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# Final Relocation Impact Study II

January 2010

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**TRANSBAY TRANSIT CENTER PROGRAM**

**Final Relocation Impact Study II**

**January 2010**

**Prepared for the  
Transbay Joint Powers Authority**

Preparation of this report was made possible in part by the Metropolitan Transportation Commission through a grant of Regional Measure 2 (RM2) funds.



Preparation of this report was made possible in part by the San Francisco County Transportation Authority through a grant of Proposition K Local Transportation Sales Tax funds.



**TRANSBAY TRANSIT CENTER PROGRAM  
FINAL RELOCATION IMPACT STUDY II**

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<b>CONTENTS</b>	<b>PAGE</b>
<b>1.0 Executive Summary .....</b>	<b>1</b>
<b>2.0 The Transbay Program.....</b>	<b>2</b>
2.1 The Transbay Program and the TJPA .....	2
2.2 Construction Phasing .....	3
2.3 Financing.....	3
2.4 Public and Private Property Acquisitions.....	3
<b>3.0 The Relocation Impact Study .....</b>	<b>4</b>
3.1 Scope of the Study .....	4
3.2 Preparing the Study .....	4
3.3 Preliminary Relocation Cost Analysis .....	5
3.4 Public Participation .....	5
<b>4.0 Relocation Impact .....</b>	<b>6</b>
4.1 Impact to Residential Occupants.....	7
4.2 Overcrowded Conditions .....	7
4.3 Accessibility Needs.....	7
4.4 Other Special Needs.....	8
4.5 Language.....	8
4.6 Current Occupancy and Affordability.....	8
4.7 Transportation .....	8
4.8 Employment .....	8
4.9 Impact to Business Occupants .....	8
4.10 Impact to Personal Property Only .....	8
<b>5.0 Relocation Resources .....</b>	<b>9</b>
5.1 Residential Condominiums/Lofts.....	9
5.2 Commercial/Residential Lofts .....	10
5.3 Professional Office Space .....	10
<b>6.0 Relocation Program .....</b>	<b>11</b>
6.1 Important Terms.....	11
6.2 Eligibility for Relocation Assistance and Timing of Move .....	13
6.3 Relocation Advisory Assistance .....	14
6.4 Relocation Expenses for Residential Displaced Persons .....	16
6.5 Relocation Expenses for Business and Nonprofit Organization Displaced Persons .....	20
6.6 Actual Moving Expenses .....	20
6.7 Other Important Information.....	24

**TRANSBAY TRANSIT CENTER PROGRAM  
FINAL RELOCATION IMPACT STUDY II**

---

**Tables**

Table 3.1, Preliminary Relocation Cost ..... 5  
Table 4.1, Summary of Residential and Business Occupants of Building One ..... 6  
Table 4.2, Current Occupants of Building One and Relocation Needs..... 7  
Table 5.1, Demonstration of Available Residential Live/Work Lofts for Sale in SOMA Area ..... 9  
Table 5.2, Demonstration of Available Residential Live/Work Lofts for Lease in SOMA Area..... 10  
Table 5.3, Demonstration of Available Commercial/Residential Lofts for Lease in SOMA Area ..... 10  
Table 5.4, Demonstration of Available Professional Office Space for Lease in SOMA Area ..... 11  
Table 6.1, Example of a Fixed Moving Payment Computation..... 23

**Appendixes**

Appendix A, Exhibit Map of State Parcels  
Appendix B, Privately Owned Properties Anticipated for Acquisition  
Appendix C, Sample Initial Contact Letter  
Appendix D, Relocation Appeals Board Guide  
Appendix E, Business Relocation Assistance Brochure  
Appendix F, Residential Relocation Assistance Brochure  
Appendix G, Public Notice, Availability of Draft Relocation Impact Study II  
Appendix H, Summary of Public Comments in Response to Draft Relocation Impact Study II

# TRANSBAY TRANSIT CENTER PROGRAM

## FINAL RELOCATION IMPACT STUDY II

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### 1.0 EXECUTIVE SUMMARY

The Transbay Program is a regional project to replace the outdated Transbay Terminal with a modern multimodal Transit Center that will serve nine transportation systems under one roof and anchor the Transbay Redevelopment Project Area. The Transbay Program is composed of three interconnected parts:

**Transit Center:** Replacing the outmoded and seismically unsafe Transbay Terminal at First and Mission streets with a new modern multimodal Transit Center; building a Temporary Terminal to house transit operations during construction of the new Transit Center.

**Caltrain Downtown Extension (DTX):** Extending Caltrain underground from its current terminus at Fourth and King streets into the Transit Center.

**Transbay Redevelopment Area:** Creating a new transit-friendly Transbay neighborhood with 2,600 new homes (35% of which will be affordable), offices, parks, and shops surrounding the Transit Center.

Similar to transit centers in major cities worldwide, the Transit Center will be a hub for multiple transportation modes and serve as a catalyst for vital transit-oriented development, creating vibrant pedestrian spaces around it. The Transit Center will improve bus and rail service to downtown and provide a seamless connection to regional rail and bus transit agencies, linking San Francisco to the rest of the Bay Area. The Transit Center will stimulate increased transit ridership, which in turn will reduce private vehicle usage, alleviate highway congestion, and help improve air quality in the region.

The Transbay Joint Powers Authority (TJPA) is a joint powers agency responsible for developing the transit portion of the Transbay Program. The TJPA and the City and County of San Francisco will acquire public and private property for the Transbay Program.

Acquiring property to build the Transbay Program will require the displacement of a small percentage of the population. The federal Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 and the California Relocation Act recognize the need to balance the right of public agencies to acquire property for public projects with the rights of the occupants of the acquired property to receive relocation assistance. The TJPA must comply with the policies and provisions set forth in these federal and state laws.

The purposes of this Final Relocation Impact Study II (Study II) are to (a) describe the transit portion of the Transbay Program, its schedule and financing plan; (b) identify the impact that the Transbay Program may have on the occupants of property required for construction of the Transbay Program; (c) identify the availability of potential replacement sites; and (d) explain the TJPA's Relocation Assistance Program.

## **2.0 THE TRANSBAY PROGRAM**

### **2.1 The Transbay Program and the TJPA**

The Transbay Program is a regional multimodal project that will serve nine transportation systems under one roof. It will be a hub for multiple transportation modes and serve as a catalyst for vital transit-oriented development, creating vibrant pedestrian spaces around it. It will improve bus and rail service to downtown and provide a seamless connection to regional rail and bus transit agencies, linking San Francisco and the rest of the Bay Area. The Transbay Program will stimulate increased transit ridership, which in turn will reduce private vehicle usage, alleviate highway congestion, and help improve air quality in the region.

The Transbay Program is composed of three interconnected parts:

**Transit Center:** Replacing the outdated Transbay Terminal at First and Mission streets and associated bus ramps with a new modern Transit Center and bus ramps. The Transit Center will include space for retail and entertainment establishments, restaurants and services, and community space for transit users, downtown office workers, and local residents of the surrounding Transbay neighborhood. A Temporary Terminal will be located about two blocks from the existing Terminal. The Temporary Terminal will house public transit agency operations until the new Transit Center opens for operations.

**Caltrain Downtown Extension (DTX):** Extending Caltrain underground 1.3 miles from its current terminus at Fourth and King streets into the lower level of the new Transit Center. In addition to commuter rail, the DTX will accommodate future high-speed trains.

**Transbay Redevelopment Area:** Creating a new Transbay neighborhood with 2,600 new homes (35% of which will be affordable), offices, parks, and shops surrounding the Transit Center. The Transbay Redevelopment Plan will transform a currently underutilized section of downtown San Francisco into a thriving transit-oriented neighborhood. The land to be developed consists of parking lots and irregular parcels of state-owned land previously occupied by structures that were demolished after the Loma Prieta earthquake. The new Transbay neighborhood will serve as a model for transit-oriented development by providing market-rate and affordable housing in a prime, pedestrian-friendly environment within walking distance of downtown employment and safe and efficient public transportation options.

The Transbay Program is environmentally cleared; the Final Environmental Impact Study/Environmental Impact Report (FEIS/EIR) was certified in April 2004, and has been amended from time to time.

The Transbay Joint Powers Authority (TJPA) is a joint powers agency, created under Government Code Sections 6500 et seq., responsible for developing the transit portion of the Transbay Program. The TJPA is made up of the City and County of San Francisco, the Peninsula Corridor Joint Powers Board (Caltrain), and the Alameda-Contra Costa Transit District (AC Transit).



## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

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### **2.2 Construction Phasing**

The transit portion of the Transbay Program—the Transit Center and DTX projects—will be developed in two phases.

Phase 1 includes design and construction of the Temporary Terminal, the above-grade Transit Center building, and the bus ramps and bus storage. Construction of the Temporary Terminal began in 2008. Demolition of the existing bus ramps and the existing Transbay Terminal is scheduled to begin in early 2010. Completion of the new Transit Center and bus ramps is expected in 2016.

Phase 2 includes construction of the DTX. Construction is scheduled to begin in 2012 and be completed for operations in 2018 or earlier if funding becomes available.

### **2.3 Financing**

The Transbay Program receives funding from federal, state, regional, and local sources. The TJPA will fund the capital costs of Phase 1 with grants, land sales proceeds, lease income from acquired right-of-way parcels, and other one-time revenue generating opportunities available in the near term. To supplement these sources of revenue, the TJPA has identified long-term revenue streams. Because these funds will not be received until the TJPA completes a portion of the Transbay Program, the TJPA has received a construction period loan from the federal government. Long-term revenue sources that will be used to repay the loan include tax increment funds from the state-owned parcels in the Transbay Redevelopment Project Area, and Passenger Facility Charges or other commitments from transit operators using the Transit Center. Phase 2 of the Transbay Program is not yet fully funded. More detailed descriptions of the Transbay Program financial plan can be viewed at the TJPA's website: [www.transbaycenter.org](http://www.transbaycenter.org).

### **2.4 Public and Private Property Acquisitions**

Much of Phase 1 of the Transbay Program will be developed on the footprint of the existing Transbay Terminal and other public parcels. In particular, the State of California Department of Transportation (Caltrans) will transfer certain public parcels to the City and County of San Francisco and the TJPA for development of the Transbay Program. Appendix A shows the public parcels that will be conveyed by Caltrans for the Transbay Program.

Some private properties will also be needed to allow for construction of the Transbay Program. Appendix B shows the privately owned properties that the TJPA has already acquired, as well as additional private properties that the TJPA plans to acquire.

Acquisition of public and private property for the Transbay Program will affect owner-occupant residents, tenant-occupant residents, business occupants, and investment property businesses. The TJPA has planned the development of the Transbay Program to minimize the number of properties that need to be acquired and the number of residents and businesses that would be displaced. The TJPA has phased development to minimize disruption to properties slated for acquisition.

### **3.0 THE RELOCATION IMPACT STUDY**

#### **3.1 Scope of the Study**

The Uniform Relocation Assistance and Real Property Acquisitions Policies Act (Uniform Relocation Act) and the California Relocation Act require the TJPA to prepare a Relocation Impact Study. The purposes of the study are to (a) describe the transit portion of the Transbay Program, its schedule and financing plan; (b) identify the impact that the Transbay Program may have on the occupants of property required for the Transbay Program; (c) identify the availability of potential replacement sites; and (d) explain the Relocation Assistance Program (Relocation Program).

In September 2007, the TJPA issued a Final Relocation Impact Study (Study I) that evaluated the impact of the TJPA's acquisition of certain properties for Phase 1 of the Transbay Program. In particular, Study I considered:

200 Main	272 Main	200 Folsom
80 Natoma	90 Natoma	77-79 Natoma
81-83 Natoma	75 Natoma	546 Howard
564 Howard	568 Howard	201 Second
215 Second	217 Second	60 Tehama
57 Tehama	State Parcels	

All of the properties evaluated in Study I are business locations; none are residential. The TJPA has been providing relocation assistance and benefits to displaced persons of these properties over the last two years.

This Final Relocation Impact Study II (Study II) considers the impact of the early acquisition of one building for Phase 2 of the Transbay Program. It does not re-address properties already described in Study I. The impacts of the additional property acquisitions required for Phase 2 will be evaluated as part of subsequent relocation impact studies to ensure that information on the eligible occupants and available resources is current.

#### **3.2 Preparing the Study**

To prepare Study II, the TJPA sent the owners and occupants of the affected property initial contact letters. The letters introduced the Transbay Program and invited the residential and business owners and occupants of the affected property to meet with the TJPA's relocation consultants, Associated Right of Way Services, Inc. (AR/WS). Relocation Advisors from AR/WS conducted voluntary, in-person interviews; additional interviews continue to be scheduled. While the TJPA has included information from those meetings in Study II, it does not disclose the identity of the residential households and businesses. Appendix C contains samples of the initial contact letters sent to property owners and occupants.

AR/WS and the TJPA analyzed the characteristics of each residential household and business to determine replacement housing and replacement site need, and the approximate cost of relocation. No attempt was made to verify the accuracy of the information disclosed in the interviews. The TJPA will verify this information to determine the eligibility of each residential household and business for relocation assistance prior to making relocation payments. AR/WS and the TJPA gathered additional

## TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II

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information for Study II from interviews with TJPA staff, appraisers, and persons who own property within the Transbay Program area.

### 3.3 Preliminary Relocation Cost Analysis

Relocation assistance payments for eligible residential occupants are based on the increased cost for comparable replacement housing, within limits set by law, and the actual and reasonable cost to move personal property from the affected site to the replacement site. Relocation assistance payments for eligible business occupants are based upon the actual and reasonable cost to move personal property from the affected site to the replacement site. In addition, the TJPA will provide assistance to allow the business to reestablish the business at a replacement site and to cover the costs to search for a replacement site, within limits set by law.

Table 3.1 shows the preliminary relocation cost for the building analyzed in Study II. This preliminary analysis is based upon the TJPA's understanding of the affected residents and business operations at the time of the writing of Study II. The cost to acquire real property and improvements pertaining to realty and the cost associated with loss of business goodwill are not included in this analysis. The actual payments made to eligible residential and business occupants will vary based upon personal property to be moved, the replacement site selected, and the project schedule.

**Table 3.1, Preliminary Relocation Cost**

	<b>Total Preliminary Cost Estimate</b>
Most Probable Relocation Payments	\$653,000
Anticipated High Estimate of Relocation Payments	\$1,117,000

The TJPA will not proceed with any phase of the Transbay Program until it has secured the funds to pay relocation assistance payments to eligible residential and business occupants. Funds will be sufficient to provide full relocation assistance in accordance with the TJPA's Relocation Program.

### 3.4 Public Participation

A draft of Study II was made available for public review and comment for at least 30 days. A public notice of availability was sent to affected residents and property owners and accompanied copies of the draft Study II that were available at the San Francisco Main Library, 100 Larkin Street in San Francisco; at TJPA's offices, 201 Mission Street, Suite 2100, San Francisco; and on the TJPA's website at [www.transbaycenter.org](http://www.transbaycenter.org) under Documents, Items for Public Comment. The public notice is shown in Appendix G. The TJPA provided a copy of the draft Study II to the Federal Transit Administration.

Comments were evaluated as part of the development of this Study II, which will be presented to the TJPA Board of Directors for approval at its public meeting on February 11, 2010. Appendix H contains a summary of the public comments received verbally during the review and comment period and the TJPA's responses to comments. Study II generally describes the occupants of property to be acquired by the TJPA who will potentially be displaced, discusses the availability of potential replacement sites, and explains the TJPA's Relocation Program.

#### **4.0 RELOCATION IMPACT**

Study II addresses the impact of acquiring one property for Phase 2 of the Transbay Program. This property was not evaluated in Study I. The residential/commercial building (Building One) includes a parking garage and one non-residential unit on the ground level, four units on the first floor, four units on the second floor, and a penthouse on the third floor. Of the ten units, nine units consist of one bedroom, one additional room that could be used as a den or office, and two full bathrooms. These units range from 1,130 square feet to 2,100 square feet; the penthouse is approximately 3,450 square feet, according to public records. These units contain the following features: 16-foot-high ceilings, floor-to-ceiling windows, radiant-in-floor heating/cooling, polished concrete floors, hardwood cabinetry, gourmet kitchens with stainless steel appliances, precast counters, a breakfast bar, washer/dryer, and private outdoor terrace in common area. One parking space is available per unit in the ground level garage. The tenth unit is a non-residential unit on the ground level and consists of approximately 316 square feet, according to public records. Table 4.1 summarizes the residential and business occupants of Building One.

**Table 4.1, Summary of Residential and Business Occupants of Building One**

	<b>Residential</b>	<b>Business</b>	<b>Other</b>
Owner-Occupants	2		
Tenant-Occupants	4	4	
Personal Property Only			2
Investment Property Owners		8	

The residential and business occupants of Building One may be eligible for relocation assistance. The owners of investment properties in Building One also may be eligible to receive assistance.

The TJPA anticipates that any eligible occupants will be provided with relocation assistance so that they could relocate to replacement sites in 2010. Table 4.2 describes the current occupants of Building One and their anticipated relocation needs.

**TRANSBAY TRANSIT CENTER PROGRAM  
FINAL RELOCATION IMPACT STUDY II**

**Table 4.2, Current Occupants of Building One and Relocation Needs**

<b>Occupant Description</b>	<b>Current Site Description</b>	<b>Identified Need</b>
Business Tenant 1	Occupant leases/rents 2,100 sf used as office space and employs 10-12 employees.	Similar site in SOMA near public transportation.
Residential & Business Tenant 2	Occupant leases 1,470 sf used as a residential and business unit. Lease expires soon.	Assumed this tenant would require a similar site.*
Residential Tenant 3	Occupant leases/rents 1,160 sf used as a residential living unit.	Assumed this tenant would require a similar site.*
Residential Tenant 4	Occupant leases 1,130 sf used as a residential living unit. Lease expires soon.	Similar site in SOMA.
Residential & Business Tenant 5	Occupant leases/rents 2,100 sf used as a residential and business unit.	Assumed this tenant would require a similar site.*
Residential Owner 6	Occupant owns the 1,470 sf unit used as a residential living unit; has found a replacement site.	Assumed this tenant would require a similar site.*
Residential Owner 7	Occupant owns the 1,160 sf unit used as a residential living unit.	Similar site on 2 <sup>nd</sup> Street.
Business Tenant 8	Occupant leases/rents the 1,130 sf unit. Use appears to be for business.	Assumed this tenant would require a similar site.*
Personal Property Only Tenant 9	Occupant leases/rents the 3,450 sf unit. Use appears to be event space for rent.	Assumed this tenant would require a similar site.*
Personal Property Only Tenant 10	Occupant leases/rents the 316 sf unit. Use appears to be event space for rent.	Assumed this tenant would require a similar site.*

\*No or limited information was provided by the occupant. Identified Need was assumed based upon current site characteristics.

**4.1 Impact to Residential Occupants**

There are six households that would be required to relocate if the TJPA were successful in acquiring the properties in Building One. Of the six households, two are owner-occupants and four are tenant-occupants. Two of the tenant-occupants are also business occupants.

**4.2 Overcrowded Conditions**

The TJPA has determined the following Housing Occupancy Standards pursuant to the San Francisco Housing Authority’s Housing Standards for Section 8 Tenant Based Assistance:

<b>Housing Occupancy Standards</b>	
<i>Housing Type</i>	<i>Maximum Number of Occupants</i>
Studio	2
One-Bedroom	4
Two-Bedroom	6
Three-Bedroom	8
Four-Bedroom	10

It is anticipated that overcrowding conditions do not exist in Building One; however, any households that need larger replacement housing units in order to meet these standards will be provided the necessary additional assistance to secure replacement housing that better accommodates the size of their households.

**4.3 Accessibility Needs**

It is assumed that most occupants of Building One do not have physical restrictions that require alternative access. If an occupant reveals that any special needs exist, the TJPA would provide any

## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

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additional advisory assistance that is needed to identify and secure housing that is fully accessible to the occupant.

### **4.4 Other Special Needs**

No other special needs are anticipated to relocate the occupants of Building One; however, the TJPA is committed to making the relocation process as smooth as possible and will provide additional assistance as needed.

### **4.5 Language**

It is assumed that most occupants of Building One speak English as their primary language; however, if language assistance is necessary, the TJPA will make every reasonable attempt to communicate with those households in the household's native language, to provide all informational material in the native language, and to provide the necessary additional advisory assistance to secure replacement housing.

### **4.6 Current Occupancy and Affordability**

The Medium Family Income in San Francisco is \$96,800. Federal regulations state that if a tenant-occupied household qualifies as "low-income" by the U.S. Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Program, then replacement housing costs should not exceed 30% of the household's monthly gross income. It is assumed that none of the tenant-occupants of Building One are low-income. If it is determined that a tenant-occupied household is in fact low-income pursuant to federal regulations, the TJPA may need to apply the Last Resort Housing Program so that rent for a comparable replacement site will not exceed 30% of the household's gross monthly income.

### **4.7 Transportation**

It is assumed that most occupants of Building One use public transportation; therefore, replacement housing should also be near public transportation.

### **4.8 Employment**

Many places of employment are within walking distance of Building One or easily accessible via public transportation. Every attempt will be made to identify replacement housing that will provide similar access to places of employment.

### **4.9 Impact to Business Occupants**

There are eight investment property owners in Building One that do not occupy the building, also referred to as "absentee landlords." There are four business occupants of Building One that would be required to relocate if the TJPA were successful in acquiring the private properties in Building One.

The businesses are assumed to consist of general office space. Some of these may be currently vacant and available for rent.

### **4.10 Impact to Personal Property Only**

There are two units in Building One that may consist of personal property only. For these units, the owner of the personal property would receive assistance in searching for replacement sites to store the personal property and for the cost to move the personal property.

**TRANSBAY TRANSIT CENTER PROGRAM  
FINAL RELOCATION IMPACT STUDY II**

**5.0 RELOCATION RESOURCES**

As presently planned, the Transbay Program would require that affected residential occupants and business owners relocate to replacement sites in 2010. Appendix C contains an example of an initial contact letter that the TJPA has sent to affected property owners and tenants.

The TJPA plans to assist each eligible residential occupant and business to successfully relocate in the community. Much effort has been made to identify sites in the South of Market (SOMA) area that would accommodate the displaced households and businesses. Additionally, the TJPA has investigated the potential that other public projects might compete for available replacement sites during the course of the Transbay Program. In discussions with Caltrans, the City and County of San Francisco, and the San Francisco Redevelopment Agency, the TJPA has learned that no planned public projects would significantly compete for resources in the SOMA area during the planned development of the Transbay Program.

**5.1 Residential Condominiums/Lofts**

Research conducted in fall of 2009 identified ten live/work lofts available for sale and twelve live/work lofts available for lease in the SOMA area. The information provided in tables 5.1 and 5.2 is representative of the properties that might be available at the time that the six affected residential households in Building One are searching for comparable replacement housing. It is anticipated that several more similar properties will become available for sale or lease during the course of the Transbay Program and that the residential households will have the opportunity to consider available sites over a six- to twelve-month period. Table 5.1 lists residential live/work lofts recently available for sale in the SOMA area. Table 5.2 lists properties in the same category recently available for lease.

**Table 5.1, Demonstration of Available Residential Live/Work Lofts for Sale in SOMA Area**

Location	Unit #	Square Footage	Beds/ Baths	Year Built	List Price	List Date
38 Lusk Street	1	1,359	1/2.0	1995	\$1,499,999	7/1/2009
650 Delancey Street	422	1,430	1/2.0	1996	\$1,049,000	8/5/2009
650 Delancey Street	213	1,400	2/2.0	1996	\$1,298,000	5/21/2009
650 Delancey Street	414	1,769	2/2.0	1996	\$1,225,000	6/22/2009
461 2nd Street	656	1,650	1/2.0	1992	\$1,195,000	8/13/2009
1 Bluxome Street	406	1,762	2/2.0	2003	\$1,249,999	7/8/2009
601 4th Street	3P	1,792	2/2.0	1991	\$1,498,000	9/21/2009
601 4th Street	319	1,965	2/2.0	1991	\$1,349,000	9/11/2009
712 Bryant Street	5	2,097	2/2.5	2001	\$1,039,000	9/17/2009
300 Beale Street	406	1,686	2/2.0	1937	\$1,375,000	9/2/2009

**TRANSBAY TRANSIT CENTER PROGRAM  
FINAL RELOCATION IMPACT STUDY II**

**Table 5.2, Demonstration of Available Residential Live/Work Lofts for Lease in SOMA Area**

Location	Unit #	Square Footage	Beds/Baths	Year Built	Asking Rent/Month
1233 Howard Street	3H	1,400	1/2.0	2000	\$3,300
695 5th Street	N/A	1,760	2/3.0	1999	\$3,495
767 Bryant Street	N/A	1,950	2/2.5	2002	\$3,500
650 Delancey Street	105	1,550	2+/2.0	1996	\$4,000
200 Brannan Street	242	1,522	2/2.0	2004	\$4,000
200 Brannan Street	430	1,961	2+/2.0	2004	\$5,300
300 Beale Street	613	1,700	2+/2.0	1937	\$5,400
461 Second Street	N/A	1,800	2/2.0	N/A	\$5,800
300 Beale Street	406	1,686	2+/2.0	1937	\$6,500
1233 Howard Street	714	3,300	1+/2.0	2000	\$5,500
461 2nd Street	N/A	1,900	2/2.0	Unknown	\$5,800
1233 Howard Street	C	2,002	1/2.0	2000	\$4,080

**5.2 Commercial/Residential Lofts**

As of October 2009, the TJPA has identified a minimum of four commercial/residential lofts available for lease in the SOMA area. Although these units allow residential use, they are more oriented toward commercial use. These sites are representative of the properties that might be available at the time the businesses would be seeking replacement sites. It is anticipated that additional properties will become available for lease during the course of the Transbay Program and that the affected businesses will have the opportunity to consider available sites over a six- to twelve-month period. Table 5.3 lists commercial/residential lofts recently available for lease in the SOMA area.

**Table 5.3, Demonstration of Available Commercial/Residential Lofts for Lease in SOMA Area**

Location	Square Footage	Asking Rent/Month	Comments
655 5th Street	1,500	\$3,450	Lower level separate street entrance with two desks, lounge area, full bath.
1235 Howard Street	2,500	\$4,280	Street front, perfect for live and art/office activities, fully powered and wired for high tech, ADA compliant.
1235 Howard Street	2,600	\$4,380	Ground floor storefront presence, perfect for small business, and/or live/work.
1233 Howard Street	3,500+	\$5,800	Three levels, office space, ideal for small tech start-up, consulting group, etc.

**5.3 Professional Office Space**

As of October 2009, the TJPA has identified a minimum of eight professional office spaces for lease in the SOMA area. These sites are representative of the properties that might be available at the time the businesses would be seeking replacement sites. It is anticipated that additional properties will become available for lease during the course of the Transbay Program and that the affected businesses will have the opportunity to consider available sites over a six- to twelve-month period. Table 5.4 lists professional office space recently available for lease in the SOMA area.



**TRANSBAY TRANSIT CENTER PROGRAM  
FINAL RELOCATION IMPACT STUDY II**

**Table 5.4, Demonstration of Available Professional Office Space for Lease in SOMA Area**

Location	Square Footage	Asking Rent/Month (per square foot)	Comments
550 15th Street	1,194	\$1.95	Excellent mix of modern and vintage aesthetics; receptionist, elevator, cafe and lobby. Vaulted ceilings, exposed brick, good sunlight.
715 Bryant Street	1,480	\$1.52	Ground floor w/entry from lobby, concrete floor, glass block, 14' exposed ceiling, kitchen, ADA bathroom.
116 Natoma Street	1,555	\$1.50	Turnkey built-out offices for rent; perfect for small office business, high tech company, or startup.
360 Langton Street	1,929	\$2.10	Industrial building converted by dotcom tenant to modern office; large windows on one side, private kitchen, modern restrooms.
145 Natoma Street	1,900	\$1.95	Full floor office space, conference room, private balcony. Ideal for software firm/creative user.
493 Third Street	2,125	\$2.07	Near South Park. Street entrance, former retail space, high foot/vehicle traffic.
149 Natoma Street	2,300	\$1.91	Historic firehouse. Five private offices plus open area, high ceilings, brick and wood trim, polished wood floors.
490 2nd Street	2,500	\$1.50	Two sides of windows, kitchen, reception, three-window line, two interior offices, conference room.

**6.0 RELOCATION PROGRAM**

This portion of Study II summarizes the TJPA’s Relocation Program. This summary has been provided for general information purposes only and should not be interpreted as law. Should this summary contain any information inconsistent with the laws governing relocation assistance, the laws will take precedence.

The TJPA’s Business Relocation Assistance and Residential Relocation Assistance brochures are contained in appendixes E and F, respectively.

**6.1 Important Terms**

**Alien Not Lawfully Present.** Under federal law, an alien not lawfully present in the United States is not eligible for relocation assistance. As defined by federal law, an alien not lawfully present in the United States includes (1) an alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the U.S. Attorney General; or (2) an alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Attorney General and who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States. (8 CFR Section 103.12).

**Business.** Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display or displays must be moved as a result of acquisition of property for the Transbay Program.

## TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II

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**Comparable Replacement Dwelling.** A dwelling that is of similar size and type to the acquired dwelling. A replacement dwelling must be:

- Decent, safe, and sanitary as described below.
- Functionally equivalent to the displacement dwelling. The term “functionally equivalent” means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
- In an area not subject to unreasonable adverse environmental conditions from either natural or manmade sources.
- Available to all persons regardless of race, color, religion, sex, marital status, or national origin.
- Within the financial means of the displaced person (housing costs do not exceed 30% of the household’s average monthly income, if the household is low-income based on the U.S. Department of Housing and Urban Development income limits), either by the displaced person’s own means or through assistance from the Relocation Program.

**Conditional Entitlement Letter.** A written notice provided by the TJPA to eligible residential owner- and tenant-occupants of real property, stating their entitlement to receive a Replacement Housing Payment upon completion of a Housing Valuation Study.

**Decent, Safe, & Sanitary.** In order to meet decent, safe, and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons. The TJPA has determined that this shall be interpreted as follows:

### Housing Occupancy Standards

<i>Housing Type</i>	<i>Maximum Number of Occupants</i>
Studio	2
One-Bedroom	4
Two-Bedroom	6
Three-Bedroom	8
Four-Bedroom	10

- Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.
- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

**Displaced Person.** Any lawful person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of the TJPA’s written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Transbay Program.

## TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II

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**Housing Valuation Study.** A study prepared by the TJPA, describing the maximum replacement housing payment available to eligible residential owner- and tenant-occupants based on comparable replacement dwellings.

**Nonprofit Organization.** A public or private entity that has established its nonprofit status under applicable federal or state law.

**Notice of Eligibility.** A written notice provided by the TJPA to owner- and tenant-occupants of real property at the time the TJPA makes an offer to the property owner to purchase the property, describing the types of assistance available to the occupants.

**Notice to Vacate.** A written notice provided by the TJPA to occupants of real property that the TJPA plans to acquire or has acquired, informing the occupants that they must move from the property within 90 days.

**Personal Property.** Property that can be moved from real property without damaging the real property or the property moved, including furniture, fixtures and equipment and other movable objects.

**Small Business.** A business having not more than 500 employees working at a site which is the location of economic activity and which will be acquired or is displaced by the Transbay Program. A site occupied solely by outdoor advertising signs, displays, or devices is not a “small business” for purposes of the reestablishment expense benefit of the Uniform Relocation Act and its implementing regulations.

**Transbay Joint Powers Authority.** The Transbay Joint Powers Authority (TJPA) is a joint powers agency, created under California Government Code Sections 6500 et seq., responsible for developing the transit portion of the Transbay Program. The TJPA and the City and County of San Francisco will acquire property for the Transbay Program. The TJPA has contracted with Associated Right of Way Services, Inc. (AR/WS) to administer its Relocation Program.

**Transbay Program.** A transportation and housing project that consists of three interconnected elements: (1) replacing the outmoded and seismically unsafe Transbay Terminal with a new multimodal Transbay Transit Center; (2) extending Caltrain 1.3 miles from Fourth and King streets into the Transit Center at First and Mission streets; and (3) creating a new transit-friendly neighborhood with 2,600 new homes (35% of which will be affordable), and mixed use commercial development.

**Unlawful Occupant.** A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant’s tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

### 6.2 Eligibility for Relocation Assistance and Timing of Move

To be eligible for relocation assistance, a displaced person must be lawfully occupying the property to be acquired by the TJPA at the time the TJPA makes a written offer to the property owner to purchase the property. Owner- and tenant-occupants of properties that the TJPA offers to purchase

## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

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will be notified of the TJPA's offer by way of a Notice of Eligibility, which the TJPA will send to tenants or occupants at the time it initiates negotiations with a property owner. In addition, under federal law, any person who is an alien not lawfully present in the United States is not eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child.

Eligible displaced persons will not be required to move until at least 90 days after receiving a formal, written Notice to Vacate a property. No eligible displaced person will be required to move until the TJPA has notified the displaced person of at least three replacement sites for residential occupants and at least one replacement site for businesses or nonprofit organizations to which the displaced person could be relocated.

In addition, residential occupants eligible to receive Replacement Housing Payments will not be required to move prior to receiving a Conditional Entitlement Letter. The TJPA will send a Conditional Entitlement Letter to eligible residential occupants upon completion of a Housing Valuation Study, which determines the maximum replacement housing payment based on comparable replacement housing.

Please note that the TJPA will make every effort to assist each displaced person in finding reasonably comparable replacement sites. However, for businesses or nonprofit organizations, federal and state laws do not require the TJPA to guarantee that the business owner will find a replacement site that it finds to be acceptable. Displaced persons ultimately choose their preferred replacement site.

Although an eligible displaced person is not required to move until 90 days after receiving a Notice to Vacate, a displaced person is eligible to receive relocation assistance upon receiving a Notice of Eligibility from the TJPA. If displaced persons choose to relocate at any time after receiving a Notice of Eligibility, they would be eligible to receive relocation assistance in accordance with the TJPA's Relocation Program. If displaced persons move before receiving a written Notice of Eligibility, however, they would not be eligible for, or provided with, relocation assistance.

Although the TJPA may provide notice to displaced persons that they are eligible to receive relocation assistance from the TJPA, displaced persons to continue to have the same rights and responsibilities they otherwise would have under any lease or other agreement related to the property; the TJPA's Notice of Eligibility does not waive those rights and obligations.

### **6.3 Relocation Advisory Assistance**

The TJPA's Relocation Program provides relocation advisory assistance. The TJPA's Relocation Advisors, AR/WS, specialize in providing relocation assistance and will administer the TJPA's Relocation Program. Each displaced person will be assigned a Relocation Advisor from AR/WS.

#### **6.3.1 Services**

The Relocation Advisor will guide each displaced person through the relocation process. The Relocation Advisor will help to locate a decent, safe, and sanitary replacement dwelling for residential occupants and a suitable replacement property for business or nonprofit organizations. It is the Relocation Advisor's goal and desire to be of service and to assist each displaced person in any way possible to help the displaced person to successfully relocate. The Relocation Advisor is available to help and to advise the displaced person; therefore, each displaced person should make full use of the available services.

## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

---

Individuals with disabilities will be provided the assistance needed to understand their rights under the TJPA's Relocation Program and assistance to locate and move to a replacement site. A displaced person should notify a Relocation Advisor if additional assistance to understand the displaced persons' rights or to secure a replacement site is needed.

### **6.3.2 Understanding the Relocation Program**

During the initial contact meeting, a Relocation Advisor will explain the TJPA's Relocation Program. The advisor will interview the displaced person to understand the household characteristics and replacement housing needs, or the business's current operation, facility, and operating costs. The Advisor will also ask displaced persons to describe the type of replacement site they are interested in finding. The Advisor will explain the assistance and payments that the displaced person may claim in accordance with the displaced person's eligibility. It is important that displaced persons explain any anticipated relocation concerns to their Relocation Advisor. During the initial interview, a Relocation Advisor will ask many questions to determine specific relocation needs.

After the initial interview, the Relocation Advisor will deliver written information regarding the displaced person's eligibility and rights, and forward information on available replacement sites as it becomes available. The Relocation Advisor will provide information regarding available replacement properties, maps of replacement properties, and transportation, as needed, to inspect replacement properties, especially if the displaced person is elderly or disabled. Displaced persons are free to use the services of their own real estate agents or brokers.

### **6.3.3 Planning and Preparing to Relocate**

A Relocation Advisor will continue to work with each displaced person to help plan the relocation to a replacement site. In particular, a Relocation Advisor will explain which costs are compensable under the TJPA's Relocation Program and which costs are not, and assist the displaced person with properly filing and documenting claims for reimbursement of relocation expenses.

A Relocation Advisor will also provide information and assistance to minimize hardships in adjusting to the new location, such as assistance completing rental applications or loan documents; information on typical down payments; information on real property taxes; information on any permits, fees and local planning regulations applicable to the replacement site; information on services provided by others in the community, as well as federal, state, and local programs offering assistance to displaced persons; and consumer education literature. A Relocation Advisor will also help to determine any special need for an outside specialist to help a displaced person plan for the move and if applicable, the reinstallation of personal property. A Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help a displaced person through any special concerns related to the relocation.

In addition, a representative of the TJPA will work with each business owner and the owner of the real property (if the business is a tenant) to identify and to resolve any issues regarding what is "real estate" and what is "personal property" that can be relocated. Each business owner may be asked to provide a copy of the business owner's lease agreement (if applicable) to help to determine the ownership of the furniture, fixtures, and equipment.

The TJPA's goal is for each displaced person to achieve a successful relocation in the community. It is important that each business owner do everything a prudent business owner would do to maintain the business. All displaced persons should work closely with their Relocation Advisor to evaluate and prepare for the move and search leads to available replacement sites.

**TRANSBAY TRANSIT CENTER PROGRAM  
FINAL RELOCATION IMPACT STUDY II**

**6.4 Relocation Expenses for Residential Displaced Persons**

**6.4.1 Actual Moving Expenses**

An eligible displaced person may be reimbursed for the actual, reasonable, and necessary cost of the household’s move to a replacement home.

Actual, reasonable, and necessary moving expenses may include the following:

- Transportation of the displaced household up to 50 miles.
- Packing, moving and unpacking household goods.
- Disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable TV).
- Storage of household goods, as may be necessary.
- Insurance for the replacement value of your property during the move and necessary storage.
- The replacement value of property lost, stolen, or damaged in the move (but not through neglect) if insurance is not reasonably available.

Eligible displaced persons may choose from among the following reimbursement options:

**Payment for Actual Reasonable Moving and Related Expenses.** Payment is made to reimburse actual moving expenses based on the *lower* of at least two acceptable moving bids from qualified professional moving carriers. Compensable costs include all reasonable costs to pack, move, and unpack all personal property. A direct payment can be made to the professional moving carrier under this option and will allow reimbursement to the displaced person for any one-time utility reconnection fees, such as phone, gas, electricity, and cable.

**A Fixed Moving Payment.** Displaced persons may choose to move their own personal property to the replacement site and to submit a claim based on the moving expense and dislocation allowance schedule published by the Code of Federal Regulations shown below.

Occupant Owns Furniture									Occupant does not own furniture		
Number of Rooms of Furniture									Addt'l room	1 room/ no furn.	Addt'l room no furn.
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms				
\$625	\$800	\$1,000	\$1,175	\$1,425	\$1,650	\$1,900	\$2,150	\$225	\$400	\$65	

**A combination of both.** A displaced person can be reimbursed using a combination of the two reimbursement options, depending upon specific circumstances.

## TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II

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### 6.4.2 Replacement Housing Payments for Owner-Occupants

A Replacement Housing Payment may be provided to eligible owner-occupants to help them purchase a comparable replacement dwelling. To be eligible to receive a Replacement Housing Payment, owner-occupants must demonstrate that (1) they have lived in the property as legal residents for at least 180 consecutive days prior to the TJPA's initial written offer to purchase the property; and (2) the property was their primary residence for that 180-day period (Eligible Owner-Occupants). Federal law limits the maximum Replacement Housing Payment to Eligible Owner-Occupants to \$22,500 per property.

The Replacement Housing Payment to Eligible Owner-Occupants is equal to the sum of the following three costs:

**Purchase Price Differential.** If the cost of replacement housing exceeds the amount the TJPA pays the owners to acquire the existing home, Eligible Owner-Occupants may be eligible for a payment to cover the actual difference. If the cost of replacement housing is less than the purchase price for the existing home, no Replacement Housing Payment is available. The TJPA will determine the cost of replacement housing based on a Housing Valuation Study. The TJPA will inform Eligible Owner-Occupants in writing of the location and cost of comparable replacement housing (Conditional Entitlement Letter) and explain the basis of its determination so that Eligible Owner-Occupants will know in advance how much assistance they may receive. That information should help Eligible Owner-Occupants decide how much they wish to pay for replacement housing.

**Mortgage Interest Differential.** If the "present value" cost to finance the purchase of a replacement dwelling is higher than the actual costs to the owners to finance the TJPA-acquired home, Eligible Owner-Occupants may be eligible for a payment to cover the actual difference. The Mortgage Interest Differential covers higher interest rates on the mortgage for the replacement housing, as well as other debt service costs. The payment is based on the lesser of (a) the mortgage balance on the present home or (b) the new mortgage amount.

In addition to the eligibility criteria described above, for an owner-occupant to be eligible to receive a Mortgage Interest Differential payment, the mortgage on the TJPA-acquired home must have been a valid lien for at least 180 days before the TJPA's initial written purchase offer for the home.

Eligible Owner-Occupants should provide the TJPA with a copy of the present mortgage(s) on the home to be acquired by the TJPA as soon as possible. Based on that information and the prevailing terms and conditions of new mortgage financing, the TJPA will determine owner-occupants' eligibility for the Mortgage Interest Differential payment, compute the approximate Mortgage Interest Differential payment, inform Eligible Owner-Occupants of that amount, and explain the conditions on which it is based. The Mortgage Interest Differential payment will be made available with any Purchase Price Differential payment in a timely manner to reduce the amount the Eligible Owner-Occupants must borrow to buy the replacement dwelling.

**Incidental Expenses.** Eligible Owner-Occupants may be eligible to receive a payment for the costs typically charged when one buys real property, such as the cost of preparing the deed and recording fees; the cost of title insurance, revenue stamps, and transfer taxes (not to exceed the cost for comparable replacement housing); loan application, loan origination and appraisal fees; the cost of a credit report; and for other costs such as certification of structural soundness, home inspection, and termite inspection. It does not cover prepaid expenses, such as property taxes and insurance.

## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

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The total potential Replacement Housing Payment to Eligible Owner-Occupants is the sum of the Purchase Price Differential, Mortgage Interest Differential, and Incidental Expenses payments. But federal law provides that the maximum Replacement Housing Payment that Eligible Owner-Occupants can receive is \$22,500. If the total entitlement to Replacement Housing Payments (without the moving payments) is in excess of \$22,500, the Last Resort Housing Program will be used.

To claim the Replacement Housing Payment, Eligible Owner-Occupants must purchase and occupy a decent, safe, and sanitary replacement dwelling within 1 year after the later of (1) the date they move from the TJPA-acquired property or (2) the date they receive the final payment from the TJPA for the acquisition of the present home. However, the TJPA may extend this period for good cause.

### **6.4.3 Replacement Housing Payments for Tenant-Occupants**

A Replacement Housing Payment may be provided to eligible tenant-occupants to help them rent or buy a comparable replacement dwelling. To qualify for the Replacement Housing Payment, the tenant-occupants must demonstrate that (1) they have lived in the property as legal residents for at least 90 consecutive days prior to the TJPA's initial written offer to purchase the property; and (2) the property was their primary residence for that 90-day period (Eligible Tenant-Occupants). Federal law limits the maximum Replacement Housing Payment to Eligible Tenant-Occupants to a 42-month period, and caps the payment at \$5,250 per property.

The Replacement Housing Payment to Eligible Tenant-Occupants is computed in the following manner:

The Replacement Housing Payment for one month is determined by subtracting the base monthly rent for the present home from the cost of rent and utilities for the actual or comparable replacement dwelling, whichever is less. The TJPA will determine the cost of replacement housing based on a Housing Valuation Study. If the actual or comparable replacement housing cost is greater than the base monthly rent, that difference is multiplied by 42 months to determine the total maximum Replacement Housing Payment amount. If the actual or comparable replacement housing cost is less than the existing housing cost, no Replacement Housing Payment is available.

Generally, the "base monthly rent" for the present home is the *lesser* of (a) the monthly rent and average monthly cost for utilities during the three months immediately prior to vacation, or (b) 30% of the average monthly gross household income, if the household is low-income based on U.S. Department of Housing and Urban Development income limits. The TJPA will inform Eligible Tenant-Occupants in writing of the location and cost of comparable replacement housing (Conditional Entitlement Letter), and explain the basis of its determination so that Eligible Tenant-Occupants will know in advance how much assistance they may receive. That information should help Eligible Tenant-Occupants decide how much they wish to pay for replacement housing.

Eligible Tenant-Occupants are free to rent any decent, safe and sanitary housing unit of their choice. The Replacement Housing Payment may be paid directly to the tenant or an authorized designee. The TJPA will provide the assistance in monthly installments or other periodic payments.

Federal law provides that the maximum Replacement Housing Payment that Eligible Tenant-Occupants can receive is \$5,250 per property acquired by the TJPA (not per tenant). If the total rent differential (without the moving payments) is in excess of \$5,250, the Last Resort Housing Program will be used.



## TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II

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To claim the Replacement Housing Payment, Eligible Tenant-Occupants must rent and occupy a decent, safe, and sanitary replacement dwelling within 12 months after moving from the property acquired by the TJPA. However, the TJPA may extend this period for good cause.

**Purchasing a Replacement Dwelling.** If Eligible Tenant-Occupants choose to buy (rather than rent) a replacement dwelling, the Replacement Housing Payment based on the rent differential could be applied toward a down payment and incidental expenses to purchase a decent, safe, and sanitary replacement dwelling within 1 year of the date the household moves from the property acquired by the TJPA. The Replacement Housing Payment shall not exceed the maximum rent differential (as previously described) or the amount of a reasonable down payment for a comparable replacement dwelling plus expenses incidental to the purchase, whichever is less.

### 6.4.4 Last Resort Housing Program

Whenever a program or project cannot proceed in a timely manner because comparable replacement dwellings are not available within the maximum Replacement Housing Payment of \$22,500 for Eligible Owner-Occupants or \$5,250 for Eligible Tenant-Occupants, the TJPA is required to provide additional or alternative assistance under the provisions of 49 CFR 24.404 (Last Resort Housing). Any determination that the TJPA makes to provide Last Resort Housing assistance must be adequately justified as follows:

On a case-by-case basis, for good cause, which means that appropriate consideration has been given to the following:

- a. Availability of comparable replacement housing in the project area.
- b. Resources available to provide comparable replacement housing.
- c. Individual circumstances of the displaced person.

Or, by determination of the following:

- a. Little, if any, comparable replacement housing is available to displaced persons within the entire project area; therefore, Last Resort Housing assistance is necessary for the area as a whole.
- b. A project cannot be advanced to completion in a timely manner without Last Resort Housing assistance.
- c. The method selected for providing Last Resort Housing assistance is cost effective, considering all elements that contribute to total project costs.

Last Resort Housing is a program that allows for the implementation of certain regulations to ensure that comparable replacement housing is within the financial means of the displaced person. Several methods to provide Last Resort Housing assistance to qualified displaced persons are available:

- a. Provide supplemental funds in excess of the \$22,500 and \$5,250 limits to allow eligible occupants to purchase or rent a comparable replacement dwelling. The actual amount of assistance is determined through a Housing Valuation Study.
- b. Rehabilitate or create additions to make a replacement dwelling meet DS&S standards.
- c. Construct new replacement housing, rehabilitate existing housing, or provide funds for private parties to rehabilitate existing units for occupancy by displaced households. For tenants, rents would be restricted to an amount per month not to exceed 30% of household's gross monthly income, if the household is low-income based on HUD income limits, for a period of 42 months.

## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

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- d. Provide a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.
- e. Relocate and rehabilitate a dwelling.
- f. Purchase land and/or a replacement dwelling and subsequently sell or lease the land to or exchange the land with the displaced person.
- g. Remove barriers for persons with disabilities.

All households who are eligible to receive assistance under the Last Resort Housing Program will be notified in writing.

### **6.5 Relocation Expenses for Business and Nonprofit Organization Displaced Persons**

An eligible business or nonprofit organization may request reimbursement of actual, reasonable, and necessary moving costs and related expenses. Under certain circumstances, an eligible business or nonprofit organization may request a fixed payment in lieu of (i.e., in place of) actual moving and related expenses. In addition, certain small businesses and nonprofit organizations may be eligible for reimbursement of actual, reasonable and necessary reestablishment expenses. Related expenses, such as personal property losses and expenses in finding a replacement site, may also be reimbursable.

A business owner must provide a Relocation Advisor with an inventory of the personal property to be moved and advance notice of the approximate date of the move. The Relocation Advisor will need to inspect the personal property at the displacement and replacement sites, and to monitor the move in order to assess the business's eligibility for reimbursement of certain moving expenses.

### **6.6 Actual Moving Expenses**

An eligible business may be reimbursed for the actual, reasonable, and necessary cost of the business's or organization's move when the move is performed by a professional or commercial mover or when the business owner elects to self-move. Any moving expenses for which a business is seeking reimbursement must be supported by paid receipts or other evidence of expenses incurred.

Actual, reasonable and necessary moving expenses may include the following:

- Transportation of personal property up to 50 miles from the site from which the business or nonprofit organization was displaced, except where relocation beyond 50 miles is justified.
- Packing, crating, unpacking, and uncrating personal property.
- Storage of personal property for a period up to 12 months, as determined by the TJPA to be necessary in connection with relocation.
- Insurance for the replacement value of personal property lost, stolen, or damaged while in storage or transit.
- Replacement value of property lost, stolen, or damaged (but not through neglect) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available.
- Disconnecting, dismantling, removing, reassembling, and reinstalling personal property, such as machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building.
- Modifications to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt the personal property to the replacement structure, replacement site, or the utilities at the replacement site, and modification necessary to adapt the utilities at the replacement site to the personal property.

## TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II

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- Any required license, permit, fee, or certification, as necessary, for the reestablishment of the business or organization at a new location. However, payment shall take into account the remaining useful life of any existing license, permit, or certification.
- Professional services (including, but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installing relocated personal property at the replacement site.
- Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing, and marketing studies.
- Relettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move.
- Impact fees or one-time assessments for anticipated heavy utility usage.

The TJPA will reimburse businesses for moving expenses related to the cost to move personal property from the acquired site to the replacement site. All costs must be actual, reasonable, and necessary to allow the business to reestablish itself at the replacement location.

This is not an inclusive list of moving-related expenses. A Relocation Advisor will provide each business owner with a complete explanation of potentially reimbursable expenses. This list also is not a guarantee of reimbursable moving expenses. Each business owner should work closely with the assigned Relocation Advisor in advance of incurring any costs related to relocation to determine which expenses are likely to be eligible for reimbursement. The TJPA will exercise its discretion to decide which expenses relating to the business's or organization's move are eligible for reimbursement.

**Commercial/Professional Move.** A business owner may elect to hire professional or commercial movers to move personal property. The TJPA may reimburse the business owner for the cost, based on the lower of two bids or estimates.

**Self-Move.** If a business owner agrees to take full responsibility for all or part of the move of the operation, rather than hiring a professional or commercial mover, the TJPA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms, or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at the TJPA's discretion. The advantage of this moving option is that it relieves the business owner from documenting and seeking reimbursement for actual moving expenses because the payment is made up front based on the amount of the lowest acceptable bid or estimate.

Before a business performs a self-move, the following must be provided to a Relocation Advisor: (a) two acceptable bids or estimates from moving professionals; (b) a certified inventory of all personal property to be moved; (c) the date the business intends to move; (d) the address of the replacement property; and (e) the opportunity to monitor and inspect the move.

**Direct Loss of Tangible Personal Property.** Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment may be based on the lesser of (a) the value of the item for continued use at the displacement site less the proceeds from its sale, or (b) the estimated reasonable cost of moving the item. A Relocation Advisor will explain this procedure in detail if this is a consideration.

## TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II

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**Substitute Personal Property.** Where an item of personal property which is used in connection with an operation is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (a) the replacement cost, minus any net proceeds from its sale, or (b) the estimated cost of moving the original item.

**Low Value High Bulk Property.** If the TJPA considers a personal property item to be of low value and high bulk (such as minerals, metals, rock, or topsoil), and moving costs are disproportionate to its value, the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or the replacement cost of a comparable quantity delivered to the new business location.

### 6.6.1 Searching Expenses for Replacement Property

Displaced businesses are entitled to reimbursement for actual, reasonable, and necessary expenses incurred in searching for a replacement property, not to exceed \$2,500. Such expenses may include transportation, meals and lodging when away from home, the reasonable value of the time spent during the search, fees paid to real estate agents or brokers to locate a replacement site, the reasonable value of time obtaining permits and attending zoning hearings, and the reasonable value of time spent negotiating the purchase of a replacement site.

Commission and fees related to the purchase of a replacement site are not eligible relocation expenses and will not be reimbursed.

### 6.6.2 Actual Reestablishment Expenses

A small business, as defined in section 5.1, or nonprofit organization may be eligible for reimbursement, not to exceed \$10,000, for actual, reasonable, and necessary expenses incurred in relocating and reestablishing the operation at a replacement site.

Reestablishment expenses may include, but are not limited to, the following:

- Repairs or improvements to the replacement real property required by federal, state, or local laws, codes or ordinances.
- Modifications to the replacement real property to accommodate the operation or to make the replacement structures suitable for the operation.
- Construction and installation costs of exterior signs to advertise the operation.
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as painting, wallpapering, paneling, or carpeting.
- Advertisement of the replacement location.
- Estimated increased costs of operation at the replacement site during the first two years for items such as lease or rental charges, personal or real property taxes, insurance premiums, or utility charges (excluding impact fees).

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable and necessary, or otherwise not eligible for reimbursement.

- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the operation.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home that does not contribute materially to the household income.

## TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II

### 6.6.3 Fixed Payment for Moving Expenses (In Lieu Payment)

Displaced businesses and nonprofit organizations may be eligible for a fixed payment in lieu of actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 or more than \$20,000. A business or nonprofit organization that is determined to be eligible for a fixed payment will be paid after it moves from the property that the TJPA is acquiring and submits a claim for payment.

For a business to be eligible for a fixed payment, it must meet the following criteria, as determined by the TJPA.

- The business owns or rents personal property that must be moved due to the displacement.
- The business cannot be relocated without a substantial loss of its existing patronage (e.g., clientele or net earnings).
- The business is not part of a commercial enterprise having more than three other entities engaged in the same or similar business activity which are under the same ownership and are not being displaced by the TJPA.
- The business is not operated at a displacement site solely for the purpose of renting such site to others.
- The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

In order to establish eligibility for the fixed payment option, a business must, before its move (a) complete a Request for Determination of Entitlement form, which is available from a Relocation Advisor, (b) provide a written statement of the reasons the operation cannot be relocated without a substantial loss of existing patronage, and (c) provide documentation supporting claimed net earnings for the two previous tax years.

Fixed payment eligibility requirements and payment computation for nonprofit organizations are slightly different than business requirements. The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two-year period specified.

**Computation of the Fixed Payment.** The fixed payment for a displaced business is based on the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which the business is displaced, or a two-year period deemed more representative by the TJPA. The average annual net earnings of a business are one-half of its net earnings for the two-year period before federal, state and local income taxes. A business must provide the TJPA with proof of net earnings to support a request for a fixed payment. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the TJPA. Table 6.1 shows an example of a fixed moving payment computation.

**Table 6.1, Example of a Fixed Moving Payment Computation**

Year Displaced	Annual Net Earnings (prior two years)	Fixed Payment
2006	\$16,500 (2004) \$18,500 (2005)	\$17,500 $(\$16,500 + \$18,500 = \$35,000/2 = \$17,500)$

## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

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### **6.7 Other Important Information**

#### **6.7.1 Relocation Site Office**

Federal and state relocation regulations encourage the development of a relocation site office to ensure that affected occupants have regular and convenient access to their Relocation Advisor throughout the project. The TJPA has required the Relocation Advisors for the Transbay Program to be available to meet with affected residential occupants and business owners at their homes or places of business as needed, and therefore no separate site office or site office hours are required. If residential occupants or business owners prefer not to meet at their homes or places of business, a meeting room will be available at the TJPA offices located within the project area at the following address:

TJPA  
201 Mission Street, Suite 2100  
San Francisco, California 94105  
(415) 597-4620

Relocation Advisors can be reached at the following address and phone numbers:

Associated Right of Way Services, Inc.  
2300 Contra Costa Boulevard, Suite 525  
Pleasant Hill, California 94523  
(800) 558-5151 toll free; (925) 691-8500 direct line  
(925) 691-6505 fax

#### **6.7.2 Filing Claims**

Relocation expenses typically will be reimbursed after displaced persons submit to the Relocation Advisor a signed claim and all required documentation supporting the claim. Claims may be submitted as costs are incurred; displaced persons do not have to wait until their relocation is complete to submit claims for reimbursement.

For tenants of property acquired by the TJPA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with the TJPA within 18 months after the displaced person vacates the property. For owners of property acquired by the TJPA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with the TJPA within 18 months of the later of (a) the date the property is vacated or (b) the date that the owner receives final payment from the TJPA for acquisition of the property. A Relocation Advisor will work with each displaced person to properly document claims for reimbursement. The Relocation Advisor will submit each complete claim to the TJPA for review and processing. The TJPA will make every effort to provide reimbursement for any approved, eligible portion of that claim within approximately 45 days after approval of the claim.

If it is a hardship for a displaced person to pay for relocation costs and to wait for reimbursement of those costs by the TJPA, the displaced person may petition for hardship assistance. If the TJPA approves the petition for hardship assistance, it will attempt to advance certain funds for the relocation based on fully documented requests. It is important that each displaced person work closely with a Relocation Advisor if the displaced person intends to file for hardship assistance. Such a petition should be made approximately 8 weeks before payment is required.

## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

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If the TJPA denies all or a part of a claim for reimbursement, or if the TJPA refuses to consider a claim, the TJPA shall promptly notify the displaced person in writing of its determination, the basis for its determination, and the procedures for appealing the determination.

### **6.7.3 Right to Appeal**

Any aggrieved displaced person may file a written appeal with the San Francisco Relocation Appeals Board if the displaced person believes that the TJPA has failed to properly determine its eligibility for relocation assistance services, or the amount of a relocation payment.

The displaced person will be given a prompt and full opportunity to be heard by the Relocation Appeals Board. The displaced person has the right to be represented by legal counsel or another representative in connection with any appeal (but solely at the displaced person's expense).

The Relocation Appeals Board will consider all pertinent justifications and materials submitted to the TJPA, and any other available information needed to ensure a fair review of the appeal. The Relocation Appeals Board will provide the displaced person with a written determination of the appeal with an explanation of the basis for its decision. If still dissatisfied, the displaced person may seek judicial review of the decision.

The City and County of San Francisco's Relocation Appeals Board Guide is contained in Appendix D.

### **6.7.4 Relocation Payments Are Not Considered Income**

No relocation reimbursement received by a displaced person will be considered as income for the purpose of the Internal Revenue Code, or for determining the eligibility of a person for assistance under the Social Security Act, or any other federal law, except for any federal law providing low-income housing assistance.

Payments made by the TJPA to a third party can be considered to be a taxable event. As a result, third-party payments may be subject to an IRS Form 1099 from the TJPA.

### **6.7.5 Business Goodwill**

If a property is acquired through condemnation, business owners may be eligible to make a claim for loss of goodwill. Such a claim would be separate from any claim for relocation assistance benefits and would not be provided as part of the TJPA's Relocation Program. Business owners should contact the TJPA's real estate program representative for more information regarding business goodwill.

### **6.7.6 Nondiscrimination**

Under Title VII of the federal Civil Rights Act of 1968, discrimination based on race, color, religion, sex, or national origin in the purchase and rental of most residential units is illegal. The TJPA's Nondiscrimination Policy ensures that all services and benefits will be administered to the general public without regard to race, religious creed, color, medical condition, sex, sexual orientation, gender identity, marital status, parental status, domestic partner status, age, national origin, ancestry, disability, veteran status, or any other basis protected by law.

## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

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### **6.7.7 General Information**

This summary of the TJPA's Relocation Program has been provided as a courtesy by the TJPA. It is intended to provide general information concerning the TJPA's Relocation Program, and to assist displaced persons in understanding their rights and benefits. Questions regarding the TJPA's Relocation Program should be directed to a Relocation Advisor.

Further details regarding federal and state relocation assistance and benefits are set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. Sections 4601 et seq., and its implementing regulations, 49 CFR Part 24; the California Relocation Act, Govt. Code Sections 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Sections 6000 et seq.; and the Federal Highway Administration, website: [www.fhwa.dot.gov/realestate](http://www.fhwa.dot.gov/realestate).

### **6.7.8 Project Assurances**

The TJPA is committed to providing relocation assistance to all eligible occupants in the Transbay Program area who are required to relocate as a result of the Program. The TJPA is committed to following federal and state laws as they pertain to the acquisition of property for public projects. The TJPA will not proceed with any phase of the Program or other activity that will result in the displacement of any person, business, or farm until it makes the following determinations.

- Fair and reasonable relocation payments will be provided to eligible persons in accordance with federal and state laws and guidelines.
- The TJPA has established a Relocation Program offering the services described in applicable federal and state law and guidelines.
- Eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures.
- Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
- If the Final Relocation Impact Study II is approved by the Board of Directors of the TJPA, the TJPA attests to its commitment to have funds available to provide relocation assistance in accordance with the TJPA's Relocation Program identified herein prior to proceeding with the relocation of an occupant.
- Study II meets the requirements of the California Code of Regulations, Title 25, Chapter 6. Study II will attempt to determine the extent of the need of each eligible person for relocation assistance.
- The TJPA will contract with qualified Relocation Advisors for the following services:
  - Provide current and continuing information on the availability, prices, and rentals of comparable residential and commercial properties and locations.
  - Assist each eligible displaced person to complete applications for payments and benefits.
  - Assist each eligible displaced person in obtaining and becoming established in a suitable replacement location.
  - Provide any services required to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state or federal anti-discrimination laws, or any other arbitrary circumstances.
  - Supply to such eligible persons information concerning programs administered by the Small Business Administration, and other federal or state programs, offering assistance to displaced persons.



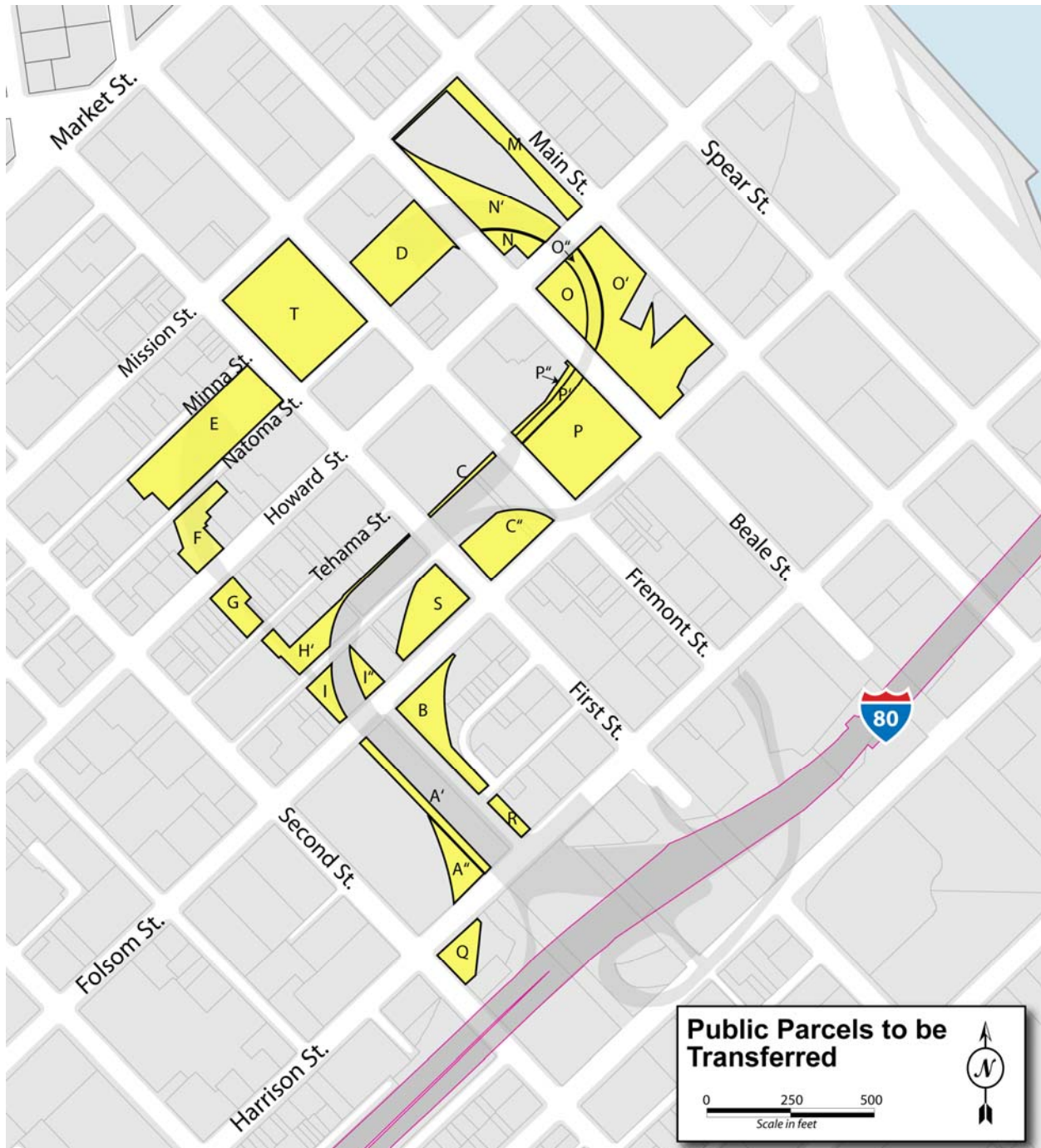
## **TRANSBAY TRANSIT CENTER PROGRAM FINAL RELOCATION IMPACT STUDY II**

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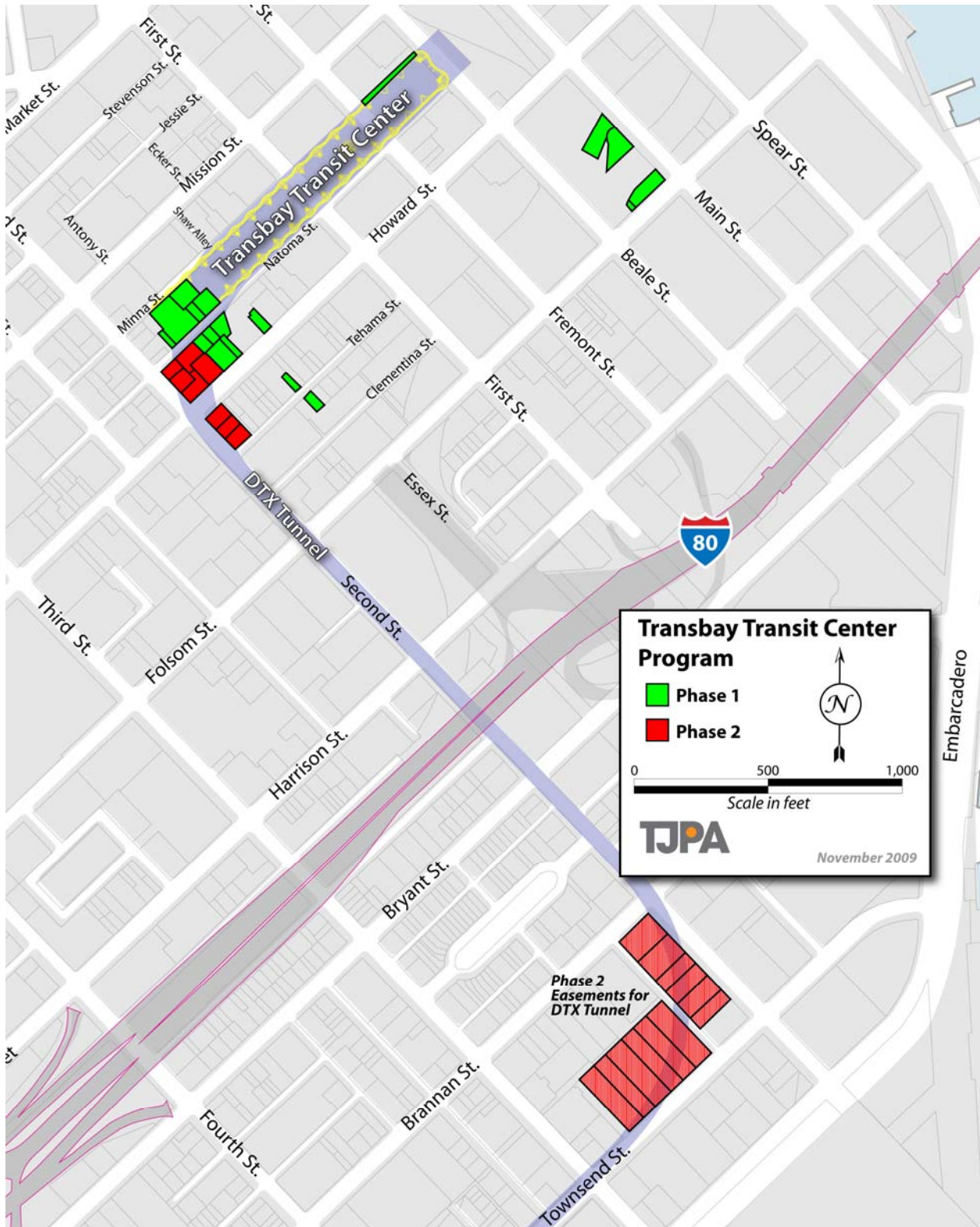
- Provide other advisory assistance to eligible persons in order to minimize their hardships. As needed, such assistance may include counseling and referrals with regard to financing, employment, training, health and welfare, as well as other assistance.
- Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.



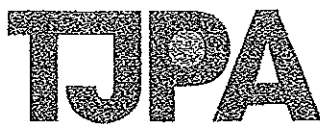
Appendix A  
Exhibit Map of State Parcels



Appendix B  
Privately Owned Properties Anticipated For Acquisition



**Appendix C  
Sample Initial Contact Letter**



TRANSBAY JOINT POWERS AUTHORITY

Maria Ayerdi-Kaplan • Executive Director

August 24, 2009

Re: Transbay Program  
Initial Contact Letter and General Information Notice—Landlord  
Affected Property:

Dear :

As you know, the Transbay Joint Powers Authority ("TJPA") is considering acquiring the property you own located at \_\_\_\_\_ in San Francisco (the "Property") in Phase 1 of the Transbay Transit Center Program (the "Transbay Program"), which is currently underway. We understand that you own the Property but lease it to \_\_\_\_\_ who occupies the Property as a \_\_\_\_\_ location (the "Tenant"). We are not aware of any other occupants of the Property. It is our understanding that although you may store personal property on the site, you do not occupy the site as your business, residence, or otherwise.

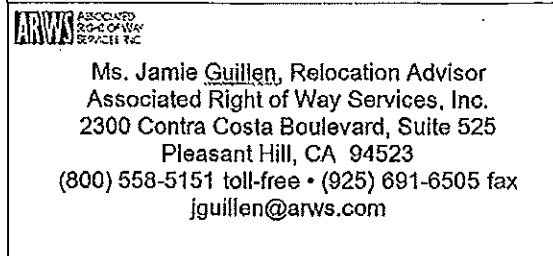
We are writing to inform you of your rights, as owners/landlords of the Property, and your Tenant's rights, as occupant of the Property, to receive relocation assistance, should the TJPA acquire your Property.

#### Property Owner/Landlord Relocation Assistance

If the TJPA acquires your Property, you would be required to relocate any of your personal property on the site in order to allow for construction of the Transbay Program. You would be eligible to receive relocation assistance and payments related to the cost to relocate your personal property from the Property, in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, and the California Relocation Act (the "Relocation Laws"). Your rights under these laws are discussed in the enclosed Relocation Brochure and summarized below:

- Moving Expenses. If you are required to move personal property from the site as a result of the TJPA's acquisition of the Property for the Transbay Program, you would be eligible to receive reimbursement for certain actual, reasonable moving expenses.
- Eligibility to Receive Payment. There is no eligibility to receive relocation assistance unless/until the TJPA makes an offer to acquire a property. If the TJPA makes an offer to purchase your Property, it will provide you a Notice of Eligibility for relocation assistance related to relocation of your personal property from the site.
- Right to Appeal. A person or business may appeal if it believes the TJPA has failed to properly determine eligibility or the amount of payment authorized by the relocation regulations. A person or business has the right to be represented by legal counsel, but this is not required. If a person or business still believes a proper determination has not been made at the conclusion of the appeal, the person or business may seek judicial review.
- Nondiscrimination. All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act.

The TJPA has hired the relocation assistance consultant Associated Right of Way Services ("ARWS") to help it administer the Relocation Assistance Program. Jamie Guillen of ARWS is your Relocation Advisor and can answer your questions related to the relocation of your personal property.



Tenant Relocation Assistance

If the TJPA acquires the Property, your Tenant would be relocated in order to allow for construction of the Transbay Program. The TJPA will provide relocation assistance to all eligible tenants that are required to relocate as a result of the Transbay Program, in accordance with the Relocation Laws.

The TJPA has contacted your Tenant to inform it of the TJPA's plan for providing relocation assistance to any persons or businesses that are displaced as a result of the Transbay Program, notify the Tenant of its rights under federal and state law should the Tenant be required to move from the Property for the Transbay Program, and invite the Tenant to meet with ARWS.

The TJPA has notified your Tenant that the TJPA has not issued a notice to vacate the premises, and the TJPA is not requiring your Tenant to move at this time. The TJPA has explained that it has not acquired the Property and the TJPA is not the Tenant's landlord. The TJPA has encouraged your Tenant to continue to honor the terms of any rental agreement with you.

A copy of the letter to your Tenant is enclosed for your information.

Thank you for working with the TJPA to help to plan for this important public transportation project. Please inform us if we have misunderstood your ownership or occupancy of the Property, or if there are any other owners or occupants of the Property. Should you have additional questions or if I can be of additional service please contact me by phone at 415-597-4620 or email at esum@transbaycenter.org.

Sincerely,

Edmond Sum, PE  
Engineering Manager

Enclosures: (1) Relocation Brochure  
(1) Letter to Tenant

cc: Jamie Guillen, ARWS

Certification of Delivery	
<input type="checkbox"/>	This Notice was sent via first class and certified mail on _____.
<input type="checkbox"/>	This Notice was personally delivered on _____.
Signature:	Date:



TRANSBAY JOINT POWERS AUTHORITY

Maria Ayerdi-Kaplan • Executive Director

August 24, 2009

Re: Transbay Program  
Initial Contact Letter and General Information Notice—Tenant  
Affected Property:

Dear

The Transbay Joint Powers Authority ("TJPA") is the government agency charged with developing the transit portions of the Transbay Program. We understand that you lease in San Francisco (the "Property") as your business location from the property owners,

The TJPA initially planned to acquire the building in Phase 2 of the Transbay Program, which is scheduled to begin in 2012. Due to the TJPA's refinement of plans for construction of Phase 1, the TJPA has determined that it may acquire the building, including the Property you occupy, in Phase 1, which is currently underway. If the TJPA acquires the Property you would have to relocate to a new location because the TJPA would demolish the building. The TJPA has been in contact with the Property owner regarding its plans related to the Property.

We are writing to inform you of the TJPA's plan for providing relocation assistance to any persons or businesses that are displaced as a result of the Transbay Program, notify you of your rights under federal and state law should you be required to move from the Property for the Transbay Program, and invite you to meet with the TJPA's relocation assistance consultant, Associated Right of Way Services ("AR/WS"), which has assigned a Relocation Advisor to work with you. The TJPA hopes that this letter will open a dialogue between you and the TJPA regarding the Transbay Program and the relocation process.

#### The Transbay Program

The Transbay Program will include a new multi-modal Transit Center on the site of the present Transbay Terminal (at Mission and First streets); an underground rail tunnel extending from the existing Caltrain terminus at Fourth and Townsend streets into the new Transbay Transit Center; and development of 2,700 housing units in the vicinity, a third of which will be affordable. The new Transit Center will serve as the terminus of the Caltrain commuter rail and California High-Speed Rail.

The Transbay Program will serve as a national model for transit-oriented development—locating public transit in an urban downtown environment close to employment, housing, and other amenities. The new Transit Center will serve eight Bay Area counties through nine transportation systems, including high-speed rail, and will serve more than 45 million passengers per year, facilitating wider use of public transit. It will also create thousands of construction jobs, stimulating our local economy.

#### Relocation Assistance

If the TJPA acquires the Property, you would be relocated in order to allow for demolition of the building and construction of the Transbay Program. The TJPA will provide relocation assistance to all eligible tenants that are required to relocate as a result of the Transbay Program, in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, and the California Relocation



Act. Your rights under these laws are discussed in the enclosed Relocation Brochure and summarized below:

- Relocation Advisory Assistance. A Relocation Advisor will be available to help displaced persons and businesses through the relocation process. The Relocation Advisor will provide displaced persons and businesses with information concerning entitlements, project scheduling, available housing, and claim processing.
- Moving Expenses. A displaced person will be eligible to receive reimbursement for certain actual, reasonable moving expenses.
- Replacement Housing Costs. A person who is displaced from a primary residence may be eligible to receive assistance with increased rental cost payments or a payment toward the purchase of a home. To qualify for this benefit, a displaced person would need to have occupied the current home for at least 90 days immediately before a first written offer to purchase that property. A displaced person may receive relocation assistance payments only if the person purchases or rents and occupies a dwelling that meets the TJPA's standards for decent, safe and sanitary housing. A Relocation Advisor will need to inspect the replacement home before a displaced person agrees to rent or buy it. In order to receive a Replacement Housing Payment, a displaced person must occupy a decent, safe and sanitary home within one year after vacating the acquired property.
- Timing of Move. The TJPA will not ask a displaced person or business to move from a property without first giving a minimum of 90 days advance notice, in writing. The TJPA will not ask a displaced person or business to move unless adequate decent, safe and sanitary replacement housing, which is open to all person regardless of race, color, religion, sex, or national origin, has been made available by the TJPA or a displaced person or business has secured such replacement housing itself.
- Eligibility to Receive Payment. In order to be eligible for relocation assistance, a displaced person or business must be lawfully occupying a property at the time the TJPA makes an offer to purchase the property. The TJPA will provide tenants a Notice of Eligibility within 60 days after the date that the TJPA makes a written offer to the property owner to acquire a property. If a tenant moves from a property before receiving a Notice of Eligibility, the tenant will not be provided with relocation assistance.
- Right to Appeal. A person or business may appeal if it believes the TJPA has failed to properly determine eligibility or the amount of payment authorized by the relocation regulations. A person or business has the right to be represented by legal counsel, but this is not required. If a person or business still believes a proper determination has not been made at the conclusion of the appeal, the person or business may seek judicial review.
- Nondiscrimination. All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act.


#### Relocation Plan

It is important that the TJPA understand how the Transbay Program might affect your business and the other occupants of \_\_\_\_\_ if the TJPA acquires the building for the Program. The TJPA is in the process of preparing a Draft Relocation Impact Study (the "Draft Plan") that considers the needs of the occupants and the assistance that would be available if the TJPA acquires the properties. The Draft Plan will be published for a 30-day public review and comment period before the TJPA Board of Directors considers whether to adopt a Final Plan.

ARWS will help the TJPA prepare the Draft Plan. ARWS would like to gather general information from you and others who may be affected by the proposed acquisition of the properties in order to prepare the Draft Plan, and requests your cooperation in this process.

Relocation Advisor

ARWS has been retained by the TJPA to provide displaced persons and businesses with Relocation Assistance, and the ARWS consultant Jamie Guillen has been assigned to work with you in particular. Your Relocation Advisor can answer questions you may have related to the Transbay Program, the program schedule, and your rights to receive benefits. Please contact your Relocation Advisor to arrange a convenient time to meet on the Property, or at a location that is convenient to you, to discuss the Transbay Program and the Relocation Assistance Program.

 Ms. Jamie Guillen, Relocation Advisor Associated Right of Way Services, Inc. 2300 Contra Costa Boulevard, Suite 525 Pleasant Hill, CA 94523 (800) 558-5151 toll-free • (925) 691-6505 fax jguillen@arws.com
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Timing of Your Move: Honoring Your Lease Agreement

It is important that you understand that this notice is not a notice to vacate the premises, and the TJPA does not require you to move at this time. The TJPA has not acquired the Property and the TJPA is not your landlord. It is important that you continue to honor the terms of any rental agreement with your current landlord for the Property. If you move in violation of the terms of your rental agreement, your landlord may seek redress against you. If you move before you receive a Notice of Eligibility from the TJPA, you will not be eligible to receive relocation benefits. Please contact your Relocation Advisor before you make any moving plans.

Thank you for working with the TJPA to help to plan for this important public transportation project. Please inform us if we have misunderstood your occupancy of the Property, or if there are any other occupants of the Property. Should you have additional questions or if I can be of additional service please contact me by phone at 415-597-4620 or email at esum@transbaycenter.org.

Sincerely,

Edmond Sum, PE  
Engineering Manager

Enclosure: (1) Relocation Brochure

cc: Jamie Guillen, ARWS

Certification of Delivery	
<input type="checkbox"/> This Notice was sent via first class and certified mail on _____.	
<input type="checkbox"/> This Notice was personally delivered on _____.	
Signature: _____	Date: _____

**Appendix D  
City and County of San Francisco's Relocation Appeals Board Guide**

The City and County of San Francisco's Relocation Appeals Board Guide is included in this appendix.

The guide is also available on the City's website at [www.sfgov.org/site/relocation\\_index.asp?id=148](http://www.sfgov.org/site/relocation_index.asp?id=148)

**1. Background**

**1.1 General Background**

The Relocation Appeals Board of the City and County of San Francisco is the oldest of its kind in the nation. Founded in March 1967, the Relocation Appeals Board is a resource for individuals and families whose residence or business is displaced by public action.

The Relocation Appeals Board's purpose is to study, investigate and hold hearings on grievances and disputes between relocated persons who are dissatisfied with their relocation services and the displacing agencies that are responsible for providing those services.

The Relocation Appeals Board was formalized by the Board of Supervisors of the City and County of San Francisco in 1972 with the enactment of ordinances 333-72 and 334-72. The local governing provisions are codified at Chapter 24B of the San Francisco Administrative Code.

The Relocation Appeals Board has five members. They are appointed by the Mayor and confirmed by the Board of Supervisors.

The Relocation Appeals Board holds regular meeting on the first Wednesday of every month at 11:00 a.m. whenever there is pending business. Meetings are held at a conference room or meeting facility at the Office of the San Francisco Mayor's Office of Housing, 1 South Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA 94103.

All meetings of the San Francisco Appeals Board are public.

**1.2 Jurisdiction of the Relocation Appeals Board**

The Relocation Appeals Board hears disputes between displaced persons and the displacing agency after the displacing agency has responded to a claim. If the displaced person is not satisfied with the displacing agency's response, the displaced person may submit his or her dispute to the Relocation Appeals Board for review. The Relocation Appeals Board may affirm the decision of the displacing agency, reject the decision of the displacing agency and require that it provide further benefits or services, or remand the claim for further consideration by the agency in light of the findings or filings of the Relocation Appeals Board.

The Relocation Appeals Board only reviews disputes when the displacing agency is an agency of the City and County of San Francisco; the Relocation Appeals Board does not have authority to review disputes with State and Federal agencies.

The Relocation Appeals Board only reviews disputes regarding relocation benefits or services. Disputes regarding relocation claims are reviewed under California and federal law. The Relocation Appeals Board does not review disputes regarding compensation for real or personal property that

has been damaged, destroyed, or subjected to the powers of eminent domain, and does not review claims for inverse condemnation.

### **1.3 Governing Laws**

*1.3.1 Federal Law:* The federal Uniform Relocation Assistance and Real Property acquisition Policies Act of 1970 is codified at title 42, United States Code, section 4600 et seq. This law requires that the federal government provide relocation advice and payments when it acquires real property under its power of eminent domain. In July 1, 1972, the federal law became binding in the states. Federal laws pertaining specifically to relocation payments and services are codified at Title 42, United States Code, section 6080 et seq. Regulation regarding relocation payments and services are codified at Title 49 of the Code of Federal Regulations, Part 24.

*1.3.2 State Law:* Following enactment of the federal relocation law, in 1971 California’s legislature enacted the present Relocation Assistance Act with the intent to “implement the 1970 federal enactment and to extend the comparable benefits statewide and payable by the state and its political subdivisions, to persons displaced by the acquisition of land under the eminent domain law after July 1, 1972” City of Mountain View v Superior Court 54 Cal.App.3d 72, 77-78 (1975). The California Relocation Assistance Act is in the California Code; sections 7362 et seq. govern relocation payments and assistance.

The California Relocation Assistance Act provides relocation assistance to persons if they are “displaced” by public projects. Persons are “displaced” if agency action requires them to move from all or part of their property; they can be “displaced” by any agency action, it need not be a condemnation. 57 Ops. Atty. Gen. p. 72 (1974); Superior Strut & Hangar v Port of Oakland, 140 Cal. Rptr. 515, 518 (2977). State law allows a displaced person certain compensation for a forced relocation, including relocation assistance and reimbursement of moving costs.

California law requires that each city or county that has a redevelopment agency also have a relocation appeals board “to hear all complaints brought by residents of the various project areas relating to relocation. [The Relocation Appeals Board] shall determine if the redevelopment agency has complied with provisions of [state law] and, where applicable, federal regulations.” Government Code 33417.5.

*1.3.3 Local Ordinance:* The San Francisco Relocation Appeals Board is governed by Chapter 24B of the San Francisco Administration Code.

## **2. Procedures for Appealing to the Relocation Appeals Board**

The Relocation Appeals Board reviews disputes between a relocatee and a displacing agency related claims for relocation benefits or services. The Relocation Appeals Board does not hear appeals until claims for relocation benefits or services have been denied in whole or in part by the displacing agency. The Relocation Appeals Board will hear claims where a displacing agency fails to respond to a claim after a reasonable time.

### **2.1 Complaint**

An appeal to the Relocation Appeals Board begins with a complaint. If you are preparing a complaint to the Relocation Appeals Board, you must include at least the following:

- a. Name of the aggrieved person;
- b. Location of the property from which the aggrieved person is being displaced;

- c. The nature of the dislocation, i.e., a family residence, business, warehouse, etc.;
- d. The displacing agency or the agency responsible for providing services and the name and address of the person at the agency who is responsible for handling the claim;
- e. A brief description of the grievance and grounds for appeal to the Relocation Appeals Board;
- f. Documents in support of your claim, or, if they are voluminous, a summary of the documents that support your claim;

The complaint must be signed. The signature of the complaining person verifies the accuracy and the truthfulness of the complaint. Unsigned complaints will not be accepted. (See generally San Francisco Admin. Code #24B.7.)

### **2.2 Delivery of the Complaint to Board Secretary, Displacing Agency**

The complaining party or its representative shall deliver the signed complaint to the Secretary of the Relocation Appeals Board at the following address:

Board Secretary  
Relocation Appeals Board of the City and County of San Francisco  
1 South Van Ness Avenue, 5<sup>th</sup> Floor  
San Francisco, CA 94103

If there are questions about the handling of the complaint, please contact the Secretary of the Relocation Appeals Board at (415) 701-5558.

In addition to filing the complaint with the Board's Secretary, the complaining party must send a copy to the responsible agent at all displacing agencies that are subject to the dispute.

### **2.3 Authorization for Release of Information**

After your complaint is received, the staff of the Relocation Appeals Board will mail you a "Request for Authorization to Release Confidential Information." This authorization, when signed, allows the displacing agency to respond to your complaint with relevant information. Please sign the "Request" and return it to the Secretary of the Relocation Appeals Board at the above address.

### **2.4 Written Answer By Displacing Agency, Reply**

The displacing agency will answer your complaint in writing within 15 days (unless a longer time is allowed by the Board) and will provide you with a copy of its answer.

The Board or the Secretary of the Board may request that you file a written reply to the displacing agency's agency answer. Your reply should be filed with the Secretary and a copy mailed to the responsible person at the displacing agency, usually the person who filed the answer.

When the written complaint, answer, and reply (if any) are received, the review process begins.

## **3. Pre-Hearing Mediation**

The Secretary or a member of the Relocation Appeals Board will review your complaint, the answer, any reply and all other pertinent materials to your claim and the dispute. This person is the mediator. The mediator will attempt to resolve the dispute prior to a formal hearing and review by the Relocation Appeals Board.

The mediation may take any form deemed suitable by the mediator and the Relocation Appeals Board. This may include ex parte conferences with the claimant, the displacing agency, or others in

order to reconcile the dispute; conferences, requests for further written submissions, interviews of witnesses, or brief presentations by the disputants to clarify their positions are routinely requested. If the efforts of the mediator cause the dispute to be resolved to the satisfaction of all parties, the appeal to the full Relocation Appeals Board is dismissed.

If the claimant is not satisfied with the results of the mediation, the matter will be presented to the Relocation Appeals Board in a formal hearing. Upon written request of the claimant or upon the mediator's determination that attempts to resolve the dispute have failed, the Secretary will set the appeal for hearing before the Relocation Appeals Board at a regularly scheduled meeting. The Secretary will give written notice of the time, place and the date of the appeal to all parties.

#### **4. Hearings Before the Relocation Appeals Board**

##### **4.1 parties; Representation by Lawyers; Notices**

No claimant who presents an appeal to the Relocation Appeals Board needs to be represented by a lawyer, though any party who presents an appeal to the Relocation Appeals Board may be so represented.

Whenever any document containing an attorney's name, address and telephone number is filed by an attorney on behalf of a party, or whenever a party advises in a complaint or other written notice to the Board that the party's is represented by counsel, all notices sent by the Board or other parties shall thereafter be sent to the party's attorney instead of to the party. Notices will not be sent to both the attorney and the party represented by the attorney.

##### **4.2 Discovery (exchange of information)**

There is non-procedure for pre-appeal discovery or exchange of information between disputants. Parties may be requested to exchange information or to provide statements to the Relocation Appeals Board, the mediator, or the Secretary in an attempt to resolve the dispute. No party is obligated to provide information in response to such a request, though the failure to provide requested information may be considered by the Relocation Appeals Board on appeal.

##### **4.3 Appeals Heard At Regular Meetings; Emergency Sessions**

All appeals to the Relocation Appeals Board shall be heard at a regularly scheduled meeting of the Relocation Appeals Board. An appeal may be heard outside of a regularly scheduled meeting only under special circumstances.

A claimant may petition for an expedited appeal at a specially convened meeting by demonstrating special circumstances. Such a petition must be submitted to the Secretary of the Relocation Appeals Board at least five days prior to the date requested for an expedited appeal. The petition must set forth the basis of the request for the expedited appeal and must include the following information: the date that the claim that is subject to the appeal was submitted to the displacing agency; the date of final response by the displacing agency; the date of written complaint initiating the appeal; the hardship that would attend hearing the appeal at the regularly scheduled meeting; and an explanation of any prior delays in the presentation or prosecution of the claim or the appeal. The petition must be signed by the complainant.

The President of the Board will assess any petition for an expedited appeal. If the petition is granted, the Secretary will attempt to convene a quorum of the Board at the date and time requested in the petition. If a quorum cannot be convened at the date and time requested, the appeal will be heard at the earliest date and time at which such a quorum may be convened.

Any party or agency that opposes an expedited hearing may submit a letter to the Secretary explaining why an expedited hearing is unnecessary, inappropriate, or prejudicial to the other party.

#### **4.4 Postponements**

The President of the Board may grant a postponement of a scheduled appeal only for a good cause. Good cause may include, but is not limited to, showings of the following: (1) illness of a party, attorney, or other authorized representative of a party, or a material witness; (2) verified travel outside of San Francisco scheduled before the receipt of the notice of hearing; or (3) any other reason that makes it impracticable to appear on the scheduled date due to unforeseen circumstances or verified pre-arranged plans that are not reasonably susceptible to change. Inconvenience is not a good cause.

Requests for postponements shall be made in writing at the earliest possible date. Requests to postpone an appeal should include supporting documentation. Requests to postpone an appeal should be served upon all other parties and their counsel.

The parties to an appeal may agree to a postponement once without approval of the Board if they notify the Board at least five days prior to the date of the appeal. Stipulated postponements closer than five days to a scheduled appeal may be granted only with permission from the President of the Board either in writing or at the hearing for the appeal.

The parties to an appeal may agree to additional postponements only with the approval of the Board. A joint request for postponement shall be submitted in writing.

#### **4.5 Pre-Appeal Submissions**

Each party to an appeal shall submit the following to the Secretary to the Board and to each other party or its counsel at least five days prior to the scheduled appeal:

- a. A brief explanation of the law that supports the party's position.
- b. A summary of the facts that the party expects to show at the hearing on appeal.
- c. A list of the witnesses to be called by the party and a summary of the witnesses' testimony.
- d. All documents that the party intends to present at the hearing on appeal.
- e. The name of the party intends to present at the hearing on appeal, including any physical objects, large maps, diagrams, enlarged photographs.
- f. The name of the party or the attorney who will be primarily responsible for presenting the appeal to the Relocation Appeals Board.

The parties shall submit six copies of all submissions to the Secretary for distribution to the members of the Relocation Appeals Board and staff.

#### **4.6 Absent Parties**

If a party fails to appear at a properly noticed hearing the Board may, as it deems appropriate, continue the appeal, decide the case on the submitted documents, or proceed with a hearing and render a decision. If the absent party is the complainant, the Board may dismiss the complaint. If the absent is the displacing agency, the Board may enter a decision affirming the complaint against the agency.

#### **4.7 Conduct of Appeal**

Appeals shall be conducted in conformity with these rules unless otherwise ordered at any hearing or by formal amendment to these rules by a majority of the members of the Relocation Appeals Board.

Each party will make a brief opening or introductory statement. Claimant will make the first statement; each displacing agency adverse to claimant will make the second statement(s); claimant may make a brief reply statement.

Claimant will present its case first, including the presentation of witnesses, documents, diagrams, photographs, summaries, charts, or other materials relevant to the claim.

Oral evidence shall be taken only on the oath or affirmation of the witness.

Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses on any matter relevant to the issues before the Board. The claimant may be called as a witness even if the claimant does not testify in its own behalf. The agent of the displacing agency may be called as a witness even if the agent does not testify on behalf of the displacing agency.

Third party witnesses (witnesses that are neither the claimant nor the displacing agency) may be presented by either side. If presented, they may be cross-examined. Neither party may subpoena or compel the testimony of third party witnesses.

Adverse witnesses (persons who are employed by or under the control of the adverse party) may not be compelled to give testimony. However, any party may request that an adverse witness testify. To request the testimony of an adverse witness, a party shall request the presence of such witness by sending notice to the adverse party at least 10 days prior to the date of appeal. The request shall state the name of the witness, the relationship between the adverse witness and the adverse party, the subject matter of the adverse witnesses' testimony, and the anticipated testimony from the witness. If the adverse party does not make the witness available at the appeal, the Board may consider in its decision the absence of the witness against the adverse party and the anticipated testimony in favor of the party that requested the testimony.

The parties may present all the relevant evidence that furthers the decision-making process. The parties are not bound by civil rules of evidence except as stated in these rules. Parties and witnesses may introduce hearsay in support of their claims. Proffered hearsay evidence is admissible for all purposes and, if assessed as credible by the Relocation Appeals Board, may provide the sole basis for a finding or decision.

Evidentiary privileges protected by law are honored in an appeal before the Relocation Appeals Board but must be asserted promptly. Unasserted privileges and untimely objections are waived.

The Relocation Appeals Board may limit the presentation of evidence, the number of witnesses, or remarks of the parties or counsel in order to avoid the presentation of irrelevant, repetitious or unruly inflammatory testimony, evidence or other matters.

The Board or its counsel may, from time to time, interrogate witnesses, question counsel, or request further evidence in the course of the appeal process.



#### **4.8 Burden of Proof on Appeal**

In any appeal to the Relocation Appeals Board by a displaced person regarding the displacing agency's treatment of a claim, the displaced person has the initial burden of demonstrating that the claim for relocation payments or benefits was timely, proper, and reasonable.

In order to overcome a complaint by a displaced party who satisfies the burden of demonstrating that the claim was timely, proper and reasonable, if the burden of the displacing agency to demonstrate that the claim for relocation payments was not timely, proper, reasonable, or that it is defective under applicable law or regulations. The displacing agency may discharge its burden of proof by demonstrating that it has made an offer to settle the claim, that the offer to settle the claim was rejected, and that the offer to settle the claim was more reasonable than the original claim and in conformity with applicable law and regulations.

#### **4.9 Record or Proceedings**

The Relocation Appeals Board may record the proceedings on appeal by audiotape or by causing a transcript to be made. The Relocation Appeals Board may request that the parties to the appeal share the expense of recording or transcribing the proceedings for the benefit of the Board or the parties.

In the event that the Board does not elect to record or transcribe the proceedings, any party may retain a stenographer or tape record the proceedings in order to keep a record, provided that the party so recording the proceedings makes available to the board a copy of the transcript or recording of the proceedings if the Board so requests, and such copy or transcript shall be tendered without charge. The party transcribing or recording the proceedings must also make available to other parties a transcript or recording at a reasonable charge not to exceed that party's proportional share of the cost of obtaining such a record.

#### **4.10 Additional Submissions**

The Board may request that either or both parties present any additional briefing, documents, information, declarations or testimony to the Relocation Appeals Board following the hearing on appeal. All such submissions shall be filed with the Secretary of the Board within the time requested by the Board and served to all other parties or their counsel. No party need respond to such submissions unless requested to do so by the Board, or unless such party requests in writing from the Board permission to respond and such permission is granted in writing.

### **5. Decisions on Appeal**

The Relocation Appeals Board will deliberate on the appeal following the close of presentation of evidence. The deliberations of the Relocation Appeals Board are public.

The decision of the Relocation Appeals Board to affirm the complaint in whole and to order the relief requested, to grant the complaint in part and to order part of the relief requested, or to grant the complaint in part and order relief other than requested, must be based on the agreement of a majority of the voting members. The agreement of a majority of the voting members of the Board on the nature and extent of relief to be awarded is sufficient to constitute a ruling of the Board, and such shall be the decision of the Board, notwithstanding any disagreement among the voting members as to the basis of such relief.

The President of the Board shall appoint a member of the Board or the Secretary to draft a resolution setting forth the Board's ruling. A resolution that satisfactorily sets forth the Board's ruling. A resolution that satisfactorily sets forth the Board's ruling shall be affirmed and signed by the President of the Board and served to the parties to the appeal by registered mail.

**6. Appeal to the Superior Court**

If the Board issues a final decision other than to grant the relief requested in the complaint, the complaining person may seek further review by administrative mandamus in the San Francisco Superior Court. The Procedures for pursuing a claim of administrative Mandamus are set forth in section 1094.5 of the California Code of Civil Procedure.

Deadlines for filing a petition for review in the Superior Court are strict. The time to bring a petition is governed by Section 1094.6 of the California Code of Civil Procedure. Failure to file a timely petition for review may result in waiver of your right to further review.

**7. Approval of the Rules**

These General Rules and Procedures are approved by the members of the Relocation Appeals Board this 6 day of Sept., 1995 and shall govern all proceedings before this Board until otherwise revoked, amended, or replaced by a majority vote of this Board.

These General Rules and Procedures shall be made available at the request of any person and the Secretary of the Relocation Appeals Board shall provide copies of these General Rules and Procedures to all parties to appeals before the Relocation Appeals Board.

**Appendix E  
Business Relocation Assistance Brochure**





# Relocation Assistance Brochure

## Rights and Benefits Under the TJPA's Relocation Assistance Program for Businesses and Nonprofit Organizations

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This brochure summarizes the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. Section 4601 et seq., and its implementing regulations, 49 Code of Federal Regulations (CFR) Part 24, and the California Relocation Act, Govt. Code Section 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Section 6000 et seq.

Much of the content of this brochure was provided by The United States Department of Transportation, Federal Highway Administration, Office of Real Estate Services, Publication Number FHWA-HEP-05-031.



## CONTENTS

Introduction .....	1
Important Terms Used in This Brochure .....	2
Section 1: Eligibility for Relocation Assistance and Timing of Your Move....	4
Section 2: Relocation Advisory Assistance .....	4
Section 3: Relocation Expenses.....	6
Actual Moving Expenses .....	7
Actual Reestablishment Expenses.....	9
Fixed Payment for Moving Expenses (“In Lieu Payment”) .....	10
Section 4: Other Important Information .....	12
Filing Claims for Reimbursement .....	12
Right to Appeal.....	12
Relocation Payments Are Not Considered Income .....	13
Business Goodwill .....	13
Nondiscrimination.....	13
General Information.....	14





# Relocation Assistance Program for Businesses and Nonprofit Organizations

## Introduction

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In building a modern transportation system, the displacement of a small percentage of the population is often necessary. It is the policy of the Transbay Joint Powers Authority ("TJPA") that businesses and nonprofit organizations displaced by the development of the Transbay Transit Center Program ("Transbay Program") shall not suffer unnecessarily as a result of the Transbay Program, which is designed to benefit the public as a whole. The federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("Uniform Act") and the California Relocation Act recognize the need to balance the right of public agencies to acquire property for public projects with the rights of the occupants of the property acquired to receive relocation assistance. The TJPA must comply with the policies and provisions set forth in these federal and state laws.

This brochure provides a summary of the TJPA's Relocation Assistance Program. Your Relocation Advisor will be able to answer your specific questions regarding relocation of your business or nonprofit organization, and provide any additional information that you may need. While every effort has been made to assure the accuracy of this brochure, it should be understood that it does not have the force and effect of law, rule, or regulation governing relocation assistance benefits or services. Should this brochure contain any information inconsistent with the laws governing relocation assistance, the laws will take precedence.

Please review this brochure carefully and present any questions to your Relocation Advisor. Section 1 of this brochure provides information regarding eligibility for relocation assistance and the timing of any move. Section 2 provides information about the relocation advisory assistance available to displaced persons. Section 3 contains information concerning reimbursement of moving expenses that are available to affected businesses and nonprofit organizations. Section 4 provides additional information necessary to understand the TJPA's Relocation Assistance Program.

Associated Right of Way Services, Inc.  
2300 Contra Costa Boulevard, Suite 525  
Pleasant Hill, California 94523  
(800) 558-5151 toll free  
(925) 691-8500 direct line  
(925) 691-6505 fax

## **Important Terms Used in This Brochure**

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### **Transbay Joint Powers Authority**

The Transbay Joint Powers Authority (“TJPA”) is a joint powers agency, created under California Government Code Sections 6500 et seq., responsible for developing the Transbay Transit Center Program (“Transbay Program”). The TJPA, and potentially the City and County of San Francisco, will acquire property for the Transbay Program. The TJPA has contracted with Associated Right of Way Services, Inc., to administer its Relocation Assistance Program.

### **Alien Not Lawfully Present**

Under federal law, an alien not lawfully present in the United States is not eligible for relocation assistance. As defined by federal law, an alien not lawfully present in the United States includes: (1) an alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the U.S. Attorney General; or (2) an alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Attorney General and who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States. (8 CFR Section 103.12).

### **Business**

Any lawful activity, with the exception of a farm operation, conducted primarily for the purchase, sale, lease, and rental of personal or real property; or for the manufacture, processing, and/or marketing of products, commodities, or any other personal property; or for the sale of services to the public; or an outdoor advertising display or displays, when the display(s) must be moved as a result of acquisition of property for the Transbay Program.

### **Displaced Person**

Any person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of the TJPA’s written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Transbay Program. This shall also include any person who moves as a direct result of the TJPA’s rehabilitation or demolition of the improvements on real property for the Transbay Program.

### **Nonprofit Organization**

A public or private entity that has established its nonprofit status under applicable federal or state law.

**Personal Property**

Property that can be moved from real property without damaging the real property or the property moved, including furniture, fixtures and equipment and other movable objects.

**Small Business**

A business having not more than 500 employees working at a site which is the location of economic activity and which will be acquired or is displaced by the Transbay Program. A site occupied solely by outdoor advertising signs, displays, or devices is not a “small business” for purposes of the reestablishment expense benefit of the Uniform Act and its implementing regulations.

**Transbay Transit Center Program or Transbay Program**

A regional transportation and housing plan that consists of three interconnected elements: (1) replacing the outmoded and seismically unsafe Transbay Terminal with a new multi-modal Transbay Transit Center that will accommodate local and regional bus operators and commuter and intercity rail; (2) extending Caltrain 1.3 miles from Fourth and King streets into the new Transbay Transit Center at First and Mission; and (3) creating a new transit-friendly neighborhood with 3,400 new homes (35% of which will be affordable), and mixed use commercial development.

**Unlawful Occupant**

A person who occupies without property right, title or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant’s tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

## **Section 1: Eligibility for Relocation Assistance and Timing of Your Move**

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The current Transbay Program schedule has been developed to provide eligible businesses and nonprofit organizations with sufficient time to successfully relocate.

To be eligible for relocation assistance, a business or nonprofit organization must be lawfully occupying the property to be acquired at the time the TJPA makes a written offer to the property owner to purchase the property. Tenants and occupants of properties that the TJPA offers to purchase will be notified of the TJPA's offer by way of a Notice of Eligibility letter, which the TJPA will send to tenants or occupants at the time it initiates negotiations with a property owner. In addition, under federal law, any person who is an alien not lawfully present in the United States is not eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child.

Eligible businesses and nonprofit organizations will not be required to move until at least 90 days after receiving a formal, written Notice to Vacate a property. In addition, no business or nonprofit organization will be required to move until the TJPA has notified the business or nonprofit organization of at least one replacement site to which the business or nonprofit organization could be relocated. Please note that while the TJPA will make every effort to assist you in finding reasonably comparable replacement sites for your business or nonprofit organization, federal and state laws do not require the TJPA to guarantee that you will find a replacement site that you find acceptable.

Although a business or organization is not required to move until 90 days after receiving a Notice to Vacate, a business or organization may move as soon as it receives a Notice of Eligibility for relocation assistance services from the TJPA. If a business or organization chooses to relocate at any time after receiving a Notice of Eligibility, then it would be eligible to receive relocation assistance in accordance with the TJPA's Relocation Assistance Program. If a business or organization moves before receiving a written Notice of Eligibility, however, it would not be eligible for, or provided with, relocation assistance.

## **Section 2: Relocation Advisory Assistance**

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The TJPA's Relocation Assistance Program provides relocation advisory assistance. The TJPA has contracted with a firm, Associated Right of Way Services, Inc. ("AR/WS"), which specializes in providing relocation assistance, to administer the TJPA's Relocation Assistance Program.

Each eligible business and nonprofit organization will be assigned a Relocation Advisor from AR/WS.

### **Services**

The Relocation Advisor will guide you through the relocation process and help you to locate a suitable replacement property for your business or nonprofit organization. It is your Relocation Advisor's goal and desire to be of service to you, and to assist you in any way possible to help your business or organization to successfully relocate. Your Relocation Advisor is available to help and to advise you, so please make full use of the available services. Do not hesitate to ask questions to ensure that you fully understand all your rights and benefits.

Individual with disabilities will be provided the assistance needed to understand their rights under the Relocation Assistance Program and assistance to locate and move to a replacement site. Please notify your Relocation Advisor if you need any additional assistance to understand your rights or to secure a replacement site.

### **Understanding the Relocation Assistance Program**

When your Relocation Advisor initially contacts you, she will explain the TJPA's Relocation Assistance Program. Your Advisor will also interview you to understand your current operation, facility and operating costs. Your Advisor will also ask you to describe the type of replacement site you are interested in finding. Your Advisor will explain the assistance and payments that you may claim in accordance with your eligibility. It is important that you explain any anticipated relocation concerns to your Relocation Advisor. During the initial interview your Relocation Advisor will ask many questions to determine your specific relocation needs.

After the initial interview, your Relocation Advisor will deliver written information regarding your rights as a displaced person and will forward information on available replacement sites as that information becomes available. Your Relocation Advisor will provide you with information regarding available replacement properties, maps of replacement properties, and provide transportation, as needed, to inspect replacement properties, especially if you are elderly or a person with a disability. You are free to use the services of your own real estate broker; your Relocation Advisor cannot, however, refer you to a broker. You will not be required to move until at least one replacement site is made available to you.

### **Planning and Preparation**

Your Relocation Advisor will continue to work with you to help you plan your relocation to a replacement site. In particular, your Relocation Advisor will help you understand which costs are compensable under the Relocation Assistance Program and which costs are not, and assist you

with properly filing and documenting claims for reimbursement of relocation expenses.

Your Relocation Advisor will also provide you with information and assistance to minimize hardships in adjusting to your new location, such as assistance completing loan documents and/or rental applications; information on typical down payments; information on real property taxes; information on any permits, fees and local planning regulations applicable to your replacement site; information on services provided by others in the community, as well as federal, state, and local programs offering assistance to displaced persons; and consumer education literature. Your Relocation Advisor also can work with you to determine any special need for an outside specialist to help your business plan for the move and the reinstallation of your personal property. If you have special needs, the Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Please make your needs known so that your Relocation Advisor can provide you with the help you need.

A representative of the TJPA will work with you and the owner of the real property (if you are a tenant) to identify and to resolve any issues regarding what is “real estate” and what is “personal property” that can be relocated. You may be asked to provide a copy of your lease agreement (if applicable) to help to determine the ownership of the furniture, fixtures and equipment.

The TJPA’s goal is for you to achieve a successful relocation in the community. Therefore, it is important that you do everything a prudent business owner would do to maintain your business. This includes working closely with your Relocation Advisor to evaluate and to prepare for the move and searching out leads to available replacement sites.

### **Section 3: Relocation Expenses**

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An eligible business or nonprofit organization may request reimbursement of actual, reasonable, and necessary moving costs and related expenses. Under certain circumstances, an eligible business or nonprofit may request a fixed payment in lieu (i.e., in place) of actual moving expenses. In addition, certain small businesses and nonprofit organizations may be eligible for reimbursement of actual, reasonable and necessary reestablishment expenses. Related expenses, such as personal property losses and expenses in finding a replacement site, may also be reimbursable.

You must provide your Relocation Advisor with an inventory of the personal property to be moved and advance notice of the approximate date of the move. Your Relocation Advisor will need to inspect the personal property at the displacement and replacement sites, and to

monitor the move in order to assess your eligibility for reimbursement of certain moving expenses.

### **Actual Moving Expenses**

You may be reimbursed for the actual, reasonable, and necessary cost of your business's or organization's move when the move is performed by a professional/commercial mover or when you elect to move yourself. Any moving expenses for which you are seeking reimbursement must be supported by paid receipts or other evidence of expenses incurred.

Actual, reasonable and necessary moving expenses may include:

- Transportation of you and your personal property up to 50 miles from the site from which the business or nonprofit organization was displaced, except where relocation beyond 50 miles is justified;
- Packing, crating, unpacking and uncrating personal property;
- Storage of personal property for a period up to 12 months, as determined by the TJPA to be necessary in connection with relocation;
- Insurance for the replacement value of personal property lost, stolen, or damaged while in storage or transit;
- Replacement value of property lost, stolen, or damaged (not through the fault or negligence of the displaced person, its agent or employee) in the process of moving, where insurance covering such loss, theft, or damage is not reasonably available;
- Disconnecting, dismantling, removing, reassembling, and reinstalling personal property, such as machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building;
- Modifications to personal property, including those mandated by federal, state or local law, code or ordinance, necessary to adapt the personal property to the replacement structure, replacement site, or the utilities at the replacement site, and modification necessary to adapt the utilities at the replacement site to the personal property;
- Any required license, permit, fee, or certification, as necessary, for the reestablishment of the business or organization at a new location. However, payment shall take into account the remaining useful life of any existing license, permit, or certification;
- Professional services (including, but not limited to, architects', attorneys', or engineers' fees, or consultants' charges) necessary for planning the move of personal property, moving the personal property, or installing relocated personal property at the replacement site;
- Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing, and marketing studies;
- Re-lettering signs and replacing stationery on hand at the time of displacement that is made obsolete as a result of the move; and

- Impact fees or one-time assessments for anticipated heavy utility usage.

The TJPA will reimburse moving expenses that could not have been avoided or substantially reduced at an alternate available site.

This is not an inclusive list of moving related expenses. Your Relocation Advisor will provide you with a complete explanation of potentially reimbursable expenses. This list also is not a guarantee of reimbursable moving expenses. You should work closely with your Relocation Advisor in advance of incurring any costs related to relocation to determine which expenses are likely to be eligible for reimbursement. The TJPA will exercise its discretion to decide which expenses relating to your business's or organization's move are eligible for reimbursement.

### **Commercial/Professional Move**

You may elect to hire professional/commercial movers to move your personal property. The TJPA may reimburse you for the cost, based on the lower of two bids or estimates.

### **Self-Move**

If you agree to take full responsibility for all or part of the move of your operation, rather than hiring a professional/commercial mover, the TJPA may approve a payment not to exceed the lower of two acceptable bids or estimates obtained from qualified moving firms, or moving consultants. A low cost or uncomplicated move may be based on a single bid or estimate, at the TJPA's discretion. The advantage of this moving option is that it relieves you from documenting and seeking reimbursement for actual moving expenses because the payment is made up front based on the amount of the lowest acceptable bid or estimate.

Before you perform a self-move of your business, you must provide your Relocation Advisor (1) two acceptable bids or estimates from moving professionals; (2) a certified inventory of all personal property to be moved; (3) the date you intend to move; (4) the address of the replacement property; and (5) the opportunity to monitor and inspect the move.

### **Direct Loss of Tangible Personal Property**

Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property which is incurred as a result of the move or discontinuance of the operation. This payment may be based on the lesser of (1) the value of the item for continued use at the displacement site less the proceeds from its sale, or (2) the estimated reasonable cost of moving the item. Your Relocation Advisor will explain this procedure in detail if this is a consideration for you.



### **Substitute Personal Property**

Where an item of personal property which is used in connection with an operation is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (1) the replacement cost, minus any net proceeds from its sale, or (2) the estimated cost of moving the original item.

### **Low Value High Bulk Property**

If the TJPA considers a personal property item to be of low value and high bulk (such as minerals, metals, rock, or topsoil), and moving costs are disproportionate to its value, the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new business location.

### **Searching Expenses for Replacement Property**

Displaced businesses are entitled to reimbursement for actual, reasonable, and necessary expenses incurred in searching for a replacement property, not to exceed \$2,500. Such expenses may include transportation; meals and lodging when away from home; the reasonable value of the time spent during the search; fees paid to real estate agents or brokers to locate a replacement site; the reasonable value of time obtaining permits and attending zoning hearings; and the reasonable value of time spent negotiating the purchase of a replacement site.

Commission and fees related to the purchase of a replacement site are not eligible relocation expense and will not be reimbursed.

### **Actual Reestablishment Expenses**

A small business, as defined above, or nonprofit organization may be eligible for reimbursement, not to exceed \$10,000, for actual, reasonable, and necessary expenses incurred in relocating and reestablishing the operation at a replacement site.

Reestablishment expenses may include, but are not limited to:

- Repairs or improvements to the replacement real property required by federal, state, or local laws, codes or ordinances;
- Modifications to the replacement real property to accommodate the operation or to make the replacement structures suitable for the operation;
- Construction and installation costs of exterior signs to advertise the operation;
- Redecoration or replacement of soiled or worn surfaces at the replacement site, such as painting, wallpapering, paneling, or carpeting;
- Advertising the replacement location; and

- Estimated increased costs of operation at the replacement site during the first two years for items such as lease or rental charges; personal or real property taxes; insurance premiums; or utility charges (excluding impact fees).

The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable and necessary, or otherwise not eligible for reimbursement:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures;
- Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the operation;
- Interest on money borrowed to make the move or purchase the replacement property; and
- Payment to a part-time business in the home which does not contribute materially to the household income.

### **Fixed Payment for Moving Expenses (“In Lieu Payment”)**

Displaced businesses and nonprofit organizations may be eligible for a fixed payment in lieu (i.e., in place) of actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 nor more than \$20,000. An operation that is determined to be eligible for a fixed payment will be paid after it moves from the property that the TJPA is acquiring and submits a claim for payment.

For a business to be eligible for a fixed payment, the TJPA must determine all of the following:

- The business owns or rents personal property that must be moved due to the displacement;
- The business cannot be relocated without a substantial loss of its existing patronage (e.g., clientele or net earnings);
- The business is not part of a commercial enterprise having more than three other entities engaged in the same or similar business activity which are under the same ownership and are not being displaced by the TJPA;
- The business is not operated at a displacement site solely for the purpose of renting such site to others; and
- The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

In order to establish your eligibility for the fixed payment option, before you move you must (1) complete a “Request for Determination of Entitlement” form, which is available from your Relocation Advisor; (2) provide a written statement of the reasons your operation cannot be relocated without a substantial loss of existing patronage; and (3) provide

documentation supporting your claimed net earnings for the two previous tax years.

Fixed payment eligibility requirements and payment computation for nonprofit organizations are slightly different than business requirements. The computation for nonprofit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified. If your nonprofit organization is interested in determining its eligibility for a fixed payment, please consult your Relocation Advisor for additional information.

### Computation of the Fixed Payment

The fixed payment for a displaced business is based on the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it is displaced, or a two-year period deemed more representative by the TJPA. The average annual net earnings of a business are one-half of its net earnings for the two-year period before federal, state and local income taxes. You must provide the TJPA with proof of net earnings to support your request for a fixed payment. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to the TJPA.

Example of a Fixed Moving Payment Computation		
2004	2005	2006
Annual Net Earnings \$16,500	Annual Net Earnings \$18,500	Year Displaced
Average annual net earnings $\$16,500 + \$18,500 = \$35,000 / 2 = \$17,500$ Fixed Payment = \$17,500		

## **Section 4: Other Important Information**

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### **Filing Claims for Reimbursement**

Relocation expenses typically will be reimbursed after your business or organization submits to your Relocation Advisor a signed claim and all required documentation supporting the claim. Claims may be submitted as costs are incurred; your business or organization does not have to wait to submit claims for reimbursement until your business's or organization's relocation is complete.

For tenants of the Property, all claims for relocation assistance must be submitted to your Relocation Advisor and filed with the TJPA within 18 months after you vacate the Property. If you own and occupy the Property, however, then you must file all claims within 18 months of the later of (1) the date you vacate the Property, or (2) the date that you receive final payment for the acquisition of the Property. Your Relocation Advisor will work with you to properly document your claims for reimbursement. Your Relocation Advisor will submit each complete claim to the TJPA for review and processing. The TJPA will make every effort to provide reimbursement for any approved, eligible portion of that claim in approximately forty-five days.

If it is a hardship for your business to pay for relocation costs and to wait for reimbursement of those costs by the TJPA, your business may petition for hardship assistance. If the TJPA approves your petition for hardship assistance, then it will attempt to advance certain funds for your relocation based on fully documented requests. It is important that you work closely with your Relocation Advisor if you intend to file for hardship assistance. Such a petition should be made approximately eight weeks before payment is required.

If the TJPA denies all or a part of a claim for reimbursement, or if the TJPA refuses to consider a claim, the TJPA shall promptly notify you in writing of its determination, the basis for its determination, and the procedures for appealing the determination.

### **Right to Appeal**

Any aggrieved business or organization may file a written appeal with the San Francisco Relocation Appeals Board if the business or organization believes that the TJPA has failed to properly determine its eligibility for relocation assistance services, or the amount of a relocation payment.

You will be given a prompt and full opportunity to be heard by the Relocation Appeals Board. You have the right to be represented by legal counsel or another representative in connection with any appeal (but solely at your expense).

The Relocation Appeals Board will consider all pertinent justifications and materials submitted by you and the TJPA, and any other available information needed to ensure a fair review of your appeal. The Relocation Appeals Board will provide you with a written determination of your appeal with an explanation of the basis for its decision. If you are still dissatisfied, you may seek judicial review of the decision.

### **Relocation Payments Are Not Considered Income**

No relocation reimbursement received by a business or organization will be considered as income for the purpose of the Internal Revenue Code, or for determining the eligibility of a person for assistance under the Social Security Act, or any other federal law, except for any federal law providing low-income housing assistance.

Payments made by the TJPA to a third party can be considered to be a taxable event. As a result, all third party payments will be subject to an IRS Form W-9 from the TJPA.

### **Business Goodwill**

If a property is acquired through condemnation, business tenants may be eligible to make a claim for loss of goodwill. Such a claim would be separate from any claim for relocation assistance benefits and would not be provided as part of the TJPA's Relocation Assistance Program. Your business should contact the TJPA's Right-of-Way Coordinator, Harry Quinn at (650) 892-5425 for more information regarding business goodwill.

### **Nondiscrimination**

Under Title VII of the federal Civil Rights Act of 1968, discrimination based on race, color, religion, sex, or national origin in the purchase and rental of most residential units is illegal. The TJPA's Nondiscrimination Policy ensures that all services and/or benefits will be administered to the general public without regard to race, color, national origin, or sex.

## General Information

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This brochure has been provided to you as a courtesy by the Transbay Joint Powers Authority and Associated Right of Way Services, Inc. It is intended to provide general information concerning the Relocation Assistance Program, and to assist you in understanding your rights and benefits. If you have questions regarding your relocation, please contact your Relocation Advisor.

Further details regarding federal and state relocation assistance and benefits are set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Act, 42 U.S.C. Section 4601 et seq., and its implementing regulations, 49 CFR Part 24; the California Relocation Act, Govt. Code Section 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Section 6000 et seq.; and the Federal Highway Administration website: [www.fhwa.dot.gov/realestate](http://www.fhwa.dot.gov/realestate).



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**Appendix F  
Residential Relocation Assistance Brochure**







# Residential Relocation Assistance Brochure

## Rights and Benefits under the TJPA's Relocation Assistance Program for Residential Occupants

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This brochure summarizes the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 U.S.C. Section 4601 et seq., and its implementing regulations, 49 Code of Federal Regulations (CFR) Part 24, and the California Relocation Act, Govt. Code Section 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Section 6000 et seq.



## CONTENTS

Introduction .....	1
Important Terms Used in This Brochure.....	2
Section 1: Eligibility for Relocation Assistance.....	4
Section 2: Relocation Advisory Assistance.....	5
Section 3: Relocation Expenses for Residential Displaced Persons.....	7
Section 4: Other Important Information .....	12
Appendix A: Relocation Appeals Board .....	15



# Relocation Assistance Program for Residential Occupants

## Introduction

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The Transbay Program (Program) is a regional project to replace the outdated Transbay Terminal with a modern multimodal Transit Center that will serve nine transportation systems under one roof and anchor the Transbay Redevelopment Project Area.

Similar to transit centers in major cities worldwide, the Transbay Transit Center will be a hub for multiple transportation modes and serve as a catalyst for vital transit-oriented development, creating vibrant pedestrian spaces around it. The Transit Center will improve bus and rail service to downtown and provide a seamless connection to the regional rail and bus transit agencies, linking San Francisco to the rest of the Bay Area. The Transit Center will stimulate increased transit ridership, which in turn will reduce private vehicle usage, alleviate highway congestion, and help improve air quality in the region.

Building a modern transportation system often requires the displacement of a small percentage of the population. It is the policy of the Transbay Joint Powers Authority (TJPA) that residents displaced by the development of the Program shall not suffer unnecessarily as a result of the Program, which is designed to benefit the public as a whole. The federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the California Relocation Act recognize the need to balance the right of public agencies to acquire property for public projects with the rights of the occupants of the property acquired to receive relocation assistance. The TJPA must comply with the policies and provisions set forth in these federal and state laws.

This brochure provides a summary of the TJPA's Relocation Assistance Program for Residential Occupants. Your Relocation Advisor will be able to answer your specific questions regarding the program. While every effort has been made to assure the accuracy of this brochure, it should be understood that it does not have the force and effect of law, rule, or regulation governing relocation assistance benefits or services. Should this brochure contain any information inconsistent with the laws governing relocation assistance, the laws will take precedence.

The TJPA' Relocation Assistance Program is administered by Associated Right of Way Services, Inc. (AR/WS). Please review this brochure carefully and present any questions to your AR/WS Relocation Advisor.



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## Important Terms Used in This Brochure

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**Alien Not Lawfully Present.** Under federal law, an alien who is not lawfully present in the United States is not eligible for relocation assistance. As defined by federal law, an alien not lawfully present in the United States includes (1) an alien present in the United States who has not been admitted or paroled in the United States pursuant to the Immigration and Nationality Act and whose stay in the United States has not been authorized by the U.S. Attorney General; or (2) an alien who is present in the United States after the expiration of the period of stay authorized by the U.S. Attorney General and who otherwise violates the terms and conditions of admission, parole or authorization to stay in the United States. (8 CFR Section 103.12).

**Comparable Replacement Dwelling.** A dwelling that is of similar size and type to the acquired dwelling. A replacement dwelling must be:

- Decent, safe, and sanitary as described below.
- Functionally equivalent to the displacement dwelling. The term “functionally equivalent” means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
- In an area not subject to unreasonable adverse environmental conditions from either natural or manmade sources.
- Available to all persons regardless of race, color, religion, sex, marital status, or national origin.
- Within the financial means of the displaced person (housing costs do not exceed 30% of the household’s average monthly income, if the household is low-income based on the U.S. Department of Housing and Urban Development income limits), either by the displaced person’s own means or through assistance from the Relocation Assistance Program.

**Conditional Entitlement Letter.** A written notice provided by the TJPA to eligible residential owner- and tenant-occupants of real property, stating their entitlement to receive a Replacement Housing Payment upon completion of a Housing Valuation Study.

**Decent, Safe, and Sanitary (DS&S).** In order to meet decent, safe, and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons. The TJPA has determined that this shall be interpreted as follows:

<b>Housing Occupancy Standards</b>	
<i>Housing Type</i>	<i>Maximum Number of Occupants</i>
Studio	2
One-Bedroom	4
Two-Bedroom	6
Three-Bedroom	8
Four-Bedroom	10

- Have a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system.
- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

**Displaced Person.** Any lawful person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of the TJPA’s written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Transbay Program.

**Housing Valuation Study.** A study prepared by the TJPA, describing the maximum replacement housing payment available to eligible residential owner- and tenant-occupants based on comparable replacement dwellings.

**Notice of Eligibility.** A written notice provided by the TJPA to owner- and tenant-occupants of real property at the time the TJPA makes an offer to the property owner to purchase the property, describing the types of assistance available to the occupants.

**Notice to Vacate.** A written notice provided by the TJPA to occupants of real property that the TJPA plans to acquire or has acquired, informing the occupants that they must move from the property within 90 days.

**Personal Property.** Property that can be moved from real property without damaging the real property or the property moved, including furniture, fixtures and equipment, and other movable objects.

**Transbay Joint Powers Authority.** The Transbay Joint Powers Authority (TJPA) is a joint powers agency, created under California Government Code Sections 6500 et seq., responsible for developing the transit portion of the Transbay Program. The TJPA and the City and County of San Francisco will acquire property for the Transbay Program. The TJPA has contracted with Associated Right of Way Services, Inc. (AR/WS) to administer its Relocation Program.

**Transbay Program.** A transportation and housing project that consists of three interconnected elements: (1) replacing the outmoded and seismically unsafe Transbay Terminal with a new multimodal Transbay Transit Center; (2) extending Caltrain 1.3 miles from Fourth and King streets into the Transit Center at First and Mission streets; and (3) creating a new transit-friendly neighborhood with 2,600 new homes (35% of which will be affordable), and mixed-use commercial development.

**Unlawful Occupant.** A person who occupies property without property right, title, or payment of rent, or a person legally evicted, with no legal rights to occupy a property under state law. An occupant is considered to be in unlawful occupancy if the occupant has been ordered to move by a court of competent jurisdiction or if the occupant's tenancy has been lawfully terminated by the owner for cause, the tenant has vacated the premises, and the termination was not undertaken for the purpose of evading relocation assistance obligations.

## **Section 1: Eligibility for Relocation Assistance**

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To be eligible for relocation assistance, a displaced person must be lawfully occupying the property to be acquired by the TJPA at the time the TJPA makes a first written offer to the property owner to purchase the property. Tenants and occupants of properties that the TJPA offers to purchase will be notified of the TJPA's offer by way of a Notice of Eligibility. In addition, under federal law, any person who is an alien not lawfully present in the United States is not eligible for relocation assistance, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child.

Eligible displaced persons will not be required to move until at least 90 days after receiving a formal, written Notice to Vacate a property. No eligible displaced person will be required to move until the TJPA has notified the displaced person of at least three replacement sites to which the displaced person could be relocated.



In addition, residential occupants eligible to receive Replacement Housing Payments will not be required to move prior to receiving a Conditional Entitlement Letter. The TJPA will send a Conditional Entitlement Letter to eligible residential occupants upon completion of a Housing Valuation Study, which determines the maximum Replacement Housing Payment based on a comparable replacement dwelling.

Please note that the TJPA will make every effort to assist each displaced person in finding reasonably comparable replacement sites. Displaced persons ultimately choose their preferred replacement site.

Although an eligible displaced person is not required to move until 90 days after receiving a Notice to Vacate, a displaced person is eligible to receive relocation assistance upon receiving a Notice of Eligibility from the TJPA. If displaced persons choose to relocate at any time after receiving a Notice of Eligibility, then they would be eligible to receive relocation assistance in accordance with the TJPA's Relocation Assistance Program. If displaced persons move before receiving a written Notice of Eligibility, however, they would not be eligible for, or provided with, relocation assistance.

Although the TJPA may provide notice to displaced persons that they are eligible to receive relocation assistance from the TJPA, displaced persons continue to have the same rights and responsibilities they otherwise would have under any lease or other agreement related to the property; the TJPA's Notice of Eligibility does not waive those rights and obligations.

## **Section 2: Relocation Advisory Assistance**

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The TJPA's Relocation Assistance Program for Residential Occupants provides relocation advisory assistance. The TJPA's relocation advisors AR/WS specialize in providing relocation assistance and will administer the TJPA's Relocation Assistance Program. Each displaced person will be assigned a Relocation Advisor from AR/WS.

### **Services**

The Relocation Advisor will guide each displaced residential occupant through the relocation process and help to locate a decent, safe, and sanitary replacement dwelling. It is the Relocation Advisor's goal and desire to be of service and to assist each displaced person in any way possible to help the displaced person to successfully relocate. The Relocation Advisor is available to help and to advise the displaced person; therefore, each displaced person should make full use of the available services.

Individuals with disabilities will be provided the assistance needed to understand their rights under the TPJA's Relocation Assistance Program for Residential Occupants, and assistance to locate and move to a replacement site. A displaced person should notify a Relocation Advisor if additional

assistance to understand the displaced person's rights or to secure a replacement site is needed.

### **Understanding the Relocation Assistance Program**

During the initial contact meeting, a Relocation Advisor will explain the TJPA's Relocation Assistance Program for Residential Occupants. The Advisor will interview the displaced person to understand the household characteristics and replacement housing needs. The Advisor will also ask displaced persons to describe the type of replacement housing they are interested in finding. The Advisor will explain the assistance and payments that the displaced person may claim in accordance with the displaced person's eligibility. It is important that displaced persons explain any anticipated relocation concerns to their Relocation Advisor. During the initial interview, a Relocation Advisor will ask many questions to determine specific relocation needs.

After the initial interview, the Relocation Advisor will deliver written information regarding the displaced person's eligibility and rights, and forward information on available replacement sites as it becomes available. The Relocation Advisor will provide information regarding available replacement properties, maps of replacement properties, and transportation, as needed, to inspect replacement properties, especially if the displaced person is elderly or disabled. Displaced persons are free to use the services of their own real estate agents or brokers.

### **Planning and Preparing to Relocate**

A Relocation Advisor will continue to work with each displaced person to help plan the relocation to a replacement site. In particular, a Relocation Advisor will explain which costs are compensable under the TJPA's Relocation Assistance Program for Residential Occupants and which costs are not, and assist the displaced person with properly filing and documenting claims for reimbursement of relocation expenses.

A Relocation Advisor will also provide information and assistance to minimize hardships in adjusting to the new location, such as assistance completing rental applications or loan documents; information on typical down payments; information on real property taxes; information on services provided by others in the community, as well as federal, state, and local programs offering assistance to displaced persons; and consumer education literature. A Relocation Advisor will also help to determine any special need for an outside specialist to help a displaced person plan for the move and if applicable, the reinstallation of personal property. A Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help a displaced person through any special concerns related to the relocation.

The TJPA's goal is for each displaced person to achieve a successful relocation in the community. Therefore, it is especially important that displaced residential occupants work closely with a Relocation Advisor to evaluate and prepare for the move and search leads to available replacement sites.

## Section 3: Relocation Expenses for Residential Displaced Persons

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### Actual Moving Expenses

An eligible displaced person or household may be reimbursed for the actual, reasonable, and necessary cost of the household's move to a replacement home.

Actual, reasonable, and necessary moving expenses may include the following:

- transportation of the displaced household up to 50 miles
- packing, moving and unpacking household goods
- disconnecting and reconnecting household appliances and other personal property (e.g., telephone and cable TV)
- storage of household goods, as may be necessary
- insurance for the replacement value of property during the move and necessary storage
- the replacement value of property lost, stolen, or damaged in the move (but not through neglect) if insurance is not reasonably available

An eligible displaced person may choose from among the following reimbursement options:

**Payment for Actual Reasonable Moving and Related Expenses.** Payment is made to reimburse actual moving expenses based on the *lower* of at least two acceptable moving bids from qualified professional moving carriers. Compensable costs include all reasonable costs to pack, move, and unpack all personal property. A direct payment can be made to the professional moving carrier under this option and will allow reimbursement to the displaced person for any one-time reconnection fees for utilities such as phone, gas, electricity, and cable.

**A Fixed Moving Payment.** Displaced persons may choose to move their own personal property to the replacement site and to submit a claim based on the moving expense and dislocation allowance schedule published by the Code of Federal Regulations shown on the following page.

Occupant Owns Furniture									Occupant does not own furniture		
Number of Rooms of Furniture									Addt'l room	1 room/ no furn.	Addt'l room no furn.
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms				
\$625	\$800	\$1,000	\$1,175	\$1,425	\$1,650	\$1,900	\$2,150	\$225	\$400	\$65	

**A combination of both.** A displaced person can be reimbursed using a combination of the two reimbursement options, depending upon specific circumstances.

### Replacement Housing Payments for Owner-Occupants

A Replacement Housing Payment may be provided to eligible owner-occupants to help them purchase a comparable replacement dwelling. To be eligible to receive a Replacement Housing Payment, the owner-occupants must demonstrate that (1) they have lived in the property as legal residents for at least 180 consecutive days prior to the TJPA's initial written offer to purchase the property; and (2) the property was their primary residence for that 180-day period (Eligible Owner-Occupants). Federal law limits the maximum Replacement Housing Payment to Eligible Owner-Occupants to \$22,500 per property.

The Replacement Housing Payment to Eligible Owner-Occupants is equal to the sum of the following three costs:

**Purchase Price Differential.** If the cost of replacement housing exceeds the amount the TJPA pays the owners to acquire the existing home, Eligible Owner-Occupants may be eligible for a payment to cover the actual difference. If the cost of replacement housing is less than the purchase price for the existing home, no Replacement Housing Payment is available. The TJPA will determine the cost of replacement housing based on a Housing Valuation Study. The TJPA will inform Eligible Owner-Occupants in writing of the location and cost of comparable replacement housing (Conditional Entitlement Letter) and explain the basis of its determination so that Eligible Owner-Occupants will know in advance how much assistance they may receive. That information should help Eligible Owner-Occupants decide how much they wish to pay for replacement housing.

**Mortgage Interest Differential.** If the "present value" cost to finance the purchase of a replacement dwelling is higher than the actual costs to the owners to finance the TJPA-acquired home, Eligible Owner-Occupants may be eligible for a payment to cover the difference. The Mortgage Interest Differential covers higher interest rates on the mortgage for the replacement housing, as well as other debt service costs. The payment is based on the lesser of (a) the mortgage balance on the present home or (b) the new mortgage amount.

In addition to the eligibility criteria described above, for an owner-occupant to be eligible to receive a Mortgage Interest Differential payment, the mortgage on the home to be acquired by the TJPA must have been a valid lien for at least 180 days before the TJPA's initial written purchase offer for the home.

Eligible Owner-Occupants should provide the TJPA with a copy of the present mortgage(s) on the home to be acquired by the TJPA as soon as possible. Based on that information and the prevailing terms and conditions of new mortgage financing, the TJPA will determine owner-occupants' eligibility for the Mortgage Interest Differential, and compute the approximate Mortgage Interest Differential payment, inform owner-occupants of that amount, and explain the conditions on which it is based. The Mortgage Interest Differential payment will be made available with any Purchase Price Differential payment in a timely manner to reduce the amount Eligible Owner-Occupants must borrow to buy the replacement dwelling.

**Incidental Expenses.** Eligible Owner-Occupants may be eligible to receive a payment for the costs typically charged when one buys real property, such as the cost of preparing the deed and recording fees; the cost of title insurance, revenue stamps, and transfer taxes (not to exceed the cost for a comparable replacement dwelling); loan application, loan origination and appraisal fees; the cost of a credit report; and other costs such as certification of structural soundness, home inspection, and termite inspection. It does not cover prepaid expenses, such as property taxes and insurance.

The total potential Replacement Housing Payment to Eligible Owner-Occupants is the sum of the Purchase Price Differential, Mortgage Interest Differential, and Incidental Expenses. But federal law provides that the maximum Replacement Housing Payments that Eligible Owner-Occupants can receive is \$22,500 per property acquired by the TJPA (not per owner). If the total entitlement to Replacement Housing Payments (without the moving payments) is in excess of \$22,500, the Last Resort Housing Program will be used.

To claim the Replacement Housing Payment, Eligible Owner-Occupants must purchase and occupy a decent, safe, and sanitary replacement dwelling within 1 year after the later of (a) the date they move or (b) the date they receive the final payment from the TJPA for the acquisition of the present home. However, the TJPA may extend this period for good cause.

### **Replacement Housing Payments for Tenant-Occupants and Others**

A Replacement Housing Payment may be provided to eligible tenant-occupants to help them rent or buy a comparable replacement dwelling. To qualify for a Replacement Housing Payment, the tenant-occupants must demonstrate that (1) they have lived in the property as legal residents for at least 90 consecutive days prior to the TJPA's initial written offer to purchase the property; and (2) the property was their primary residence for that 90-day

period (Eligible Tenant-Occupants). Federal law limits the maximum Replacement Housing Payment to Eligible Tenant-Occupants to a 42-month period, and caps the payment at \$5,250 per property.

The Replacement Housing Payment to Eligible Tenant-Occupants is computed in the following manner:

The Replacement Housing Payment for one month is determined by subtracting the "base monthly rent" for the present home from the cost of rent and utilities for the actual or comparable replacement dwelling, whichever is less. The TJPA will determine the cost of replacement housing based on a Housing Valuation Study. If the actual or comparable replacement housing cost is greater than the existing housing cost, that difference is multiplied by 42 months to determine the total maximum Replacement Housing Payment amount. If the actual or comparable replacement housing cost is less than the existing housing cost, no Replacement Housing Payment is available.

Generally, the "base monthly rent" for the present home is the lesser of (a) the monthly rent and average monthly cost for utilities during the three months immediately prior to vacation, or (b) 30% of the average monthly gross household income, if the household is low-income based on U.S. Department of Housing and Urban Development income limits. The TJPA will inform Eligible Tenant-Occupants in writing of the location and cost of comparable replacement housing (Conditional Entitlement Letter), and explain the basis of its determination so that Eligible Tenant-Occupants will know in advance how much assistance they may receive. That information should help Eligible Tenant-Occupants decide how much they wish to pay for replacement housing.

Eligible Tenant-Occupants are free to rent any decent, safe and sanitary housing unit of their choice. The Replacement Housing Payment may be paid directly to the tenant or an authorized designee. The TJPA will provide the assistance in monthly installments or other periodic payments.

Federal law provides that the maximum Replacement Housing Payment that Eligible Tenant-Occupants can receive is \$5,250 per property acquired by the TJPA (not per tenant). If the total rent differential (without the moving payments) is in excess of \$5,250, the Last Resort Housing Program will be used.

To claim the Replacement Housing Payment, Eligible Tenant-Occupants must rent and occupy a decent, safe, and sanitary replacement dwelling within 12 months after moving from the property acquired by the TJPA. However, the TJPA may extend this period for good cause.

**Purchasing a Replacement Dwelling.** If Eligible Tenant-Occupants choose to buy (rather than rent) a replacement dwelling, the Replacement Housing Payment based on the rent differential could be applied toward a down payment and incidental expenses to purchase a decent, safe, and sanitary

replacement dwelling within 1 year of the date the household moves from the property acquired by the TJPA. The Replacement Housing Payment shall not exceed the maximum rent differential (as described above) or the amount of a reasonable down payment for a comparable replacement dwelling plus expenses incidental to the purchase, whichever is less.

### **Last Resort Housing Program**

Whenever a program or project cannot proceed in a timely manner because comparable replacement dwellings are not available within the maximum Replacement Housing Payment of \$22,500 for Eligible Owner-Occupants or \$5,250 for Eligible Tenant-Occupants, the TJPA is required to provide additional or alternative assistance under the provisions of 49 CFR 24.404 (Last Resort Housing). Any determination that the TJPA makes to provide Last Resort Housing assistance must be adequately justified as follows:

On a case-by-case basis, for good cause, which means that appropriate consideration has been given to the following:

- a. Availability of comparable replacement housing in the project area.
- b. Resources available to provide comparable replacement housing.
- c. Individual circumstances of the displaced person.

Or, by determination of the following:

- a. Little, if any, comparable replacement housing is available to displaced persons within the entire project area; therefore, Last Resort Housing assistance is necessary for the area as a whole.
- b. A project cannot be advanced to completion in a timely manner without Last Resort Housing assistance.
- c. The method selected for providing Last Resort Housing assistance is cost effective, considering all elements that contribute to total project costs.

Last Resort Housing is a program that allows for the implementation of certain regulations to ensure that comparable replacement housing is within the financial means of the displaced person. Several methods to provide Last Resort Housing assistance to qualified displaced persons are available:

- a. Provide supplemental funds in excess of the \$22,500 and \$5,250 limits to allow eligible occupants to purchase or rent a comparable replacement dwelling. The actual amount of assistance is determined through a Housing Valuation Study.
- b. Rehabilitate or create additions to make a replacement dwelling meet DS&S standards.
- c. Construct new replacement housing, rehabilitate existing housing, or provide funds for private parties to rehabilitate existing units for occupancy by displaced households. For tenants, rents would be restricted to an amount per month not to exceed 30% of the household's gross monthly income, if the household is low-income based on HUD income limits, for a period of 42 months.

- d. Provide a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest-free.
- e. Relocate and rehabilitate a dwelling.
- f. Purchase land and/or a replacement dwelling and subsequently sell or lease the land to or exchange the land with the displaced person.
- g. Remove barriers for persons with disabilities.

All households who are eligible to receive assistance under the Last Resort Housing program will be notified in writing.

## **Section 4: Other Important Information**

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### **Filing Claims**

Relocation expenses typically will be reimbursed after displaced persons submit to the Relocation Advisor a signed claim and all required documentation supporting the claim. Claims may be submitted as costs are incurred; displaced persons do not have to wait until their relocation is complete to submit claims for reimbursement.

For tenants of property acquired by the TJPA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with the TJPA within 18 months after the displaced person vacates the property. For owners of property acquired by the TJPA, all claims for relocation assistance must be submitted to a Relocation Advisor and filed with the TJPA within 18 months of the later of (a) the date the property is vacated or (b) the date that the owner receives final payment from the TJPA for acquisition of the property. A Relocation Advisor will work with each displaced person to properly document claims for reimbursement. The Relocation Advisor will submit each complete claim to the TJPA for review and processing. The TJPA will make every effort to provide reimbursement for any approved, eligible portion of that claim within approximately 45 days of approval of the claim.

If it is a hardship for a displaced person to pay for relocation costs and to wait for reimbursement of those costs by the TJPA, the displaced person may petition for hardship assistance. If the TJPA approves the petition for hardship assistance, it will attempt to advance certain funds for the relocation based on fully documented requests. It is important that each displaced person work closely with a Relocation Advisor if the displaced person intends to file for hardship assistance. Such a petition should be made approximately 8 weeks before payment is required.

If the TJPA denies all or a part of a claim for reimbursement, or if the TJPA refuses to consider a claim, the TJPA shall promptly notify the displaced person in writing of its determination, the basis for its determination, and the procedures for appealing the determination.



## **Right to Appeal**

Any aggrieved displaced person may file a written appeal with the San Francisco Relocation Appeals Board if the displaced person believes that the TJPA has failed to properly determine its eligibility for relocation assistance services, or the amount of a relocation payment.

The displaced person will be given a prompt and full opportunity to be heard by the Relocation Appeals Board. The displaced person has the right to be represented by legal counsel or another representative in connection with any appeal (but solely at the displaced person's expense).

The Relocation Appeals Board will consider all pertinent justifications and materials submitted to the TJPA, and any other available information needed to ensure a fair review of the appeal. The Relocation Appeals Board will provide the displaced person with a written determination of the appeal with an explanation of the basis for its decision. If still dissatisfied, the displaced person may seek judicial review of the decision.

The City and County of San Francisco's Relocation Appeals Board Guide is contained in Appendix A.

## **Relocation Payments Are Not Considered Income**

No relocation reimbursement received by a displaced person will be considered as income for the purpose of the Internal Revenue Code, or for determining the eligibility of a person for assistance under the Social Security Act, or any other federal law, except for any federal law providing low-income housing assistance.

Payments made by the TJPA to a third party (for example, directly to a moving company instead of to a displaced person) can be considered to be a taxable event. As a result, third-party payments may be subject to an IRS Form 1099 from the TJPA.

## **Nondiscrimination**

Under Title VII of the federal Civil Rights Act of 1968, discrimination based on race, color, religion, sex, or national origin in the purchase and rental of most residential units is illegal. The TJPA's Nondiscrimination Policy ensures that all services and benefits will be administered to the general public without regard to race, religious creed, color, medical condition, sex, sexual orientation, gender identity, marital status, parental status, domestic partner status, age, national origin, ancestry, disability, veteran status, or any other basis protected by law.

## **General Information**

This summary of the TJPA's Relocation Assistance Program has been provided as a courtesy by the TJPA. It is intended to provide general information concerning the TJPA's Relocation Assistance Program, and to assist displaced persons in understanding their rights and benefits. Questions regarding the TJPA's Relocation Assistance Program should be directed to a Relocation Advisor.

Further details regarding federal and state relocation assistance and benefits are set forth in the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act, 42 U.S.C. Sections 4601 et seq., and its implementing regulations, 49 CFR Part 24; the California Relocation Act, Govt. Code Sections 7260 et seq., and its implementing regulations, 25 Cal. Code Regs. Sections 6000 et seq.; and the Federal Highway Administration, website: [www.fhwa.dot.gov/realestate](http://www.fhwa.dot.gov/realestate).

# Appendix A: Relocation Appeals Board

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The City and County of San Francisco's Relocation Appeals Board Guide is included in this appendix.

The guide is also available on the City's website at [www.sfgov.org/site/relocation\\_index.asp?id=148](http://www.sfgov.org/site/relocation_index.asp?id=148)

## 1. Background

### 1.1 General Background

The Relocation Appeals Board of the City and County of San Francisco is the oldest of its kind in the nation. Founded in March 1967, the Relocation Appeals Board is a resource for individuals and families whose residence or business is displaced by public action.

The Relocation Appeals Board's purpose is to study, investigate and hold hearings on grievances and disputes between relocated persons who are dissatisfied with their relocation services and the displacing agencies that are responsible for providing those services.

The Relocation Appeals Board was formalized by the Board of Supervisors of the City and County of San Francisco in 1972 with the enactment of ordinances 333-72 and 334-72. The local governing provisions are codified at Chapter 24B of the San Francisco Administrative Code.

The Relocation Appeals Board has five members. They are appointed by the Mayor and confirmed by the Board of Supervisors.

The Relocation Appeals Board holds regular meeting on the first Wednesday of every month at 11:00 a.m. whenever there is pending business. Meetings are held at a conference room or meeting facility at the Office of the San Francisco Mayor's Office of Housing, 1 South Van Ness Avenue, 5<sup>th</sup> Floor, San Francisco, CA 94103.

All meetings of the San Francisco Appeals Board are public.

### 1.2 Jurisdiction of the Relocation Appeals Board

The Relocation Appeals Board hears disputes between displaced persons and the displacing agency after the displacing agency has responded to a claim. If the displaced person is not satisfied with the displacing agency's response, the displaced person may submit his or her dispute to the Relocation Appeals Board for review. The Relocation Appeals Board may affirm the decision of the displacing agency, reject the decision of the displacing agency and require that it provide further benefits or services, or remand the claim for further consideration by the agency in light of the findings or filings of the Relocation Appeals Board.

The Relocation Appeals Board only reviews disputes when the displacing agency is an agency of the City and County of San Francisco; the Relocation Appeals Board does not have authority to review disputes with State and Federal agencies.

The Relocation Appeals Board only reviews disputes regarding relocation benefits or services. Disputes regarding relocation claims are reviewed under California and federal law. The Relocation Appeals Board does not review disputes regarding compensation for real or personal property that has been damaged, destroyed, or subjected to the powers of eminent domain, and does not review claims for inverse condemnation.

### 1.3 Governing Laws

*1.3.1 Federal Law:* The federal Uniform Relocation Assistance and Real Property acquisition Policies Act of 1970 is codified at title 42, United States Code, section 4600 et seq. This law requires that the federal government provide relocation advice and payments when it acquires real property under its power of eminent domain. In July 1, 1972, the federal law became binding in the states. Federal laws pertaining specifically to relocation payments and services are codified at Title 42, United States Code, section 6080 et seq. Regulation regarding relocation payments and services are codified at Title 49 of the Code of Federal Regulations, Part 24.

*1.3.2 State Law:* Following enactment of the federal relocation law, in 1971 California's legislature enacted the present Relocation Assistance Act with the intent to "implement the 1970 federal enactment and to extend the comparable benefits statewide and payable by the state and its political subdivisions, to persons displaced by the acquisition of land under the eminent domain law after July 1, 1972" City of Mountain View v Superior Court 54 Cal.App.3d 72, 77-78 (1975). The California Relocation Assistance Act is in the California Code; sections 7362 et seq. govern relocation payments and assistance.

The California Relocation Assistance Act provides relocation assistance to persons if they are "displaced" by public projects. Persons are "displaced" if agency action requires them to move from all or part of their property; they can be "displaced" by any agency action, it need not be a condemnation. 57 Ops. Atty. Gen. p. 72 (1974); Superior Strut & Hangar v Port of Oakland, 140 Cal. Rptr. 515, 518 (2977). State law allows a displaced person certain compensation for a forced relocation, including relocation assistance and reimbursement of moving costs.

California law requires that each city or county that has a redevelopment agency also have a relocation appeals board "to hear all complaints brought by residents of the various project areas relating to relocation. [The Relocation Appeals Board] shall determine if the redevelopment agency has complied with provisions of [state law] and, where applicable, federal regulations." Government Code 33417.5.

*1.3.3 Local Ordinance:* The San Francisco Relocation Appeals Board is governed by Chapter 24B of the San Francisco Administration Code.

## **2. Procedures for Appealing to the Relocation Appeals Board**

The Relocation Appeals Board reviews disputes between a relocate and a displacing agency related claims for relocation benefits or services. The Relocation Appeals Board does not hear appeals until claims for relocation benefits or services have been denied in whole or in part by the displacing agency. The Relocation Appeals Board will hear claims where a displacing agency fails to respond to a claim after a reasonable time.

### **2.1 Complaint**

An appeal to the Relocation Appeals Board begins with a complaint. If you are preparing a complaint to the Relocation Appeals Board, you must include at least the following:

- a. Name of the aggrieved person;
- b. Location of the property from which the aggrieved person is being displaced;
- c. The nature of the dislocation, i.e., a family residence, business, warehouse, etc.;
- d. The displacing agency or the agency responsible for providing services and the name and address of the person at the agency who is responsible for handling the claim;
- e. A brief description of the grievance and grounds for appeal to the Relocation Appeals Board;
- f. Documents in support of your claim, or, if they are voluminous, a summary of the documents that support your claim;

The complaint must be signed. The signature of the complaining person verifies the accuracy and the truthfulness of the complaint. Unsigned complaints will not be accepted. (See generally San Francisco Admin. Code #24B.7.)

### **2.2 Delivery of the Complaint to Board Secretary, Displacing Agency**

The complaining party or its representative shall deliver the signed complaint to the Secretary of the Relocation Appeals Board at the following address:

Board Secretary  
Relocation Appeals Board of the City and County of San Francisco  
1 South Van Ness Avenue, 5<sup>th</sup> Floor  
San Francisco, CA 94103

If there are questions about the handling of the complaint, please contact the Secretary of the Relocation Appeals Board at (415) 701-5558.

In addition to filing the complaint with the Board's Secretary, the complaining party must send a copy to the responsible agent at all displacing agencies that are subject to the dispute.

### **2.3 Authorization for Release of Information**

After your complaint is received, the staff of the Relocation Appeals Board will mail you a "Request for Authorization to Release Confidential Information." This authorization, when signed, allows the displacing agency to respond to your complaint with relevant information. Please sign the "Request" and return it to the Secretary of the Relocation Appeals Board at the above address.

### **2.4 Written Answer By Displacing Agency, Reply**

The displacing agency will answer your complaint in writing within 15 days (unless a longer time is allowed by the Board) and will provide you with a copy of its answer.

The Board or the Secretary of the Board may request that you file a written reply to the displacing agency's agency answer. Your reply should be filed with the Secretary and a copy mailed to the responsible person at the displacing agency, usually the person who filed the answer.

When the written complaint, answer, and reply (if any) are received, the review process begins.

## **3. Pre-Hearing Mediation**

The Secretary or a member of the Relocation Appeals Board will review your complaint, the answer, any reply and all other pertinent materials to your claim and the dispute. This person is the mediator. The mediator will attempt to resolve the dispute prior to a formal hearing and review by the Relocation Appeals Board.

The mediation may take any form deemed suitable by the mediator and the Relocation Appeals Board. This may include ex parte conferences with the claimant, the displacing agency, or others in order to reconcile the dispute; conferences, requests for further written submissions, interviews of witnesses, or brief presentations by the disputants to clarify their positions are routinely requested. If the efforts of the mediator cause the dispute to be resolved to the satisfaction of all parties, the appeal to the full Relocation Appeals Board is dismissed.

If the claimant is not satisfied with the results of the mediation, the matter will be presented to the Relocation Appeals Board in a formal hearing. Upon written request of the claimant or upon the mediator's determination that attempts to resolve the dispute have failed, the Secretary will set the appeal for hearing before the Relocation Appeals Board at a regularly scheduled meeting. The Secretary will give written notice of the time, place and the date of the appeal to all parties.

## **4. Hearings Before the Relocation Appeals Board**

### **4.1 parties; Representation by Lawyers; Notices**

No claimant who presents an appeal to the Relocation Appeals Board needs to be represented by a lawyer, though any party who presents an appeal to the Relocation Appeals Board may be so represented.

Whenever any document containing an attorney's name, address and telephone number is filed by an attorney on behalf of a party, or whenever a party advises in a complaint or other written notice to the Board that the party's is represented by counsel, all notices sent by the Board or other parties shall thereafter be sent to the party's attorney instead of to the party. Notices will not be sent to both the attorney and the party represented by the attorney.

### **4.2 Discovery (exchange of information)**

There is non-procedure for pre-appeal discovery or exchange of information between disputants. Parties may be requested to exchange information or to provide statements to the Relocation Appeals Board, the mediator, or the Secretary in an attempt to resolve the dispute. No party is obligated to provide information in response to such a request, though the failure to provide requested information may be considered by the Relocation Appeals Board on appeal.

### **4.3 Appeals Heard At Regular Meetings; Emergency Sessions**

All appeals to the Relocation Appeals Board shall be heard at a regularly scheduled meeting of the Relocation Appeals Board. An appeal may be heard outside of a regularly scheduled meeting only under special circumstances.

A claimant may petition for an expedited appeal at a specially convened meeting by demonstrating special circumstances. Such a petition must be submitted to the Secretary of the Relocation Appeals Board at least five days prior to the date requested for an expedited appeal. The petition must set forth the basis of the request for the expedited appeal and must include the following information: the date that the claim that is subject to the appeal was submitted to the displacing agency; the date of final response by the displacing agency; the date of written complaint initiating the appeal; the hardship that would attend hearing the appeal at the regularly scheduled meeting; and an explanation of any prior delays in the presentation or prosecution of the claim or the appeal. The petition must be signed by the complainant.

The President of the Board will assess any petition for an expedited appeal. If the petition is granted, the Secretary will attempt to convene a quorum of the Board at the date and time requested in the petition. If a quorum cannot be convened at the date and time requested, the appeal will be heard at the earliest date and time at which such a quorum may be convened.

Any party or agency that opposes an expedited hearing may submit a letter to the Secretary explaining why an expedited hearing is unnecessary, inappropriate, or prejudicial to the other party.

#### **4.4 Postponements**

The President of the Board may grant a postponement of a scheduled appeal only for a good cause. Good cause may include, but is not limited to, showings of the following: (1) illness of a party, attorney, or other authorized representative of a party, or a material witness; (2) verified travel outside of San Francisco scheduled before the receipt of the notice of hearing; or (3) any other reason that makes it impracticable to appear on the scheduled date due to unforeseen circumstances or verified pre-arranged plans that are not reasonably susceptible to change. Inconvenience is not a good cause.

Requests for postponements shall be made in writing at the earliest possible date. Requests to postpone an appeal should include supporting documentation. Requests to postpone an appeal should be served upon all other parties and their counsel.

The parties to an appeal may agree to a postponement once without approval of the Board if they notify the Board at least five days prior to the date of the appeal. Stipulated postponements closer than five days to a scheduled appeal may be granted only with permission from the President of the Board either in writing or at the hearing for the appeal.

The parties to an appeal may agree to additional postponements only with the approval of the Board. A joint request for postponement shall be submitted in writing.

#### **4.5 Pre-Appeal Submissions**

Each party to an appeal shall submit the following to the Secretary to the Board and to each other party or its counsel at least five days prior to the scheduled appeal:

- a. A brief explanation of the law that supports the party's position.
- b. A summary of the facts that the party expects to show at the hearing on appeal.
- c. A list of the witnesses to be called by the party and a summary of the witnesses' testimony.
- d. All documents that the party intends to present at the hearing on appeal.
- e. The name of the party intends to present at the hearing on appeal, including any physical objects, large maps, diagrams, enlarged photographs.
- f. The name of the party or the attorney who will be primarily responsible for presenting the appeal to the Relocation Appeals Board.

The parties shall submit six copies of all submissions to the Secretary for distribution to the members of the Relocation Appeals Board and staff.



#### **4.6 Absent Parties**

If a party fails to appear at a properly noticed hearing the Board may, as it deems appropriate, continue the appeal, decide the case on the submitted documents, or proceed with a hearing and render a decision. If the absent party is the complainant, the Board may dismiss the complaint. If the absent party is the displacing agency, the Board may enter a decision affirming the complaint against the agency.

#### **4.7 Conduct of Appeal**

Appeals shall be conducted in conformity with these rules unless otherwise ordered at any hearing or by formal amendment to these rules by a majority of the members of the Relocation Appeals Board.

Each party will make a brief opening or introductory statement. Claimant will make the first statement; each displacing agency adverse to claimant will make the second statement(s); claimant may make a brief reply statement.

Claimant will present its case first, including the presentation of witnesses, documents, diagrams, photographs, summaries, charts, or other materials relevant to the claim.

Oral evidence shall be taken only on the oath or affirmation of the witness.

Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses on any matter relevant to the issues before the Board. The claimant may be called as a witness even if the claimant does not testify in its own behalf. The agent of the displacing agency may be called as a witness even if the agent does not testify on behalf of the displacing agency.

Third party witnesses (witnesses that are neither the claimant nor the displacing agency) may be presented by either side. If presented, they may be cross-examined. Neither party may subpoena or compel the testimony of third party witnesses.

Adverse witnesses (persons who are employed by or under the control of the adverse party) may not be compelled to give testimony. However, any party may request that an adverse witness testify. To request the testimony of an adverse witness, a party shall request the presence of such witness by sending notice to the adverse party at least 10 days prior to the date of appeal. The request shall state the name of the witness, the relationship between the adverse witness and the adverse party, the subject matter of the adverse witnesses' testimony, and the anticipated testimony from the witness. If the adverse party does not make the witness available at the appeal, the Board may consider in its decision the absence of the witness against the adverse party and the anticipated testimony in favor of the party that requested the testimony.

The parties may present all the relevant evidence that furthers the decision-making process. The parties are not bound by civil rules of evidence except as stated in these rules. Parties and witnesses may introduce hearsay in support of their claims. Proffered hearsay evidence is admissible for all purposes and, if assessed as credible by the Relocation Appeals Board, may provide the sole basis for a finding or decision.

Evidentiary privileges protected by law are honored in an appeal before the Relocation Appeals Board but must be asserted promptly. Unasserted privileges and untimely objections are waived.

The Relocation Appeals Board may limit the presentation of evidence, the number of witnesses, or remarks of the parties or counsel in order to avoid the presentation of irrelevant, repetitious or unruly inflammatory testimony, evidence or other matters.

The Board or its counsel may, from time to time, interrogate witnesses, question counsel, or request further evidence in the course of the appeal process.

#### **4.8 Burden of Proof on Appeal**

In any appeal to the Relocation Appeals Board by a displaced person regarding the displacing agency's treatment of a claim, the displaced person has the initial burden of demonstrating that the claim for relocation payments or benefits was timely, proper, and reasonable.

In order to overcome a complaint by a displaced party who satisfies the burden of demonstrating that the claim was timely, proper and reasonable, if the burden of the displacing agency to demonstrate that the claim for relocation payments was not timely, proper, reasonable, or that it is defective under applicable law or regulations. The displacing agency may discharge its burden of proof by demonstrating that it has made an offer to settle the claim, that the offer to settle the claim was rejected, and that the offer to settle the claim was more reasonable than the original claim and in conformity with applicable law and regulations.

#### **4.9 Record or Proceedings**

The Relocation Appeals Board may record the proceedings on appeal by audiotape or by causing a transcript to be made. The Relocation Appeals Board may request that the parties to the appeal share the expense of recording or transcribing the proceedings for the benefit of the Board or the parties.

In the event that the Board does not elect to record or transcribe the proceedings, any party may retain a stenographer or tape record the proceedings in order to keep a record, provided that the party so recording the proceedings makes available to the board a copy of the transcript or recording of the proceedings if the Board so requests, and such copy or transcript shall be tendered without charge. The party transcribing or recording the proceedings must also make available to other parties a transcript or

recording at a reasonable charge not to exceed that party's proportional share of the cost of obtaining such a record.

#### **4.10 Additional Submissions**

The Board may request that either or both parties present any additional briefing, documents, information, declarations or testimony to the Relocation Appeals Board following the hearing on appeal. All such submissions shall be filed with the Secretary of the Board within the time requested by the Board and served to all other parties or their counsel. No party need respond to such submissions unless requested to do so by the Board, or unless such party requests in writing from the Board permission to respond and such permission is granted in writing.

### **5. Decisions on Appeal**

The Relocation Appeals Board will deliberate on the appeal following the close of presentation of evidence. The deliberations of the Relocation Appeals Board are public.

The decision of the Relocation Appeals Board to affirm the complaint in whole and to order the relief requested, to grant the complaint in part and to order part of the relief requested, or to grant the complaint in part and order relief other than requested, must be based on the agreement of a majority of the voting members. The agreement of a majority of the voting members of the Board on the nature and extent of relief to be awarded is sufficient to constitute a ruling of the Board, and such shall be the decision of the Board, notwithstanding any disagreement among the voting members as to the basis of such relief.

The President of the Board shall appoint a member of the Board or the Secretary to draft a resolution setting forth the Board's ruling. A resolution that satisfactorily sets forth the Board's ruling shall be affirmed and signed by the President of the Board and served to the parties to the appeal by registered mail.

### **6. Appeal to the Superior Court**

If the Board issues a final decision other than to grant the relief requested in the complaint, the complaining person may seek further review by administrative mandamus in the San Francisco Superior Court. The Procedures for pursuing a claim of administrative Mandamus are set forth in section 1094.5 of the California Code of Civil Procedure.

Deadlines for filing a petition for review in the Superior Court are strict. The time to bring a petition is governed by Section 1094.6 of the California Code of Civil Procedure. Failure to file a timely petition for review may result in waiver of your right to further review.

## **7. Approval of the Rules**

These General Rules and Procedures are approved by the members of the Relocation Appeals Board this 6 day of Sept., 1995 and shall govern all proceedings before this Board until otherwise revoked, amended, or replaced by a majority vote of this Board.

These General Rules and Procedures shall be made available at the request of any person and the Secretary of the Relocation Appeals Board shall provide copies of these General Rules and Procedures to all parties to appeals before the Relocation Appeals Board.

Appendix G  
Public Notice, Availability of Draft Relocation Impact Study II



REVISED

## PUBLIC NOTICE

### Draft Relocation Impact Study II Available for Public Review and Comment

The Transbay Joint Powers Authority (TJPA) plans to acquire property to develop the transit portion of the Transbay Program, which will replace the Transbay Terminal at First and Mission streets in San Francisco with a new Transit Center, and build a new neighborhood with approximately 2,600 new residential units.

The TJPA must consider the needs of those who occupy the properties that the TJPA plans to acquire. The TJPA has prepared a Draft Relocation Impact Study II (Study II) that (a) describes the transit portion of the Transbay Program, its schedule and financing plan, (b) identifies the impact that the Transbay Program may have on the occupants of property required for construction of the Transbay Program, (c) identifies the availability of potential replacement sites, and (d) explains the TJPA's Relocation Assistance Program.

Interested parties are invited to review a copy of Study II and to submit comments. Public comments will help shape the Final Relocation Impact Study II, which will be presented to the TJPA Board of Directors for approval at a public meeting.

You have 30 days to review and comment on Study II. It is important that you submit your comments by **January 20, 2010**, so that they may be considered in the development of the Final Relocation Impact Study II. If you would like to make comments on the Study II, please contact Ms. Jamie Guillen, our Relocation Consultant,

- o by calling her office toll-free at 800-558-5151,
- o by sending your comments to her office at 2300 Contra Costa Boulevard, Suite 525, Pleasant Hill, California 94523, or
- o by emailing her at [RelocationDraftStudyII@TransbayCenter.org](mailto:RelocationDraftStudyII@TransbayCenter.org).

The Study is available for review online at [www.TransbayCenter.org](http://www.TransbayCenter.org), located on the Documents page under Items for Public Comment, and at the following locations:

San Francisco Main Library  
100 Larkin Street  
San Francisco, CA 94102

TJPA Office  
201 Mission Street, Suite 2100  
San Francisco, CA 94105



**Appendix H  
Summary of Public Comments in Response to Draft Relocation Impact Study II**

The Draft Relocation Impact Study II (Draft Study II) was circulated for public review and comment from December 11, 2009, to January 20, 2010. The TJPA received verbal comments from two persons on Draft Study II. These comments and the TJPA’s responses to the comments are summarized below.

<i>Summary of Comments Received</i>		<i>Response to Comment</i>
1.	Question regarding how the dedicated parking spaces at the subject property for a neighboring property will be handled?	The TJPA’s Relocation Assistance Program addresses the needs of and provides assistance to all displaced persons. A displaced person is defined as any lawful person (individual, family, partnership, association, or corporation) who moves from real property, or moves personal property from real property, as a direct result of the TJPA’s written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property, in whole or in part, for the Transbay Program. Removal of parking alone generally does not result in displacement of a person or business and, thus, is outside the scope of Study II. The removal of parking spaces will, however, be addressed as part of right-of-way acquisition for the Transbay Program.
2.	Question regarding how the TJPA would address a residential tenant at a neighboring property who may have rights to a parking space at the subject property, and who may be interested in moving as a result of the impacted or loss of the dedicated parking space?	The TJPA is not aware of any residential tenant of the neighboring property who may be required to move from that property as a result of the acquisition of the subject property. The TJPA will, however, offer relocation assistance to all eligible displaced persons under the terms of the Relocation Assistance Program.
3.	Questions regarding comparables listed in Draft Study II, how the Last Resort Housing Program works, and how the Replacement Housing Payment is calculated?	<p>The comparables listed in Draft Study II are simply a representation of the different types and sizes of units available at the time of the Draft Study that are most similar to the displacement units.</p> <p>The Last Resort Housing Program is available to public agencies when additional or alternative assistance may be required in order to adequately relocate residential occupants into comparable replacement dwellings within the financial means of the displaced person. This program is available on a case-by-case basis, and displaced persons will be notified if they fall under this category.</p> <p>The Replacement Housing Payment for residential occupants will be calculated pursuant to the Uniform Relocation Assistance and Real Property Acquisitions Policies Act. A Housing Valuation Study will be prepared for each housing type and will determine the increased cost for comparable replacement housing. All eligible residential occupants will receive a Conditional Entitlement Letter that will include the maximum Replacement Housing Payment amount.</p>

The Final Relocation Impact Study II reflects the following substantive changes to Draft Study II:

	<b>Draft Study II</b>	<b>Final Study II</b>
Title	<i>Draft Relocation Impact Study II</i>	<i>Final Relocation Impact Study II</i>
Date	December 2009	January 2010
Sec. 2.3	<i>Because these funds will not be received until the TJPA completes a portion of the Transbay Program, the TJPA will seek a construction period loan from the federal government.</i>	<i>Because these funds will not be received until the TJPA completes a portion of the Transbay Program, the TJPA has received a construction period loan from the federal government.</i>
Sec. 3.2, par. 1		Text added: <i>Appendix C contains samples of the initial contact letters sent to property owners and occupants.</i>
Sec. 3.4, par. 1	<i>Study II will be made available for public review and comment for at least 30 days. Copies of Study II will be available at the San Francisco Main Library, 100 Larkin Street in San Francisco; at TJPA's offices, 201 Mission Street, Suite 2100, San Francisco; and on the TJPA's website at <a href="http://www.transbaycenter.org">www.transbaycenter.org</a> under Documents, Items for Public Comment.</i>	<i>A draft of Study II was made available for public review and comment for at least 30 days. A public notice of availability was sent to affected residents and property owners and accompanied copies of the draft Study II that were available at the San Francisco Main Library, 100 Larkin Street in San Francisco; at TJPA's offices, 201 Mission Street, Suite 2100, San Francisco; and on the TJPA's website at <a href="http://www.transbaycenter.org">www.transbaycenter.org</a> under Documents, Items for Public Comment. The public notice is shown in Appendix G. The TJPA provided a copy of the draft Study II to the Federal Transit Administration.</i>
Sec. 3.4, par. 2	Comments will be evaluated as part of the development of a Final Relocation Impact Study II, which will be presented to the TJPA Board of Directors for approval at a public meeting. The Final Relocation Impact Study II will generally describe the occupants of property to be acquired by the TJPA who will potentially be displaced, discuss the availability of potential replacement sites, and explain the TJPA's Relocation Program.	<i>Comments were evaluated as part of the development of this Study II, which will be presented to the TJPA Board of Directors for approval at its public meeting on February 11, 2010. Appendix H contains a summary of the public comments received verbally during the review and comment period and the TJPA's responses to comments. Study II generally describes the occupants of property to be acquired by the TJPA who will potentially be displaced, discusses the availability of potential replacement sites, and explains the TJPA's Relocation Program.</i>
App. G		Appendix added: <i>Public Notice, Availability of Draft Relocation Impact Study II</i>
App. H		Appendix added: <i>Summary of Public Comments in Response to Draft Relocation Impact Study II</i>