

RESOLUTION NO. 155

A RESOLUTION ADOPTING REGULATIONS
GOVERNING RELOCATION ASSISTANCE
AND REAL PROPERTY ACQUISITION
AND RESCINDING REGULATIONS
HERETOFORE ADOPTED

SUNNYSLOPE COUNTY WATER DISTRICT

RESOLVED, by the Board of Directors of Sunnyslope County Water District, San Benito County, California, that

WHEREAS, on March 14, 1974, this Board by its Resolution No. 135, did adopt regulations governing relocation assistance and real property acquisition;

WHEREAS, on March 11, 1976, this Board by its Resolution No. 154 did amend said regulations;

WHEREAS, it has been discovered that said regulations, as amended, contained certain errors of a substantive nature; and

WHEREAS, it is in the public interest that such errors be corrected;

NOW, THEREFORE, it is hereby ORDERED:

1. That those regulations entitled "Regulations Governing Relocation Assistance and Real Property Acquisition, Sunnyslope County Water District", a copy of which has heretofore been presented to this Board and is by reference incorporated herein be, and are hereby, adopted by this Board.

2. That those Regulations Governing Relocation Assistance and Real Property Acquisition, Sunnyslope County Water District, as amended, heretofore adopted by this Board be, and are hereby, rescinded.

* * * * *

I hereby certify that the foregoing resolution was passed and adopted by the Board of Directors of the Sunnyslope County Water District, San Benito County, California, at a meeting thereof held on the 8th day of April, 1976, by the following vote of the members thereof:


AYES, and in favor thereof, Directors: Arzie, Churchill,
Loofbourrow, Renz, Williams

NOES, Directors: None

ABSENT, Directors: None

Secretary of Sunnyslope County Water
District

APPROVED:



President

REGULATIONS GOVERNING RELOCATION ASSISTANCE

AND REAL PROPERTY ACQUISITION

SUNNYSLOPE COUNTY WATER DISTRICT

TABLE OF CONTENTS

ARTICLE I -- GENERAL	
Sec. 1.1. Purposes and Objectives	1
Sec. 1.2. Authority	1
Sec. 1.3. Payments in Excess of Amounts Herein	1
Sec. 1.4. Construction	2
ARTICLE II -- DEFINITIONS AND STANDARDS	2
Sec. 2.1. Definitions	2
(a) Board	2
(b) Business	2
(c) Conventional Loan	2
(d) Displaced Person	2
(e) District	2
(f) Dwelling	2
(g) Economic Rent	2
(h) Effective Rate of Interest	3
(i) Family	3
(j) Farm Operation	3
(k) Manager	3
(l) Mobile home	3
(m) Mortgage	3
(n) Nonprofit Organization	3
(o) Owner	3
(p) Prepaid Expenses	4
Sec. 2.2. Standards for Determinations of "Decent, Safe and Sanitary"	4
ARTICLE III -- ADMINISTRATIVE PROVISIONS	5
Sec. 3.1. Administration by Manager	5
Sec. 3.2. Notice of Displacement	6
Sec. 3.3. Order to Vacate	6
Sec. 3.4. Applications for Payments	6
Sec. 3.5. Time Limit for Filing Applications	6
Sec. 3.6. To Whom Payment Made	6
Sec. 3.7. Payments into Escrow	6
Sec. 3.8. Subsequent Occupant Not Eligible	7
Sec. 3.9. Approval of Payments by Board	7
Sec. 3.10. Public Information	7
Sec. 3.11. Certification of Compliance	7
ARTICLE IV -- ASSURANCE OF REPLACEMENT HOUSING	7
Sec. 4.1. Available Replacement Housing	7
Sec. 4.2. Documentation	8
Sec. 4.3. Waiver	8
Sec. 4.4. Provision of Housing as Last Resort	8
ARTICLE V -- RELOCATION PAYMENTS	8
PART A -- MOVING AND RELATED EXPENSES	8
Sec. 5.1. Eligibility	8
Sec. 5.2. Actual Reasonable Expenses in Moving	8
(a) Allowable Moving Expenses	8

	(b)	Limitations	9
Sec. 5.3.		Nonallowable Moving Expenses and Losses	10
Sec. 5.4.		Expenses in Searching for Replacement Business or Farm	10
	(a)	Allowable Expenses	10
	(b)	Limitation	10
Sec. 5.5.		Actual Direct Losses by Business or Farm Operation	10
Sec. 5.6.		Dwellings; Schedules	11
Sec. 5.7.		Businesses; Eligibility	11
Sec. 5.8.		Farms; Partial Taking	12
Sec. 5.9.		Nonprofit Organizations	12
Sec. 5.10.		Amount of Business Fixed Payment	12
Sec. 5.11.		Net Earnings Defined	12
PART B -- REPLACEMENT HOUSING PAYMENT FOR HOMEOWNERS			12
Sec. 5.12.		Replacement Housing Payment	12
Sec. 5.13.		Comparable Replacement Dwelling	13
Sec. 5.14.		Computation of Replacement Housing Payment	14
	(a)	Differential Payments for Replacement Housing	14
		(1) Schedule Method	14
		(2) Comparative Method	14
		(3) Alternate Method	14
		(4) Limitations	14
	(b)	Interest Payment	15
	(c)	Incidental Expenses	15
		(1) Eligible Expenses	15
		(2) Limitations	16
Sec. 5.15.		Lease of Condominium	16
PART C -- REPLACEMENT HOUSING PAYMENTS FOR TENANTS AND CERTAIN OTHERS			16
Sec. 5.16.		Eligibility	16
Sec. 5.17.		Computation of Replacement Housing Payments for Displaced Tenants	17
	(a)	Rental Replacement Housing Payment	17
		(1) Schedule Method	17
		(2) Comparative Method	18
		(3) Exceptions	18
		(4) Alternate Method	18
		(5) Disbursement of Rental Replacement Housing Payment	18
	(b)	Purchase Replacement Housing Payment	18
Sec. 5.18.		Computation of Replacement Housing Payments for Certain Others	19
PART D -- MOBILE HOMES			19
Sec. 5.19.		Special Rules for Mobile Homes	19
Sec. 5.20.		Acquisition of Mobile Homes	19
Sec. 5.21.		Partial Acquisition of Mobile Home Park	19
Sec. 5.22.		Mobile Homes as Replacement Dwellings	19
Sec. 5.23.		Computation on Next Highest Type	20
ARTICLE VI -- RELOCATION ASSISTANCE ADVISORY SERVICES			20
Sec. 6.1.		Relocation Assistance Advisory Program	20
Sec. 6.2.		Coordination of Planned Relocation Activities	21
	(a)	Coordination	21
	(b)	Local Coordination	21

Sec. 6.3.	Contracting for Relocation Services	21
(a)	Contracting With Central Relocation Agency	21
(b)	Contracting With Others	21
(c)	Approval of the Board	21
ARTICLE VII -- UNIFORM REAL PROPERTY ACQUISITION POLICY		21
Sec. 7.1.	Policy Purposes; Findings by Manager	21
Sec. 7.2.	Acquisition by Negotiations	22
Sec. 7.3.	Appraisal	22
Sec. 7.4.	Just Compensation	22
Sec. 7.5.	Incidental Expenses	22
Sec. 7.6.	Initiation of Negotiations	22
(a)	Statement to be Furnished Owner	22
(b)	Offer to Purchase	23
Sec. 7.7.	Coercion to Compel Agreement	23
Sec. 7.8.	Condemnation Proceedings	23
Sec. 7.9.	Acquisition of Entire Property	23
Sec. 7.10.	Rental After Acquisition	23
Sec. 7.11.	Subsurface Water, Sewer and Drainage Easements	23
ARTICLE VIII -- GRIEVANCE PROCEDURE		23
Sec. 8.1.	Federal Participation Exemption	23
Sec. 8.2.	Right of Review	23
Sec. 8.3.	Notification to Claimant	24
Sec. 8.4.	Request for Review	24
(a)	General	24
(b)	Time Limits for Filing Written Request for Review	24
(c)	The Written Request for Review	24
(d)	Oral Presentation	24
Sec. 8.5.	Public Agency Review	24
(a)	General	24
(b)	Scope of Review	24
(c)	Determination on Review by Public Agency	25
(d)	Time Limits	25
Sec. 8.6.	Recommendations by Third Party	25
Sec. 8.7.	Review of Files by Claimant	25
Sec. 8.8.	Effect of Determination on Other Persons	25
Sec. 8.9.	Construction of Rules and Regulations	25
Sec. 8.10.	Right to Counsel	26
Sec. 8.11.	Judicial Review	26
ARTICLE IX -- MISCELLANEOUS		26
Sec. 9.1.	Partial Invalidity	26
Sec. 9.2.	Effective Date	26

ATTACHMENTS:

Exhibit "A"

REGULATIONS GOVERNING RELOCATION ASSISTANCE
AND REAL PROPERTY ACQUISITION

SUNNYSLOPE COUNTY WATER DISTRICT

ARTICLE I -- GENERAL

Sec. 1.1. Purposes and Objectives.

(a) The purpose of these regulations is to establish uniform policies and procedures governing four independent duties of the District under Chapter 16 (commencing with Section 7260) of Division 7, Title 1 of the Government Code; namely, the duties to:

(1) Assure that adequate replacement housing is available to persons displaced from property acquired by the District;

(2) Make relocation assistance payments to displaced persons, businesses and farm operations, for moving and related expenses and, in the case of displaced persons, for replacement housing;

(3) Provide relocation assistance advisory services to displaced persons; and

(4) Follow specific policies for real property acquisition by the District.

(b) The objective of these regulations is to assure the fair and equitable treatment of persons displaced by programs and projects of the District.

(c) These regulations shall apply to the acquisition of all real property, and the relocation of all persons displaced by projects or programs undertaken by the District regardless of the source of funds.

Sec. 1.2. Authority. These regulations are adopted pursuant to Section 7267.8 of the Government Code of the State of California for the purpose of implementing Chapter 16 (commencing with Section 7260) of Division 7, Title 1 of said Government Code (hereinafter referred to as the "Relocation Assistance Act") and are intended to conform with the Guidelines for Issuance of Regulations and Procedures Implementing the Relocation Assistance Law issued by the California Commission of Housing and Community Development.

Sec. 1.3. Payments in Excess of Amounts Herein. These regulations shall not be construed to limit any other authority which this District may have to make other relocation assistance payments or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment permitted by these regulations. In particular, the District may make any other relocation assistance payment, or may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by these regulations, if the making of such payments, or the payment in such amount, is required under Federal law to secure Federal funds.

Sec. 1.4. Construction.

(a) These regulations shall be construed in accordance with principles of good faith and reasonableness.

(b) In the event of conflict between these regulations and the provisions of the Relocation Assistance Act or any other provision of the laws of California, the statutory provisions are controlling.

ARTICLE II -- DEFINITIONS AND STANDARDS

Sec. 2.1. Definitions. Whenever the following terms are used in these regulations, they shall have the following meanings unless the context otherwise clearly indicates:

(a) Board means the Governing Board of this District;

(b) Business means any lawful activity, except a farm operation conducted primarily:

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

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

(3) By a nonprofit organization; or

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

(c) Conventional Loan means a mortgage commonly given by banks and savings and loan associations to secure advances on, or the unpaid purchase price of real property, payment of which is not insured by any agency of the State or Federal governments;

(d) Displaced person means any person who moves from real property or who moves his personal property from real property, as a result of the acquisition of such real property, in whole or in part, or as the result of a written order from the District to vacate the real property, for public use;

(e) District means this District;

(f) Dwelling means a single-family building, a single-family unit (including a nonhousekeeping unit) in a two-family or multi-family building, a unit of a condominium or cooperative housing project, a mobile home, or other residential unit;

(g) Economic rent means the amount of gross rent the displaced tenant would have had to pay for a similar unit in an area not generally less desirable than the dwelling unit to be acquired. (Gross rent is contract rent, plus cost of utilities to tenant, over and above contract rent);

(h) Effective rate of interest means the annual percentage rate paid on the debt of a mortgage as a result of including debt service charges in the total interest to be paid on the mortgage debt, as an incident to the extension of credit, when such debt service charges are normal to the market;

(i) Family means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of household, they shall be treated as one family for replacement housing payment purposes;

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

(k) Manager means a person designated by the Board to implement these regulations and may be the District's Manager, the Engineer of the District or any other person appropriately qualified to carry out these regulations;

(l) Mobile home means a vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle;

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

(n) Nonprofit organization means a corporation, partnership, individual or other public or private entity, engaged in a business, professional or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession or institutional activity on the premises;

(o) Owner means a person owning a dwelling, if he:

(1) Holds fee title, a life estate, a 99-year lease, or a lease with not less than 50 years to run from date of acquisition of the property for the project;

(2) Holds an interest in a cooperative housing project which includes the rights of occupancy of a dwelling unit therein;

(3) Is the contract purchaser of any of the foregoing estates or interests;

(4) Has a leasehold interest with an option to purchase; or

(5) Owns a mobile unit which under State law is determined to be real property, not personal property;

(p) Prepaid expenses means items paid in advance by the seller of real property and prorated between such seller and the buyer of such real property at the close of escrow including, but not limited to real property taxes, for insurance, homeowners' association dues and assessment payments.

Sec. 2.2. Standards for Determinations of "Decent, Safe and Sanitary."

(a) Determinations of whether dwellings, sleeping rooms and mobile homes are decent, safe and sanitary shall be made by the Manager subject to the minimum requirements set forth in this Section.

(b) A dwelling constitutes a decent, safe and sanitary dwelling within the meaning of these rules and regulations if it:

(1) Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations;

(2) Has a continuing and adequate supply of potable safe water;

(3) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and an adequate sewage system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances or custom. When these facilities are not so required by local codes, ordinances, or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities;

(4) Has an adequate heating system in good working order which will maintain a minimum temperature of 70 degrees in the living area, excluding bedrooms, under local outdoor design temperature conditions;

(5) Has a bathroom, well-lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system;

(6) Has an adequate and safe wiring system for lighting and other electrical services;

(7) Is structurally sound, weathertight, in good repair and adequately maintained;

(8) Has a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common

corridor to a means of egress to open space at ground level. In multi-dwelling buildings of three stories or more, the common corridor on each story must have at least two means of egress;

(9) Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet of habitable floor space for each additional occupant. The floor space must be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining purposes, and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, and unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

(c) A sleeping room constitutes a decent, safe, and sanitary sleeping room within the meaning of these rules and regulations if it:

(1) Complies with the requirements set forth in paragraphs (2), (4), (5), (6), (7) and (8) of subsection (a);

(2) Contains at least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant;

(3) Includes lavatory, bath and toilet facilities that provide privacy, including a door that can be locked if such facilities are separate from the room.

(d) A mobile home constitutes a decent, safe and sanitary mobile home if it:

(1) Complies with the requirements set forth in paragraph (2) through and including paragraph (9) of subsection (a), except that it may have 70 square feet of habitable floor space for each additional occupant;

(2) Bears the insignia of approval issued by the State of California, Department of Housing and Community Development, pursuant to the Health and Safety Code of the State of California, except that a mobile home manufactured prior to September 1, 1958, need not comply with this paragraph.

(e) The Manager may waive one or more of the minimum requirements set forth in this Section or in the case of unusual circumstances or unique geographic areas. The existence of such circumstances or areas shall, however, be fully documented prior to such waiver.

ARTICLE III -- ADMINISTRATIVE PROVISIONS

Sec. 3.1. Administration by Manager. The Manager shall

administer these regulations and may establish appropriate procedures to fulfill his duties hereunder; provided, however, that such procedures shall be uniform and shall assure consistent and equitable treatment of displaced persons.

Sec. 3.2. Notice of Displacement. A written notice of displacement shall be given by the Manager within a reasonable time in advance of such displacement to each individual, family, business or farm operation to be displaced from real property to be acquired by the District. Such notice shall be served personally or by certified or registered first class mail and shall be accompanied by a copy of these regulations or a summary thereof which advises the displaced person of benefits available to him under these regulations. Such notice shall be in addition to an order to vacate.

Sec. 3.3. Order to Vacate.

(a) Subject to subsection (b), an order to vacate shall be given by the District in due course as required by the applicable law and may be given before or after the initiation of negotiations for acquisition of real property. When, however, negotiations are initiated prior to issuance of an order to vacate, persons to be displaced by the acquisition shall be advised by the Manager that benefits of the regulations and the Relocation Assistance Act are available only when the person moves subsequent to the receipt of a written order to vacate.

(b) To the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, assuming a replacement dwelling will be available, or to move his business or farm operation, without at least 90 days' written notice from the District of the date by which such move is required.

Sec. 3.4. Applications for Payments. Application for payments under these regulations shall be made to the Manager upon forms prescribed by him and shall be accompanied by such information and documentation as may be required by the Manager and the Board.

Sec. 3.5. Time Limit for Filing Applications. Except as otherwise provided herein, applications for payments under these regulations shall be submitted to the Manager within eighteen (18) months following the date of vacation of the property acquired or to be acquired or from the date upon which the District makes final payment of all costs of such real property, whichever is a later date. The Manager, upon a proper showing of good cause, may extend the period for filing of applications.

Sec. 3.6. To Whom Payment Made. The payments described in these regulations shall be made directly to the displaced person except that upon proper instruction addressed to the Manager and attached to the application for payment, the payment may be made directly:

- (a) To a lessor or landlord for rent;
- (b) To a moving company for moving expenses; or
- (c) To an escrow agent pursuant to Section 4.5.

Sec. 3.7. Payments into Escrow. In cases where a displaced person qualifies for the payments described in these regulations

except that he has not yet purchased or occupied a suitable replacement dwelling, the Manager, after inspecting the proposed replacement dwelling and finding that it meets the standards for decent, safe and sanitary set forth in Section 2.2. of these regulations, may deposit the amount of the replacement housing or rent supplement for which the displaced person may be eligible in an escrow with a bank, trust company, licensed escrow agency, building and loan or savings and loan association, or title company to the account of the displaced person with instructions for payment of such funds from escrow. Such escrow instructions shall be adequate to assure compliance with provisions of these regulations relating to purchase and occupancy and to assure return of such funds from escrow to the District for noncompliance with such provisions.

Sec. 3.8. Subsequent Occupant Not Eligible. After an eligible person has vacated property, no payments under these regulations shall be made with respect to the subsequent occupancy of the same property.

Sec. 3.9. Approval of Payments by Board. Payments required to be made under these regulations to any person which total an amount equal to or less than One Hundred and 00/100 Dollars (\$100.00) may be made by the Manager without prior approval of the Board. Payments in excess of said amount may be made by the Manager only upon prior approval of the Board.

Sec. 3.10. Public Information. The Manager shall be responsible for making available to the public full information concerning the District's relocation programs and shall insure that persons to be displaced are fully informed, at the earliest possible time, of such matters as available relocation programs and assistance, specific plans and procedures for assuring that replacement housing will be available in advance of displacement for homeowners and tenants, eligibility requirements and procedures for obtaining relocation payments and assistance, and the right of administrative review by the Board.

Sec. 3.11. Certification of Compliance. Prior to final acquisition of real property by the District, in the event that no person, business or farm operation was displaced from such property, or subsequent to final approval of relocation payments to displaced persons, businesses or farm operations, in the event that there was such displacement from real property acquired by the District, the Manager shall complete a certification of compliance with these regulations, which certification shall be in the form set forth in Exhibit "A" attached hereto and by reference incorporated herein, and shall file such certification in the District files to be available for public inspection.

ARTICLE IV -- ASSURANCE OF REPLACEMENT HOUSING

Sec. 4.1. Available Replacement Housing. The Board shall not approve the acquisition of any real property or the construction of any phase of a project which will cause the displacement of any person until the Manager has determined that within a reasonable period of time prior to displacement, there will be available on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (P.L. 90-284), in areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment.

Sec. 4.2. Documentation. The determination of the Manager pursuant to Section 4.1. shall be based on a current survey and analysis of available replacement housing. Such survey and analysis shall take into account competing demands on available housing.

Sec. 4.3. Waiver. In the event of an emergency or other extraordinary situation, where immediate possession of real property is of crucial importance, the Board may, by resolution, waive the requirements of Section 4.1. Such resolution shall set forth appropriate findings and a determination of the necessity for the waiver.

Sec. 4.4. Provision of Housing as Last Resort. In the event that it is determined that adequate replacement housing is not available as required by Section 4.1. and that a waiver pursuant to Section 4.3. is not appropriate, the Board shall take action to develop replacement housing. Such action shall be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in accordance with the provisions concerning Section 206(a) of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (P.L. 91-646).

ARTICLE V -- RELOCATION PAYMENTS

PART A -- MOVING AND RELATED EXPENSES

Sec. 5.1. Eligibility.

(a) Any displaced person (including one who conducts a business or farm operation), is eligible to receive a payment for moving expenses. A person who lives on his business or farm property may be eligible for both moving and related expenses as a dwelling occupant in addition to being eligible for payments with respect to displacement from a business or farm operation.

(b) Any person who moves from real property or moves his personal property from real property is eligible to receive a payment for moving expenses:

(1) As a result of the acquisition of such real property in whole or in part; or

(2) As a result of a written order of the District to vacate real property; or

(3) As a result of written order of the District to vacate other real property on which such person conducts a farm or business.

Sec. 5.2. Actual Reasonable Expenses in Moving.

(a) Allowable moving expenses. The following are allowable moving expenses:

(1) Transportation of individuals, families, and personal property from the acquired site to the replacement site, not to exceed a distance of 50 miles, except where the Manager determines that relocation beyond this 50-mile area is justified;

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

(3) Advertising for packing, crating and transportation when the Manager determines that it is necessary;

(4) Storage of personal property for a period generally not to exceed six months when the Manager determines that storage is necessary in connection with relocation;

(5) Insurance premiums covering loss and damage of personal property while in storage or transit;

(6) Removal, reinstallation, reestablishment (including such modification as deemed necessary by the Manager) of, and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property (prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that the District is released from any payment for the property);

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent or employees), in the process of moving, where insurance to cover such loss or damage is not available.

(b) Limitations.

(1) When the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of moving commercially, unless the Manager determines that a greater amount is justified.

(2) When an item of personal property which is used in connection with any business or farm operation is not moved but sold and promptly replaced with a comparable item, reimbursement shall not exceed the replacement cost minus the proceeds received from the sale, or the estimated costs of moving, whichever is less.

(3) When personal property which is used in connection with any business or farm operation to be moved is of low value and high bulk, and the cost of moving would be disproportionate in relation to the value, in the judgment of the Manager, the reimbursement for the expense of moving the personal property shall not exceed the difference between the amount which would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market. This provision will be applicable in the case of moving of junk yards, stockpiled sand, gravel, minerals, metals and similar type items of personal property.

(4) If the cost of moving or relocating an outdoor advertising display or displays is determined to be equal to or in excess of the in place value of the display, consideration should be given to acquiring such display or displays as a part of the real property, unless such acquisition is prohibited by State law.

Sec. 5.3. Nonallowable Moving Expenses and Losses. The following moving expenses and losses are not allowable:

- (a) Additional expenses incurred because of living in a new location;
- (b) Cost of moving structures or other improvements in which the displaced person reserved ownership;
- (c) Improvements to the replacement site, except when required by law;
- (d) Interest on loans to cover moving expenses;
- (e) Loss of goodwill;
- (f) Loss of profits;
- (g) Loss of trained employees;
- (h) Personal injury;
- (i) Cost of preparing the application for moving and related expenses; and
- (j) Payment for search cost in connection with locating a replacement dwelling.

Sec. 5.4. Expenses in Searching for Replacement Business or Farm.

(a) Allowable expenses. The following are allowable expenses in searching for a replacement business or farm:

- (1) Actual travel costs;
- (2) Extra costs for meals and lodging;
- (3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed \$10 per hour; and
- (4) In the discretion of the Manager, necessary broker, real estate or other professional fees to locate a replacement business or farm operation.

(b) Limitation. The total amount a displaced person may be paid for searching expenses may not exceed \$500 unless the Manager determines that a greater amount is justified based on the circumstances involved.

Sec. 5.5. Actual Direct Losses by Business or Farm Operation. In determining direct losses of personal property in business and farm operations, the following rules shall apply:

(a) When the displaced person does not move personal property, he shall make a bona fide effort to sell it, and he shall be reimbursed for the reasonable costs incurred in such effort.

(b) When the business or farm operation is discontinued, the displaced person is entitled to the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, or the estimated costs of moving it 50 miles, whichever is less.

(c) When the personal property is abandoned, the displaced person is entitled to payment for the fair market value of the property for continued use at its location prior to displacement or the estimated cost of moving 50 miles, whichever is less.

(d) The cost of removal of the personal property shall not be considered as an offsetting charge against other payments to the displaced person.

Sec. 5.6. Dwellings; Schedules.

(a) In lieu of payments under Section 5.2., a person displaced from his dwelling may, at his option, receive a moving expense allowance not to exceed \$300 based on schedules established by the Manager in conformity with moving allowance schedules maintained by the State Highway Department. In addition to such moving expense allowance, a displaced person shall receive a dislocation allowance of \$200.

(b) A displaced person, who elects to receive a moving expense allowance based on a schedule, shall be paid under the schedule used in the jurisdiction in which the displacement occurs regardless of where he relocates.

Sec. 5.7. Businesses; Eligibility.

(a) In lieu of payments under Sections 5.2., 5.4. and 5.5., a person displaced from his business or farm operation may receive a fixed payment pursuant to Section 5.10.

(b) The Manager shall assure that payments pursuant to Section 5.10. are made only in connection with a bona fide business.

(c) Where a displaced person is displaced from his place of business, no payment shall be made under Section 5.10. until the Manager determines that:

(1) The business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business; and

(2) The business cannot be relocated without a substantial loss of existing patronage.

(d) The determination of loss of existing patronage required by subsection (c)(2) shall be made by the Manager only after consideration of all pertinent circumstances, including but not limited to, the following factors:

(1) The type of business conducted by the displaced concern;

(2) The nature of the clientele of the displaced concern; and

(3) The relative importance of the present and proposed location to the displaced business and the availability of a suitable replacement location for the displaced person.

Sec. 5.8. Farms; Partial Taking. Where a displaced person is displaced from only a part of his farm operation, the fixed payment provided by Section 5.10. shall be made only if the Manager determines that the farm met the definition of a farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

Sec. 5.9. Nonprofit Organizations. Where a nonprofit organization is displaced, no payment shall be made under Section 5.10. until the Manager determines that:

(a) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage (the term "existing patronage" as used in connection with nonprofit organizations includes the persons, community or clientele served or affected by the activities of the nonprofit organization); and

(b) The nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

Sec. 5.10. Amount of Business Fixed Payment. The fixed payment to a person displaced from a farm operation or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than \$2,500 nor more than \$10,000.

Sec. 5.11. Net Earnings Defined. The term "average annual net earnings" as used in Section 5.10. means one-half of any net earnings of the business or farm operation, before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the Manager determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner (or the owner of a majority interest in a corporate business or farm operation), his spouse or his dependents during such period. For the purpose of determining majority ownership, stock held by a husband, his wife and their dependent children, shall be treated as one unit. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings" it may nevertheless receive the \$2,500 minimum payment authorized by Section 5.10.

PART B -- REPLACEMENT HOUSING PAYMENT FOR HOMEOWNERS

Sec. 5.12. Replacement Housing Payment.

(a) In addition to the payments required by Part A, the

District, as a part of the cost of acquisition shall make a payment of not to exceed Fifteen Thousand and 00/100 Dollars (\$15,000.00) to a displaced owner-occupant of real property acquired by the District, if:

(1) He actually owned and occupied the acquired dwelling from which displaced for not less than 180 days prior to the initiation of negotiations for the property (the term "initiation of negotiations" means the day on which the District makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property); and

(2) He purchases and occupies a replacement dwelling, which is decent, safe and sanitary, not later than the end of the one-year period beginning on the date on which he receives from the District the final payment of all costs of the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

(b) A displaced owner-occupant of a dwelling who is determined to be ineligible under this Part B may be eligible for a replacement housing payment under Part C.

Sec. 5.13. Comparable Replacement Dwelling.

(a) For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe and sanitary and which is:

(1) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing;

(2) Adequate in size to meet the needs of the displaced family or individual, except that, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced;

(3) Open to all persons regardless of race, color, religion, or national origin, consistent with the requirements of the Civil Rights Act of 1964 and Title VIII of the Civil Rights Act of 1968;

(4) Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to neighborhood conditions, including but not limited to municipal services and other environmental factors, public utilities, and public and commercial facilities;

(5) Reasonably accessible to the displaced person's place of employment or potential

place of employment;

(6) Within the financial means of the displaced family or individual;

(7) Available on the market to the displaced person.

(b) If housing meeting the requirements of subsection (a) is not available on the market, the Manager may, upon a proper finding of the need therefor, consider available housing exceeding these basic criteria.

Sec. 5.14. Computation of Replacement Housing Payment. The replacement housing payment of not more than \$15,000 shall be comprised of the sum of differential payments for replacement housing, increased interest payments and incidental expenses, each of which shall be computed and determined by the Manager based upon the policies and procedures set forth in subsection (a), (b) and (c).

(a) Differential payments for replacement housing. The Manager may determine the amount which, if any, when added to the acquisition cost of the dwelling acquired by the District, is necessary to purchase a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) Schedule method. The Manager may establish a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired. When more than one public agency is causing displacement in a community or an area, the Manager shall coordinate the establishment of the District's schedule for replacement housing payments with the establishment of schedules of such other public agencies for replacement housing payments.

(2) Comparative method. In lieu of using a schedule for determining differential payments, the Manager may determine the price of a comparable replacement dwelling by selecting a dwelling or dwellings most representative of the dwelling unit acquired, available to the displaced person, and which meets the definition of comparable replacement dwelling. A single dwelling shall be used only when additional comparable dwellings are not available.

(3) Alternate method. When neither the schedule method nor the comparative method is feasible, the Manager shall develop alternative criteria for computing differential payments provided that such criteria is uniform and equitable.

(4) Limitations. The amount established by the Manager as the differential payment for

the replacement housing sets the upper limit of such differential payment. If the displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price less than the amount determined by the Manager to be necessary to acquire an adequate replacement dwelling, then the differential payment actually made shall be reduced to that amount required to pay the difference between the acquisition price of the dwelling acquired by the District and the actual purchase price of the replacement dwelling. If the displaced person voluntarily purchases and occupies a decent, safe and sanitary dwelling at a price less than the acquisition price of the dwelling acquired by the District, then no differential payment shall be made.

(b) Interest payment. The Manager shall determine the amount, if any, necessary to compensate a displaced person for any increased interest cost, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage, that is, a mortgage which was a valid lien on the dwelling acquired by the District for not less than 180 days prior to the initiation of negotiations. In determining the amount of the payment for increased interest costs, the Manager shall be guided by the following:

(1) The payment shall be equal to the excess in the aggregate interest and other debt service costs of that amount of the principal of the mortgage on the replacement dwelling which is equal to the unpaid balance of the bona fide mortgage on the acquired dwelling, at the time of acquisition, over the remainder term of the mortgage on the acquired dwelling, reduced to discounted present value; and

(2) The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Incidental expenses.

(1) Eligible expenses. The Manager shall determine the amount, if any, necessary to reimburse a displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling including, but not limited to:

(i) Legal, closing and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation;

(ii) Lenders', FHA or VA, appraisal fees;

(iii) FHA application fee;

(iv) Costs of obtaining a certification of structural soundness when required by lender, FHA or VA;

(v) Costs of obtaining a credit report;

(vi) Costs of obtaining title policies or abstracts of title;

(vii) Escrow agent's fee;

(viii) State revenue stamps or sale or transfer taxes; and

(ix) Loan service fees (not to exceed 1%) and origination or discount points, if such fees are normal to real estate transactions in the area.

(2) Limitations. Prepaid expenses are not eligible expenses. In addition, no fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System.

Sec. 5.15. Lease of Condominium.

(a) For the purposes of this Part B, the leasing of a condominium for a 99-year period or for a farm which exceeds the life expectancy of the displaced person as determined from the most recent life tables in Vital Statistics of the United States, as published by The Public Health Service of the Department of Health, Education and Welfare, shall be deemed a purchase of the condominium.

(b) For the purposes of this Section, "condominium" means a combination of co-ownership and ownership in severalty. It is an arrangement under which a family or individual in a housing development holds full title to a one-family dwelling unit, including an undivided interest in common areas and facilities, and such restricted common areas and facilities as may be designated.

PART C -- REPLACEMENT HOUSING PAYMENTS FOR TENANTS

AND CERTAIN OTHERS

Sec. 5.16. Eligibility.

(a) A displaced tenant or owner-occupant of a dwelling for less than 180 days and who is not eligible to receive a payment under Part B, is eligible for a replacement housing payment of not to exceed \$4,000, if he actually occupied the dwelling for not less than 90 days prior to the initiation of negotiations for acquisition of the property.

(b) The term "initiation of negotiations" means the day on which the public agency makes the first personal contact with the property owner or his representative and

furnishes him with a written offer to purchase the real property. The Manager shall assure that tenants and other persons occupying property to be acquired by the District are advised when negotiations for the property are initiated with the owner thereof.

(c) An owner-occupant of a dwelling for more than 180 days prior to the initiation of negotiations is eligible for a replacement housing payment, as authorized by subsection (a), in lieu of the payment authorized by Part B, when he rents a decent, safe and sanitary replacement dwelling instead of purchasing and occupying a replacement dwelling, which is decent, safe and sanitary not later than the end of the one-year period beginning on the date on which he receives from the District final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

Sec. 5.17. Computation of Replacement Housing Payments for Displaced Tenants. The amount of the payment to be made pursuant to Section 4.15., not to exceed \$4,000, shall be determined by the Manager by subtracting from the amount which the tenant pays for the dwelling acquired by the District, the amount he actually pays for a replacement dwelling or, if lesser, the amount determined by the State as necessary to rent a comparable dwelling. If he purchases replacement housing within one year from displacement, he is eligible for a down payment including expenses incidental to closing not to exceed \$4,000.

(a) Rental replacement housing payment. The Manager may determine the amount necessary to rent a comparable replacement dwelling by either establishing a schedule or by using a comparative method.

(1) Schedule method. The Manager may establish a rental schedule for renting comparable replacement dwellings as described in Section 5.13. and which are available in the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for four years (the average monthly cost from the schedule) and subtracting from such amount forty-eight times the average month's rent paid by the displaced tenant in the last three months prior to initiation of negotiation if such rent was reasonable. The Manager may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant. "Economic rent" is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule shall be based on current analysis of the market to determine the amount of each type of dwelling required. When more than one public agency is causing the displacement in a community or an area, the Manager shall cooperate in choosing the method for computing the replacement housing payment with the appropriate officers of such other public agencies and

shall use uniform schedules of average rental housing in the community or area.

(2) Comparative method. In lieu of using a schedule for computing rental on replacement housing, the Manager may determine the average month's rent by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in Section 4.13. The payment shall be computed by determining the amount necessary to rent a comparable replacement dwelling for four years and subtracting from such amount forty-eight times the average month's rent paid by the displaced tenant in the last three months prior to initiation of negotiations, if such rent was reasonable. The Manager may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant.

(3) Exceptions. The Manager may establish the average month's rent paid by the displaced person by using more than three months, if he deems it advisable.

(4) Alternate Method. When neither the schedule method nor the comparative method is feasible, the Manager shall develop alternative criteria for computing the payment.

(5) Disbursement of rental replacement housing payment. The Manager may disburse the payment required by this Part C either as a lump sum or in annual or monthly installments, provided that he first determines that the method of disbursement selected will enable the displaced person to rent comparable decent, safe and sanitary housing.

(b) Purchase replacement housing payment. If the tenant elects to purchase instead of renting, the payment required by this Part C shall be computed by determining the amount necessary to enable him to make a down payment and to cover incidental expenses on the purchase of replacement housing. Such computation and determination shall be made by the Manager based upon the following policies and procedures:

(1) The down payment shall be the amount necessary to make a down payment on a comparable replacement dwelling.

(2) Determination of the amount necessary for down payment on a comparable replacement dwelling shall be based on the amount of down payment that would be required for purchase of the dwelling using a conventional loan.

(3) Allowable incidental expenses of closing the transaction shall be those described in Section 5.14(c).

(4) The maximum payment may not exceed \$4,000, except that if more than \$2,000 is required, the tenant must match any amount in excess of \$2,000 by an equal amount in making the down payment.

(5) The full amount of the replacement housing payment must be applied to the purchase price and incidental costs shown on the closing statement.

Sec. 5.18. Computation of Replacement Housing Payments for Certain Others.

(a) A displaced owner-occupant who does not qualify for a replacement housing payment under Part A because of the 180-day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed \$4,000. The payment will be computed in the same manner as described in Section 5.17(a) except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

(b) A displaced owner-occupant who does not qualify for a replacement housing payment under Part A because of the 180-day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing down payment and closing costs not to exceed \$4,000. The payment will be computed in the same manner as described in Section 5.17(b).

PART D -- MOBILE HOMES

Sec. 5.19. Special Rules for Mobile Homes. Owners and tenants of mobile homes are eligible for payments prescribed in Parts A, B and C subject to the special rules set forth in this Part D.

Sec. 5.20. Acquisition of Mobile Homes. The District may purchase mobile homes where:

(a) The structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable cost; or

(b) The mobile home is not considered to be a decent, safe and sanitary dwelling unit pursuant to the standards set forth in Section 2.2(d).

Sec. 5.21. Partial Acquisition of Mobile Home Park. Where the District determines that a sufficient portion of a mobile home park is taken to justify the operator of such park to move his business or go out of business the owners and occupants of the mobile home dwellings not within the actual taking but who are forced to move shall be eligible to receive the same payments as though their dwellings were within the actual taking.

Sec. 5.22. Mobile Homes as Replacement Dwellings. A mobile home may be considered a replacement dwelling provided:

(a) The mobile home meets standards of decent, safe and sanitary housing; and

(b) The mobile home is placed in a fixed location;

(1) In a mobile home park which is licensed and operating under State law; or

(2) In a mobile home subdivision wherein the displaced person owns the lot on which the mobile home is placed; or

(3) On real property owned or leased by the displaced person in other than a mobile home subdivision, provided such placement is in accordance with State and local laws or ordinances and provided such placement was made under permit from the State or local agency.

Sec. 5.23. Computation on Next Highest Type.

(a) When a comparable mobile home is not available, the Manager shall calculate the replacement housing payment on the basis of the next highest type of dwelling that is available and meets the applicable requirements and standards, that is, a higher type mobile home or a conventional dwelling.

(b) "Not available" as used in this Section includes, but is not limited to, those cases where mobile homes cannot be relocated in mobile home parks within a reasonable distance from the place of dislocation because of lack of available spaces or because of the standards and rules of the mobile home parks where spaces are available.

ARTICLE VI -- RELOCATION ASSISTANCE ADVISORY SERVICES

Sec. 6.1. Relocation Assistance Advisory Program. The Manager shall establish a relocation assistance advisory program for persons displaced as a result of programs or projects of the District. Such advisory assistance shall include:

(a) Determining the need, if any, of displaced persons for relocation assistance.

(b) Providing current and continuing information on the availability, prices, and rentals of comparable decent, safe and sanitary housing for displaced persons, and of comparable commercial properties and locations for displaced businesses.

(c) Assuring that, within a reasonable period of time, prior to displacement, to the extent that it can be reasonably accomplished, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the families and individuals displaced, decent, safe and sanitary dwellings, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that, in the case of a federally funded project, a waiver may be obtained from the federal government.

(d) Assisting a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(e) Supplying information concerning federal and state

housing programs, disaster loan programs, and other federal or state programs offering assistance to displaced persons.

(f) Providing other advisory services to displaced persons in order to minimize hardships to such persons.

Sec. 6.2. Coordination of Planned Relocation Activities.

(a) Coordination. When the District and one or more public agencies contemplate displacement activities in a given community or area, the Manager shall assure that appropriate channels of communication are established between the District and such other agencies for the purpose of planning relocation activities and coordinating available housing resources. In such event, the Manager shall meet with representatives of other public agencies for the purpose of designating at least one representative who will meet periodically with the representatives of other Federal, State and local agencies to review the impact of their respective programs on the community or area.

(b) Local coordination. To further insure maximum coordination of relocation activities in a given community or area, the Manager shall consult appropriate local officials before approving any proposed project in the District. Such consultation shall be consistent with the requirements of the procedures promulgated by the Office of Management and Budget Circular A-95 (Revised) which provides a central point of identifying local officials.

Sec. 6.3. Contracting for Relocation Services.

(a) Contracting with central relocation agency. At the time that initiation of displacement activities is proposed, the Manager shall consider contracting with the central relocation agency in the community or area for the purpose of carrying out its relocation activities.

(b) Contracting with others. When a centralized relocation agency is not available in a community or if in the judgment of the Manager the centralized agency does not have the capacity to provide the necessary services, within the time required by the District's program, the District may arrange to contract with another public agency or a private contractor who can provide the necessary relocation services.

(c) Approval of the Board. Contracts entered into pursuant to this Section shall be between the District and the contractor and shall be approved by the Board.

ARTICLE VII -- UNIFORM REAL PROPERTY ACQUISITION POLICY

Sec. 7.1. Policy Purposes; Findings by Manager.

(a) In order to encourage and expedite the acquisition of real property by agreements with owners, to avoid litigation and relieve congestion in the courts, to assure consistent treatment for owners in the District programs and to promote public confidence in District land acquisition practices, the Manager, in acquiring real property for the District, shall, to the greatest extent practicable, be guided by the policies set forth in Section 7.2. through and including Section 7.11. In the event that the Manager determines that

it is not practicable to follow such policies, he shall support such determination by making written findings therefor in the form set forth in paragraph 3 of Exhibit "A" attached hereto and by reference incorporated herein.

(b) The provisions of this Section shall not apply where land is dedicated to a public agency as required by the Subdivision Map Act or other law.

Sec. 7.2. Acquisition by Negotiations. The District shall make every reasonable effort to acquire expeditiously real property by negotiation.

Sec. 7.3. Appraisal.

(a) Prior to the initiation of negotiations for acquisition of real property, the Manager shall obtain an appraisal of such real property.

(b) The Manager shall assure that the owner, or his designated representative, is given an opportunity to accompany the appraiser during his inspection of the property.

(c) The Manager shall establish standards for appraisals undertaken pursuant to this Section, criteria for determining the qualification of appraisers and a system of review by qualified appraisers.

Sec. 7.4. Just Compensation. Before the initiation of negotiations for real property, the Manager shall establish an amount which he believes to be just compensation therefor. In no event shall such amount be less than the approved appraisal of the fair market value of the property obtained pursuant to Section 7.2. Any increase or decrease in the fair market value of real property to be acquired which occurs prior to the date of valuation under this Section and which is caused by the public improvement for which such property is acquired, or by the likelihood that the property would be acquired for such improvements other than that due to physical deterioration within the reasonable control of the owner or occupant, will be disregarded in determining compensation for the property.

Sec. 7.5. Incidental Expenses. Compensation for real property shall include, to the extent the Manager deems fair and reasonable, recording fees, transfer taxes and prepayment penalties on existing liens and other similar expenses incidental to conveying such real property to the District.

Sec. 7.6. Initiation of negotiations.

(a) Statement to be furnished owner. When negotiations for the acquisition of real property are initiated, the owner shall be provided with a written statement concerning the proposed acquisition.

This statement shall include, as a minimum, the following:

(1) Identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements on the land, as well as the fixtures considered to be a part of the real property; and

(2) The amount of the estimated just compensation for the property to be acquired, as determined by the Manager, and a statement of the basis therefor. In the case of a partial taking, damages, if any, to the remaining real property shall be separately stated.

(b) Offer to purchase. The Manager shall make a prompt offer to purchase the property for the amount contained in the statement.

Sec. 7.7. Coercion to Compel Agreement. In no event shall the District either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for use of the owner, or take any other action coercive in nature, in order to compel an agreement on the price to be paid on the property.

Sec. 7.8. Condemnation Proceedings. If any interest in real property is to be acquired by exercise of the power of eminent domain, the District shall institute formal condemnation proceedings. In no event shall the District intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property.

Sec. 7.9. Acquisition of Entire Property. If the acquisition of only a portion of a property would leave the remaining portion in such a shape or condition so as to constitute an uneconomic remnant, the District shall offer to and may acquire the entire property if the owner so desires.

Sec. 7.10. Rental After Acquisition. If the District permits an owner or tenant to occupy, on a rental basis for a short term or for a period subject to termination by the District on short notice, real property after acquisition thereof by the District, the amount of rent required for such occupation shall not exceed the fair rental value of the property to a short term occupier.

Sec. 7.11. Subsurface Water, Sewer and Drainage Easements. Sections 7.3., 7.4., and 7.6. of this Article shall not apply to the acquisition of any easement, right-of-way, covenant, or other nonpossessory interest in real property to be acquired for the construction, reconstruction, alteration, enlargement, maintenance, renewal, repair or replacement of subsurface sewers, waterlines or appurtenances, drains, septic tanks, or storm water drains.

ARTICLE VIII -- GRIEVANCE PROCEDURE

Sec. 8.1. Federal Participation Exemption. If the District has an approved and adopted grievance procedure policy mandated by a federal agency in order to receive federal financial participation, then, that policy may be used in lieu of the policies and procedures of this Article.

Sec. 8.2. Right of Review. Any person aggrieved by a determination by the Manager or the Board as to eligibility for, or the amount of, a payment under these regulations, may have his claim reviewed and reconsidered by the Board in accordance with the procedures set forth in this Article as supplemented by otherwise authorized procedures of the District. In addition, any person or class of persons may seek review and revision of any schedule established by the Manager pursuant to these regulations.

Sec. 8.3. Notification to Claimant. If the Board or Manager denies the eligibility of a claimant for a payment or disapproves the full amount claimed or refuses to consider the claim on its merits because of untimely filing or any other ground, the Manager or other person designated by the Board shall so notify the claimant and in such notification shall inform the claimant of the reasons therefor and shall also inform the claimant of the applicable procedures for obtaining review of this determination.

Sec. 8.4. Request for Review.

(a) General. Any person who has a right to seek review may request the Manager or Board to provide him with a full written explanation of the determination and the basis therefor if he feels that the explanation accompanying the payment of his claim or notice of the original determination of the Manager or Board was incorrect or inadequate. The Manager or other person specifically designated by the Board shall provide such an explanation to the claimant within 15 days of its receipt of claimant's request.

(b) Time limits for filing written request for review. A claimant desiring review and reconsideration of the Manager's or Board's determination shall file a written request for review with the District Secretary either (1) within 6 months of the notification to the claimant of the Manager's or Board's determination or (2) prior to final closeout of the project which caused the displacement, whichever is earlier, but in no event less than 30 days following the notification to the claimant of the Manager's or Board's determination.

(c) The written request for review. The claimant may include in his request for review any statement of fact within his knowledge or belief, or other material which he feels has a bearing on his appeal. If the claimant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, the Board may grant him 30 days from the date of his request for review. If the claimant feels he is unable to prepare the written claim, the Manager shall offer to provide assistance to the claimant and further notify the claimant of other available sources of assistance.

(d) Oral presentation. Upon request of the claimant, the Board shall afford him an opportunity to make an oral presentation. The claimant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the claimant to discuss his claim with the Board in order to enable it to revise the initial determination of the Board or the Manager on the claim. The Manager or other person designated by the Board shall make a summary of the matters discussed in the oral presentation and it shall be included as part of the District's file.

Sec. 8.5. Public Agency Review.

(a) General. Following the oral presentation of claimant, the Board shall consider the request for review and shall make a determination as to whether a modification is necessary. The Board shall consider every complaint regardless of form.

(b) Scope of review. The review and reconsideration by the Board of the initial determination of the claimant's

case shall take into consideration:

(1) All material upon which the Manager or Board based the original determination including all applicable rules and regulations;

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

(3) Whatever additional written material has been submitted by the claimant; and

(4) Any further information which the Board may, in its discretion, obtain by request, investigation, or research, to insure fair and full review of the claim.

(c) Determination on review by public agency. The final determination on review by the Board shall include, but is not limited to:

(1) The Board's decision on reconsideration of the claim; and

(2) The factual and legal basis upon which the Board's decision is based, including any pertinent explanation or rationale;

(d) Time limits.

(1) The Secretary of the District shall issue its determination of review within 30 days from receipt of the last material submitted for consideration by the claimant.

(2) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the Board shall issue a statement as to why the complaint was dismissed to the claimant.

Sec. 8.6. Recommendations by Third Party. Upon agreement between the claimant and the Board, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the Board for its final determination. In reviewing the claim and making recommendations to the Board, the third party or parties should be guided by the provisions of the requirements of these regulations.

Sec. 8.7. Review of Files by Claimant. Except for confidential material, and except to the extent specifically prohibited by law, the District shall permit the claimant to inspect all files and records bearing upon his claim or the prosecution of his grievance. The District may, however, impose reasonable conditions on the claimant's right to inspect.

Sec. 8.8. Effect of Determination on Other Persons. The principles established in all determinations by the Manager and the Board shall be applied to all similar cases regardless of whether or not a person has filed a written request for review.

Sec. 8.9. Construction of Rules and Regulations. This Article and all applicable rules and regulations on which Board determinations

are based, shall be liberally construed so as to fulfill the statutory purpose as declared in the Relocation Assistance Act of "fair and equitable treatment" in order that displaced persons "not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

Sec. 8.10. Right to Counsel. Any aggrieved party has a right to representation by legal or other counsel at his own expense at any and all stages of the proceedings set forth in this Article.

Sec. 8.11. Judicial Review. Nothing in this Article shall in any way preclude or limit a claimant from seeking judicial review or receiving a fair and impartial consideration of his claim on its merits upon exhaustion of such administrative remedies as are available to him under this Article.

ARTICLE IX -- MISCELLANEOUS

Sec. 9.1. Partial Invalidity. In the event any part or provision of these regulations shall be determined to be invalid, the remaining portions hereof which can be separated from the invalid provisions, shall nevertheless continue in full force and effect.

Sec. 9.2. Effective Date. These regulations shall be and become effective upon the date of their adoption by the Board.

* * * * *

EXHIBIT "A"

CERTIFICATION OF COMPLIANCE

I, _____, Manager for the purpose of the Regulations Governing Relocation Assistance and Real Property Acquisition of the _____ District, do hereby certify the following:

1. That the District has acquired the following described property:

2. That the District has acquired such property in connection with the following described project, or for the following described purpose:

3. That in making such acquisition, there was full compliance with the real property acquisition policies and procedures, set forth in Sections 7.2. through 7.11., inclusive, of the aforesaid Regulations of the District.

or

3. That in making such acquisition it was determined that it was impracticable to comply with the real property acquisition policies and procedures set forth in Sections 7.2. through 7.11., inclusive, of the aforesaid Regulations of the District for the following reasons:

(a)

(b)

(c)

It was further determined that failure to follow such policies would not defeat the purposes for such policies as set forth in Section 7.1. of the aforesaid Regulations.

(Insert the appropriate version of Paragraph 3.)

4. That said acquisition did not require the displacement of any person, business or farm operation or that if such acquisition did involve such displacement, there was full compliance with the aforesaid Regulations as indicated by the Exhibits attached hereto and by reference made a part hereof and incorporated herein. (If appropriate, attach certification that replacement housing was available to displaced persons as required by Article IV, that relocation payments were made as required by Article V and that a relocation assistance advisory program was established as required by Article VI.)

Manager

Dated: