacement Housing Needs (25 Households)			
Bedroom Size	**One**	**Two**	**Three**
# Needed – Tenants	17	5	3

The planned Project's replacement housing requirements are to provide comparable units to replace the tenants' displaced dwelling. Comparable housing referrals will be provided and every reasonable attempt will be made to take into consideration individual preferences.

5. Income

Income information was provided by all 25 interviewed tenant households. According to income standards for the County of Placer (**Exhibit B**) adjusted for family size as published by the California Department of Housing and Community Development (HCD), in July 2011, 11 Project households qualify as extremely low income (30% or less of area median), seven households qualify as very low income (31%-50% of area median), and seven qualify as low income (51%-80% of area median).

Income survey results are presented in **Table 6**, following.

TABLE 6: Income Levels of Tenant Households (25 Respondents)				
Income Level	**Extremely Low**	**Very Low**	**Low**	**Moderate**
# Households	11	7	7	0

6. Ethnicity/Language

Ethnicity among households within the planned Project site is shown in **Table 7**.

TABLE 7: Ethnicity of Project Households (25 Respondents)	
Ethnicity	**# Households (%)**
White	5 (20.0%)
Hispanic	20 (80.0%)

Seven respondent households identified English as their primary household language and 18 households speak Spanish. No other dialects were reported.

7. Senior/Handicapped Households

There is one senior household among respondent occupants (head of household or spouse 62 years or older) and one household reported physical and/or psychological disabilities that could affect the relocation process. Care will be taken to meet the special needs of each household, particularly as these needs involve physical access to accommodations.

8. Preferred Relocation Areas

Most of the Project households expressed a preference to remain in or around the local community in order to maintain current school enrollment, access to employment, recreational resources and public transportation. Alternative relocation areas mentioned by some were Folsom, and Woodland.

III – RELOCATION RESOURCES

A. Methodology

An extensive resource survey was conducted in August 2011 to determine the availability of replacement housing units utilizing the following sources:

- Classified rental listings from *The Auburn Journal, PennySaver,* and *For Rent* publications
- Internet sources (local multiple listing services)

B. Replacement Housing Availability

Replacement housing survey data concerning available units are summarized in **Table 8**. The survey identified a total of 96 available one-, two-, and three-bedroom rental units in near vicinity to the Project site (in Auburn proper and selected nearby communities). There are more than sufficient amount of available units currently on the market to not require the County to plan for any last resort housing to be built.

The individual figures for number of units found by bedroom size are presented in the table below alongside the number of units needed (shown in parentheses) to meet re-housing obligations. Survey data suggested a more than sufficient supply of replacement housing resources relative to the number of potential displacees.

TABLE 8: Availability and Cost of Rental Housing

Bedroom Size	One	Two	Three
# Found (# Needed)	38 (17)	34 (5)	24 (3)
Rent Range	$500-$1,095	$625-$1,295	$950-$2,150
Median Rent	$695	$795	$1,500

The comparable market rent amounts shown in the table above are among the figures used to make benefit and budget projections for the Plan. These amounts are subject to change according to the market rates prevailing at the time of displacement.

C. Related Issues

1. Concurrent Residential Displacement

There are no known public projects underway in the vicinity of this Project which would impact the availability of needed housing resources.

2. Temporary Housing

No need for temporary housing is anticipated. Should such a need arise, the County will respond appropriately and in conformance with all applicable laws and requirements.

IV – THE RELOCATION PROGRAM

After surveying the tenants and reviewing their current lease agreements, it has been determined there are no Project tenants eligible for full relocation benefits in accordance with California State relocation laws and guidelines. All current tenants at the Bell Garden Apartments have been determined to be post acquisition tenants and have signed a lease acknowledging post acquisition status and waiving any relocation benefits at the time the County decides to discontinue operation of Bell Garden Apartments. While full relocation benefits are not a requirement for the Project, the County will provide relocation advisory assistance, payment for moving expenses based on the fixed room count, and hardship assistance as determined necessary on a case by case basis.

A. Advisory Assistance

Advisory assistance services are intended to inform Project tenants about the County's relocation program, help in the process of finding appropriate replacement accommodations, facilitate claims processing, maintain a communication link with the County and coordinate the involvement of outside service providers.

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

- Distribute written information concerning the County's relocation program to each Project household (see **Exhibit C**);
- Individually inform all households of the nature of and procedures for obtaining available moving and hardship assistance;
- Determine the eligibility, needs and relocation preferences of each household;
- Provide tenants with referrals to comparable replacement housing;
- Maintain a database of available housing resources and distribute replacement site referrals for the duration of the Project;
- Provide transportation and offer special assistance to help elderly and handicapped residents find housing near friends, relatives, medical facilities and services and convenient transportation, if applicable;
- Make referrals to governmental and non-governmental service providers, as needed;
- Assist each household with the preparation and submission of moving assistance claims;
- Assist households with arrangements necessary to rent comparable replacement housing;

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- Make benefit determinations and payments in accordance with applicable law and County policy;

- Assure that no household is required to move without a minimum of 90 days written notice to vacate;

- Establish and maintain a formal grievance procedure for use by the Project tenants seeking administrative review of the County's decisions with respect to moving or hardship assistance; and

- 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.

The County retained services of professional relocation consultants to assist all tenants residing at the Project site. Personal contact will be maintained with all individuals until the relocation process has been completed.

B. Relocation Benefits

The County will assist all eligible tenants with a moving allowance based on the fixed room count and hardship assistance. Hardship assistance requests submitted to the County will be evaluated on a case-by-case basis. Moving payments will be paid to eligible displaced persons upon submission of required claim forms.

1. Residential Moving Expense Payments

The County will assist tenants with a fixed payment for moving expenses based on the number of furnished or unfurnished rooms in the displacement dwelling (bathrooms are not considered as part of the eligible room count). Residential tenants who receive a fixed payment assume full responsibility for the move including the expense of utility re-connections. The current schedule for Fixed Moving Payments is set forth in **Table 9**:

TABLE 9: Schedule of Fixed Moving Payments

Unfurnished Dwelling (Tenant Owned Furniture)									
Room Count	1	2	3	4	5	6	7	8	Each Additional
Amount	$625	$800	$1,000	$1,175	$1,425	$1,650	$1,900	$2,150	$225
Furnished Dwelling (Landlord Owned Furniture)									
Room Count	1								Each Additional
Amount	$400								$65

Source: The Federal Highway Administration (effective 8/22/08)

2. *Hardship Assistance Payments*

The County is making a provision to consider on a case-by-case basis the need of extremely low income tenants or special needs tenants for a one-time financial assistance with security deposits or credit check fees. The County's relocation representatives will be available to assist with the moves and required claim forms for tenants to obtain hardship assistance.

C. General Information on Payment of Relocation Benefits

Claims and supporting documentation for relocation benefits must be filed with the County within 18 months from:

- The date the claimant moves from the property.

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) Required claim forms will be prepared by relocation personnel and reviewed with claimants. Signed claims and supporting documentation will be submitted by relocation personnel to the County;

3) The County will review all claims for payment and determine whether to approve, deny, or seek additional information;

4) The County will issue moving and hardship checks for distribution to claimants by relocation staff;

5) Final payments will be issued only after confirmation that the Project premises have been completely vacated;

6) All correspondence, back-up documentation, claims, receipts of payment and notices will be maintained in the relocation case file.

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V – ADMINISTRATIVE PROVISIONS

A. Relocation Tax Consequences

In general, relocation payments are not considered 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. The above statement on tax consequences is not intended to be a provision of tax advice by the County. The County cannot give specific advice related to tax law and tenants are responsible for consulting with their own tax advisors concerning the tax consequences of any relocation payments.

B. Grievance Procedures

The County's Relocation Appeals process will be consistent with the Provisions of Article 5 of the State relocation guidelines (Appendix A). The right to appeal shall be described in all relocation explanatory material distributed to Project occupants.

As required under the State relocation guidelines, Project occupants will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, payment amounts, and the failure to provide comparable replacement housing referrals or the County's property management practices.

Requests for administrative review and informal hearings will be directed to senior administrative staff of the County. All requests for review will receive written responses from the County 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.

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 vacating the property or receipt of final payment for relocation benefits, whichever is later.

C. Eviction Policy

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

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- 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;

- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

D. Citizen Participation

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

- Provide affected tenants with full and timely access to documents relevant to the relocation program;

- Provide technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials;

- Issuance of a general notice in English and/or the primary household language, as needed, concerning the availability of the Relocation Plan for public review, as required, 30 days prior to its proposed adoption. Distribution of the Plan, upon request, to all affected and interested parties;

- The inclusion of written or oral comments concerning the Plan and the County's response as an attachment to the Plan (**Exhibit D**) when it is forwarded to the County Board for adoption.

E. Projected Dates of Displacement

The County contemplates that the relocation process will begin in January 2012 and be completed no later than April 2012. The County will update the Plan in the event of delay of more than one year in the implementation of the relocation program.

F. Estimated Relocation Costs

The total budget estimate for moving-related payments for this planned Project is $50,000.00.

The estimated relocation budget does not include any payments related to property acquisition, or improvements pertaining to realty. 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.

EXHIBIT A: Residential Survey Form

Residential Relocation Interview

Client/Project:	Placer County/Bell Garden Apartments	Case ID:		
Site Address:	11540 A Ave.	Total occupants:	Interview Date:	☐ Unoccupied
City, St, ZIP:	Auburn, CA 95603		Interviewer:	☐ No Contact

INDIVIDUAL OCCUPANTS (use additional pages as needed)

1. Name:		Gender: F M	Employer/School:		
Relationship (list 1): HEAD OF HOUSEHOLD	☐ ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:				
Phone/fax/email:	Move-in date:				
Notes/special needs:					
2. Name:		Gender: F M	Employer/School:		
Relationship (list 1):	☐ ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:				
Phone/fax/email:	Move-in date:				
Notes/special needs:					
3. Name:		Gender: F M	Employer/School:		
Relationship (list 1):	☐ ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:				
Phone/fax/email:	Move-in date:				
Notes/special needs:					
4. Name:		Gender: F M	Employer/School:		
Relationship (list 1):	☐ ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:				
Phone/fax/email:	Move-in date:				
Notes/special needs:					
5. Name:		Gender: F M	Employer/School:		
Relationship (list 1):	☐ ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:				
Phone/fax/email:	Move-in date:				
Notes/special needs:					
6. Name:		Gender: F M	Employer/School:		
Relationship (list 1):	☐ ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:				
Phone/fax/email:	Move-in date:				
Notes/special needs:					

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DWELLING

Mailing Address:		
City, St, ZIP:		
Carbon Copy Address:		
City, St, ZIP:		
Dwelling Type (list 4):		
Bedrooms:	Attic/Utility/Storage:	Approx Sq Ft:
Kitchen:	Basement:	Bathrooms:
Living/family rooms:	Garage:	Garage Spaces:
Dining room:	Other/Extra:	Carport Spaces:
Den/Office:	**Total physical and content rooms to move:**	Parking Spaces:
Total Rooms:		Number of cars:

Air Cond: ☐Central ☐Wall/Window ☐Heat Pump ☐Evap./Swamp ☐None

Heating: ☐FAU ☐Radiant ☐Hot Water ☐Space Htr ☐Solar ☐Heat Pump

Dwelling Condition: ☐ Good ☐ Fair ☐ Poor

Neighborhood Condition: ☐ Good ☐ Fair ☐ Poor

Amenities:

TENANT

Rent terms: ☐ Month-Month ☐ Lease, months left:

☐ Rent reduced in exchange for service ☐ Unit furnished by tenant

Monthly contract rent: $ Security deposit: $

Landlord/manager name/ph:

☐ Written rental agreement available? ☐ Rent receipts available?

☐ Receiving Section 8 or other housing assistance?

Caseworker name/ph:

Monthly tenant portion of rent: $

Annual family/child care expenses to allow work: $

Annual non-reimbursed medical expenses: $

Annual non-reimb. handicapped assistance expenses: $

Utilities paid by tenant:

☐ Gas: $

☐ Electric: $

☐ Water: $

☐ Sewer: $

☐ Trash: $

☐ NONE

Pets:

Energy source: Gas Electr Oil Other

Cooking Stove: ☐ ☐ ☐ ____

Water Heater: ☐ ☐ ☐ ____

Space Heat: ☐ ☐ ☐ ____

Air Conditioning: ☐ ☐ ☐ ____

HOUSEHOLD

☐ Primary residence of all occupants? (If not, explain in notes)

☐ Can someone read/understand English? If not, language:

Race/Ethnicity: ☐ American Indian/Alaskan ☐ Asian ☐ Black/African-American ☐ Hawaiian/Pacific Islander ☐ Hispanic/Latino ☐ White ☐ Other ☐ Mixed

Subscribe to: ☐ Land phone ☐ TV service ☐ Internet

☐ Home-based business? (describe in notes)

☐ Rent rooms in dwelling? (describe in notes)

☐ On fixed income or public assistance? (describe in Occupants)

☐ Disabled occupants? (describe modifications/needs in Occupants)

Replacement site special needs (mark and describe in Notes)

☐ Employment access ☐ Shopping

☐ Public transport ☐ Religious

☐ Medical facilities/services ☐ Social/Public services

☐ School needs ☐ Relatives/Ethnic

☐ Childcare ☐ Other special needs

☐ All occupants to move to the same dwelling? (if not, explain in notes)

Replacement dwelling preference: ☐ Rent ☐ Buy

Can relocate from: ☐ Neighborhood ☐ City ☐ County ☐ State

Preferred relocation areas:

HOMEOWNER

Lot Size (sq ft):	Date purchased:	Age (yrs):
☐ Own clear with no mortgages/loans		# of stories:

1st Loan Information	2nd Loan Information
Lender:	Lender:
Loan Type (list 5):	Loan Type (list 5):
Current % Rate:	Current % Rate:
Principal Balance: $	Principal Balance: $
Original Date:	Original Date:
Remaining months:	Remaining months:
Monthly P&I payment:	Monthly P&I payment:

MOBILE HOME

Pad space: ☐ Rent ☐ Own	Coach: ☐ Rent ☐ Own
Pad rent: $	Make/Model:
Coach length (ft):	Year:
Coach width (ft):	Decal #:

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

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

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

Claimant Name: Date: Signature:

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EXHIBIT B: HUD Income Limits – Placer County

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

Area Median: $75,100				
Family Size	**Extremely Low**	**Very Low**	**Low**	**Moderate**
1 Person	15,800	26,300	42,100	63,050
2 Person	18,050	30,050	48,100	72,100
3 Person	20,300	33,800	54,100	81,100
4 Person	22,550	37,550	60,100	90,100
5 Person	24,400	40,600	64,950	97,300
6 Person	26,200	43,600	69,750	104,500
7 Person	28,000	46,600	74,550	111,700
8 Person	29,800	49,600	79,350	118,950

Figures are per the Department of Housing and Community Development (California), Division of Housing Policy Development, **July 13, 2011.**

EXHIBIT C: Residential Informational Brochure

Relocation Assistance Informational Statement for Families and Individuals

Placer County Department of Facility Services
Property Management Division

Project Name:
Bell Garden Apartments

County Representative:

Overland, Pacific & Cutler, Inc.
8950 Cal Center Drive, Suite 102
Sacramento, CA 95826
Phone: 1 800 385 0244

Informational Statement Content:

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

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

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1. GENERAL INFORMATION

The dwelling in which you now live is in a project area to be improved by the Placer County Department of Facility Services Property Management Division (County) using 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 moving assistance benefits you may receive under the County's relocation assistance program for the project. You will need to provide adequate and timely information to determine the actual amount for moving 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 County has retained the professional firm of **Overland, Pacific & Cutler, Inc. (OPC)** to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is listed on the cover.

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

Please continue to pay your rent to your current landlord, otherwise you may be evicted and jeopardize the benefits to which you may be entitled to receive.

2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The County, 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.

3. MOVING ASSISTANCE BENEFITS

If you must move as a result of the County's decision to move forward with the project, 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 method:

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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 approved by the County, and ranges, for example, from $400.00 for one furnished room to $2,150.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation representative will inform you of the amount you are eligible to receive.

You will be responsible for arranging for your own move, and the County will assume no liability for any loss or damage of your personal property.

Fixed Moving Schedule CALIFORNIA (Effective 2008)	
Occupant Owns Furniture:	
1 room	$625
2 rooms	$800
3 rooms	$1,000
4 rooms	$1,175
5 rooms	$1,425
6 rooms	$1,650
7 rooms	$1,900
8 rooms	$2,150
Each additional room	$225
Occupant does NOT Own Furniture:	
1 room	$400
Each additional room	$65

4. HARDSHIP ASSISTANCE PAYMENTS

Tenants may be eligible for a payment of up to a maximum of $1,200 to assist in renting a comparable replacement dwelling. Eligibility for a hardship assistance payment will be considered on a case by case basis by the County and based on a Tenants ability to demonstrate there is an extreme financial hardship to secure a replacement dwelling. Supporting documentation and information will be required to assist the County in making a determination for eligibility.

5. QUALIFICATION FOR, AND FILING OF MOVE PAYMENT CLAIMS

To qualify for a moving assistance payment, you must be a current tenant and lawful occupant of the property and file a claim with the County within 18 months of the date you move from the displacement dwelling.

6. EVICTIONS

Any person, who occupies the real property and is **not in unlawful occupancy**, is presumed to be entitled to relocation advisory assistance and moving payment benefits. Except for the causes of eviction set forth below, no person lawfully occupying property will be required to move without having been provided with at least 90 days written notice from the County. 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;
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

7. APPEAL PROCEDURES - GRIEVANCE

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment authorized by the County's Relocation Assistance Program may have the appeal application reviewed by the County in accordance with its appeals procedure. Complete details on appeal procedures are available upon request from the County.

8. TAX STATUS OF RELOCATION BENEFITS

California Government Code Section 7269 indicates no moving assistance payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. No federal dollars are anticipated for this project. Therefore, federal regulations may not apply and the IRS may consider relocation payments as income. The preceding statement is not tendered as legal advice in regard to tax consequences, and tenants 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)

9. 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 County'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 County.

10. 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 at Overland, Pacific & Cutler.

EXHIBIT D: Public Comments and Response

LEGAL SERVICES OF NORTHERN CALIFORNIA
Mother Lode Regional Office 190 Reamer Street Auburn CA 95603
Voice: (530) 823-7560 Toll Free: (800) 660-6107 FAX: (530) 823-7601
Email: auburn-office@lsnc.net Web: www.lsnc.net

November 18, 2011

Via First Class Mail

Ms. Laurie Morse
Placer County Department of Facility Services
Property Management Division
11476 C Avenue
Auburn, CA 95603

Via Electronic Mail

Ms. Laurie Morse
LMorse@placer.ca.gov

Re: Comments to September 28, 2011 Relocation Plan for Bell Garden Apartments Project

Dear Ms. Morse:

Pursuant to the Notice of Relocation Plan Availability dated October 20, 2011, we respectfully submit the following comments on the Bell Garden Apartments Project Relocation Plan ("Relocation Plan"). We request that our comments be included in the plan and that we be provided notice of any public hearing(s) before the Board of Supervisors regarding the Relocation Plan. Please also include these comments in the record of all public hearings at which the Relocation Plan is considered for approval.

Introduction

As you know, the Relocation Plan provides for the displacement of 70 lower income residents from the remaining 25 units at Bell Garden Apartments, located in Buildings 9 and 10 of the County-owned DeWitt Government Center. The 25 households to be displaced include 49 adults and 21 children, a large majority of whom are Spanish-speaking (80%). All of the households are lower income. Indeed, approximately 84% of these families have household incomes at or below the extremely low income level.

While we appreciate the County's effort to partially comply with the California Relocation Assistance Act (Cal. Govt. Code §7260 *et seq.* and 25 Cal. Code of Regs. §6000 *et seq.*), we do not agree that these Bell Garden residents can be characterized as "post-acquisition" tenants, and therefore, deprived of the full level of relocation assistance benefits guaranteed under state law. Moreover, it is our understanding that some federal funds, including CDBG funds, have been used in the DeWitt Government Center Project. Therefore, the requirements of

OVERLAND PACIFIC & CUTLER, INC.

the Uniform Relocation Assistance Act (42 U.S.C. §4601 *et seq.*) and the Housing and Community Development Act (42 U.S.C. §5304(d)) apply to this project. Similarly, the use of redevelopment funds in the DeWitt Project obligates the County to comply with the relocation assistance and replacement housing provisions of the Community Redevelopment Law (Cal. Health & Safety C. §33410 *et seq.*) Finally, the Relocation Plan is inconsistent with the County's Housing Element and the EIR for the DeWitt Government Center Facility Plan.

A. The lower income Bell Garden residents cannot be characterized as "post-acquisition" tenants.

The Relocation Plan indicates that all 25 Bell Garden households are ineligible for full relocation assistance on the purported ground that they are "post-acquisition" tenants. Accordingly, the Plan proposes to provide the residents with only minimal relocation assistance (advisory services, moving expenses, and 'hardship' expenses for 'some' families -- not to exceed $1200 per household). Yet, the Relocation Plan offers no explanation as to why the residents of Bell Garden Buildings 9 and 10 are "post-acquisition" tenants.

We understand that the County commenced a plan to revitalize the DeWitt Government Center in or about March 1998, and displaced 13 households from Bell Garden Buildings 2 and 3 in 2003 to make way for the County's land development building. At that time, the County determined that 4 of the 13 households then residing in Buildings 2 and 3 were "post-acquisition" tenants based on a "project initiation date" of March 1, 1998 and the date(s) on which each household had commenced its tenancy. *See* Relocation Plan for Residents of Buildings 2 & 3 of the Bell Gardens Multifamily Housing Complex dated February 2003 at p. 2 and Attachment 2. The current Relocation Plan offers no such explanation for characterizing the residents of Buildings 9 and 10 as "post-acquisition" tenants. Nor can Buildings 9 and 10 be subject to a "project initiation date" of March 1998 when these buildings were not identified for removal or analyzed in the County's EIR for the DeWitt Government Center Facility Plan.

Moreover, under state law, *lower income* residents who are offered housing on a permanent basis cannot be characterized as post-acquisition tenants. *See* 25 C.C.R. §6008(f)(3). The Relocation Plan acknowledges that all 25 families threatened with displacement are low income, and that 11 of the families fall within the extremely low income category. It is our understanding that the County has owned Bell Garden since 1972, and that many of the residents of Buildings 9 and 10 have resided as permanent residents of the Bell Garden Apartments for years pursuant to rental agreements with the County's master tenant, A &G Development Co. Although their rental agreements purport to identify the residents as "post-acquisition" tenants and "waive" their rights to relocation assistance, such a provision is unenforceable for several reasons. First, it is against public policy under California law to require tenants to waive their statutory rights. *See* Cal. Civ. C. § 3513. Second, federal law prohibits a recipient of federal funds from even seeking a "waiver" of relocation rights. And, as a condition of receiving federal funds, state relocation assistance laws must conform to the requirements of the Uniform Relocation Assistance Act. Finally, HUD requires that post-acquisition tenants be provided with a written notice of a pending displacement project *prior* to commencement of their tenancy. Otherwise, the tenant cannot be considered a post-acquisition tenant. A unilateral "waiver" provision in a tenant's lease (and, particularly, a provision in English when 80% of the tenants are Spanish-speaking) does not constitute proper notice. And, as discussed above, the residents of Buildings 9 and 10 could not have been notified of a "pending" displacement project when

they commenced their leases, because there was no plan to displace the residents of Buildings 9 and 10.

B. Applicability of Federal Law and the Community Redevelopment Law.

The Relocation Plan states that the County does not presently anticipate that federal or redevelopment funds will be used in the project. Therefore, the Plan seeks only to provide relocation assistance pursuant to state law, and even then only limited assistance under the guise of characterizing the residents as "post-acquisition" tenants. However, the Board of Supervisors recently decided to pay its relocation consultant (Overland, Pacific & Cutler) $50,000 from the DeWitt Center Development Fund to prepare the current Relocation Plan. It is our understanding that the DeWitt Center Development Fund includes federal funds, including CDBG funds. Accordingly, we believe the displacement of residents from Buildings 9 and 10 is subject to the requirements of the Uniform Relocation Assistance Act, 42 U.S.C. §4601 *et seq.*, the Housing and Community Development Act, 42 U.S.C. §5304(d) ("Section 104(d)"), and related federal regulations. The Relocation Plan must provide for all notices and advisory services, moving expenses, comparable replacement housing and last resort housing mandated by the URA. It also must provide for security deposits and credit check fees pursuant to Section 104(d). And, the residents must be given a choice to receive relocation assistance under the URA or Section 104(d). Finally, the County must meet the one-for-one replacement housing requirements of Section 104(d).

Likewise, although the County claims that it does not currently plan to use redevelopment funds in the project, reports filed with the State indicate that redevelopment funds from the Placer County Redevelopment Agency have already been used in connection with the DeWitt Center Project. Accordingly, because the project now calls for the displacement of 25 lower income families, the County also must comply with the relocation assistance and replacement housing provisions of the Community Redevelopment Law. *See* Cal. Health & Safety C. §33410 *et seq.* Specifically, it must prepare a replacement housing plan under state law to ensure one-for-one replacement of these lower income units. The replacement units must be affordable to households at the same income levels as the tenants to be displaced, and must remain affordable for at least 55 years. The displaced residents also must be given a preference for the replacement units. And, the Plan must identify the location, timing, and source of funds that will be used to meet the replacement obligation.

C. The Relocation Plan is inconsistent with the County's Housing Element and the EIR for the DeWitt Government Center Facility Plan.

The Relocation Plan is subordinate to and must be consistent with the County's Housing Element. 25 C.C.R. §6038(c). The County's Housing Element includes policies that the County will only allow demolition of existing multi-family units when a structure is found to be substandard and unsuitable for rehabilitation, and that it will comply with state laws requiring notice and relocation assistance when multi-family housing will be demolished. *See* Housing Element Policies D-5 and D-9. There is no indication in the plan that the Bell Garden Apartments are substandard or unsuitable for rehabilitation. Rather, the units are simply deemed, without any analysis or supporting data, to be economically infeasible for continued occupancy. Accordingly, under the Housing Element, these multifamily units should not be vacated or demolished.

Likewise, it is evident that the County is not adhering to state law with respect to notice and relocation assistance. The minimal relocation assistance offered under the Plan fails to comply with state law. The *entire* budget for relocation of these 25 very poor families is capped at $50,000 or roughly $2,000 per family. (By comparison, the County budgeted over $179,000 to relocate roughly half as many families from the DeWitt Center in 2003.) The Plan also demonstrates that there are *no* comparable replacement units available to these families. All units identified as purportedly available have market rents that well exceed what these families can afford; thus, the units identified do not qualify as comparable replacement units -- particularly when *no* replacement housing payment will be offered to make the units affordable for at least 42 (or 60) months. Likewise, the Plan inexplicably provides that because 98 units have been identified as purportedly available to these families, no last resort housing is required (as was required in 2003). However, last resort housing (and a last resort housing *plan*) *is* required whenever comparable replacement housing is not available to the displaced residents. Forcing these low income families to vacate their homes without full relocation assistance, including a comparable replacement unit, will promptly render them homeless.

The Relocation Plan is also inconsistent with the EIR for the DeWitt Government Center Facility Plan. As discussed above, nothing in the DeWitt Plan or EIR indicates that Buildings 9 and 10 were to be removed as part of the revitalization project. Thus, adopting a Relocation Plan that will effectively remove 25 lower income dwellings and render the residents of those dwellings homeless is putting the cart before the horse. The County must first amend the DeWitt Government Center Facility Plan (2003-2010) and subject it to public hearing and environmental review before proceeding with the Bell Gardens Apartment Project.

Conclusion

Depriving these low income families of adequate relocation assistance conflicts with state and federal relocation assistance laws, all of which mandate that the County must minimize the hardship associated with displacement. Given the demographics of this population, the Plan also raises due process and fair housing concerns. Finally, depriving these residents of affordable housing and rendering them homeless conflicts with the County's duty to affirmatively further fair housing opportunities. We urge you to cease any steps to displace or relocate the Bell Garden residents until the County fully complies with all applicable state, federal and local laws.

Very truly yours,

LEGAL SERVICES OF NORTHERN CALIFORNIA

BY: Marina Sideris, Staff Attorney

cc: Deborah Collins
The Public Interest Law Project

S. Lynn Martinez
Western Center on Law & Poverty

OVERLAND PACIFIC & CUTLER, INC.

COUNTY OF PLACER
FACILITY SERVICES DEPARTMENT
Phone 530-886-4900 Fax 530-889-6809
www.placer.ca.gov

JAMES DURFEE, DIRECTOR
MARY DIETRICH, ASSISTANT DIRECTOR
WILL DICKINSON, DEPUTY DIRECTOR
JOEL SWIFT, DEPUTY DIRECTOR
MARK RIDEOUT, DEPUTY DIRECTOR
VALERIE BAYNE, ADMIN. SVS. MANAGER

Sent Via First Class Mail and Facsimile (530) 823-7601

December 12, 2011

Ms. Marina Sideris
Legal Services of Northern California
Mother Lode Regional Office
190 Reamer Street
Auburn, CA 95603

Re: Relocation Plan for Bell Garden Apartments Project

Dear Ms. Sideris:

Thank you for your comments on the County of Placer's Relocation Plan for Bell Garden Apartments Project (the "Plan"). The purpose of this letter is to reply to your letter dated November 18, 2011, and to respond to certain statements in your letter. You contend that the current tenants are not post-acquisition tenants and are entitled to relocation benefits. As will be discussed below, such an assertion is simply not consistent with either the facts in this matter or the operative law. The County believes the Plan as presently drafted is responsible and is fully respectful of the rights of the current tenants.

It is important to understand the background of the property at issue and the context under which the present tenants assumed occupancy. The DeWitt complex was built in 1943 by the United State government for use as a military hospital. After World War II ended, the federal government turned the property over to the State of California for use as a psychiatric treatment facility. The County acquired the DeWitt complex from the State in 1972. All of the present tenants first took occupancy in these buildings several decades after the County assumed ownership of the De Witt property.

The buildings in question were first leased by the County to a third party in 1975 under a master lease. The County has never itself rented units to individual tenants. In 1998, A&G Development Company became the lessee, and the master lease was amended to be a month-to-month lease terminable by either party on thirty (30) days notice. To make sure there could be no future misunderstanding in this regard, Section 27 was added to the lease. It reads:

(a) Lessee agrees that it is a "post-acquisition tenant" within the meaning of the California Relocation Assistance Act of 1970 (Government Code section 7260 et seq.) or any applicable State Guidelines promulgated there under and shall not be eligible for relocation costs as a "displaced person" upon termination of this lease in accordance with its terms.

(b) Lessee further agrees that it will include the following provision in all of its subleases: Tenant agrees that this is a temporary month-to-month and that he/she is a "post-acquisition tenant" within the meaning of the California Relocation Assistance Act of 1970 (Government Code section 7260 et seq.) or the State Guidelines promulgated there under and shall not be eligible for relocation costs as a "displaced person" at the end of the term of this Lease.

You state that the current residents have been offered "housing on a permanent basis" and therefore fall outside the definition of "post-acquisition tenant". That statement is simply not factually correct. All of the present tenants took occupancy in these units governed by a month-to-month sublease with A&G Development which includes the language referenced in subsection (b) above. There has never been a representation by either A&G Development (or the County) that occupancy was in any way permanent.

You have made several comparisons to the actions taken by the County when it vacated other buildings in 2003. In this regard, it is important to distinguish the current activity from circumstances and the activity which the County was undertaking at that time. The County decided to undertake a substantial new building project which required the space to be vacated where the four buildings were located. Some of the residents had lived in the buildings for a significant period of time and had evidently not received any advance notice that their tenancy was subject to termination under such conditions. The County prepared a relocation plan for that project specific to those circumstances.

Contrast that to the present circumstances. Each tenant has been put on notice when they took occupancy that they should have no right to expect long-term residency. Consistent with its ongoing practice of reviewing the usefulness of all of the aging buildings in the DeWitt complex, the County has determined that the buildings in question are substandard and unsuitable for further use and have reached the end of their useful economic life. There is no "project" at the present time. The County has no current plans for the use of the site upon which these buildings are located. The only decision that the County has made is to cease leasing them. In essence, the County is like any other property owner who chooses to discontinue its voluntary decision to lease its property.

You challenge the County's statement that these building are no longer economically feasible to lease. These buildings are now over 75 years old, and were never contemplated to be used for permanent housing when they were constructed. They are indisputably in need of substantial rehabilitation, which costs likely far exceed the reasonable economic utility of these buildings. Please see the attached statement of the

building condition substantiating these buildings' unsuitability for rehabilitation. The County has never operated as a housing authority or provided public housing and has no obligation to spend public monies to rehabilitate these buildings or to continue to lease them.

Your contention that the current tenants are entitled to relocation costs because the activities of the County involve federal funds, state funds or redevelopment funds is mistaken. Please be aware that the activity in question—which is simply the decision of the County to no longer utilize these two of its many buildings at the De Witt complex for rental purposes--is being entirely funded by DeWitt enterprise funds and County general funds. Furthermore, the County is not requiring post-acquisition tenants to "waive" any statutory rights. The month-to-month lease which each tenant signed states that the tenant agrees that he/she is not eligible for relocation benefits. This is an acknowledgment by that tenant of his or her legal status upon assuming occupancy, not a waiver of rights.

The California Relocation Assistance Act of 1970 (the "Act") is quite clear--a post-acquisition tenant is not eligible for relocation assistance or benefits other than advisory assistance. Government Code section 6034(b)(1). The Act encourages, but does not require, agencies to provide moving expenses, to post-acquisition tenants in hardship situations. Government Code section 6034(b)(2). The County's master tenant and all of the subtenants are, factually and legally, post-acquisition tenants. The County's Plan is consistent with this statutory scheme and all applicable regulations.

Finally, the County wishes to make clear that it understands that moving from the buildings could cause some residents a hardship due to the fact that many are in lower income categories. That is why the County is committed to paying for moving expenses and providing advisory assistance to help the tenants find other housing. The County cannot, however, obligate itself to utilize County general fund monies to pay for the costs of relocations for which it is not legally responsible.

I hope the foregoing information assists you in more fully understanding the Plan.

Sincerely,

Laurie Morse

Laurie Morse
Property Manager

Cc: Scott Finley
James Durfee

Attachment: Building Condition Statement

Bell Gardens Apartment Buildings 9 and 10 Condition Statement

Rehabilitation of the Bell Garden Apartment buildings is economically infeasible. The age of these buildings, coupled with the fact that they are constructed of unreinforced masonry, makes any major investment in the buildings inappropriate. A variety of unforeseen circumstances, or triggers, could occur that require unplanned and costly construction projects. For example, a building permit to renovate one of the apartment units could require construction of an accessible path of travel. This path would include elevators, ramps, and door modifications.

Ultimately, any long-term utilization of the buildings for residential purposes would require that the buildings be brought into compliance with appropriate building standards. At a minimum, this would require the costly implementation of the following measures.

- Seismic retrofit of the un-reinforced two-story masonry structure.
- Life-safety improvements would be required, which may require a new fire alarm system and fire sprinklers.
- Accessibility improvements to the Path of Travel, which would require installation of two elevators, etc.
- Accessibility improvements inside the apartment units, which would require modification of door widths, bathrooms, and kitchens.
- Both regular and deferred maintenance items exist, which include reroofing and window replacement.
- Major building systems may ultimately require replacement, including electrical distribution and potable water piping.

The huge cost associated with these measures, and the potential infeasibility of implementing a seismic retrofit while the buildings are occupied, makes the long-term operation of these buildings economically infeasible.

These facts were documented in Section 4. Removal of aged facility inventory of the Dewitt Center Environmental Impact Report, which was certified by the Board of Supervisors on January 6, 2004. This document states that:

> *"...Retrofitting the existing DeWitt Hospital buildings to current building safety standard imposes considerable costs for abatement of potentially hazardous materials and structural reinforcement to meet current seismic safety standards. The existing building configurations require complicated and costly solutions to comply with ADA accessibility standards. The existing buildings are notoriously inefficient in terms of energy usage, with limited opportunities for improving envelope and system efficiencies."*