

MODESTO REDEVELOPMENT AGENCY  
RESOLUTION NO. 1-92

A RESOLUTION DESIGNATING AGENCY MEMBER KENNI FRIEDMAN TO SERVE AS VICE CHAIRPERSON FOR THE ENSUING YEAR PURSUANT TO SECTION 2.03 OF THE BYLAWS FOR THE REDEVELOPMENT AGENCY OF THE CITY OF MODESTO

BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that Agency Member Kenni Friedman is hereby designated to serve as Vice Chairperson for the ensuing year pursuant to Section 2103 of the Bylaws for the Redevelopment Agency of the City of Modesto.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 28th day of January 1992 by Agency Member Patterson who moved its adoption, which motion being duly seconded by Agency Member Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Cogdill, Dobbs, Friedman, Muratore,  
Patterson, Chairperson Lang

NOES: Agency Members: None

ABSENT: Agency Members: Muratore

ATTEST: *Norrine Coyle*  
NORRINE COYLE, Secretary

MODESTO REDEVELOPMENT AGENCY  
RESOLUTION NO. 2-92

A RESOLUTION ADOPTING REVISED RELOCATION GUIDELINES.

WHEREAS, the Modesto Redevelopment Agency is required under State law to provide relocation services to persons displaced by a public project, and

WHEREAS, to assure a uniform policy for the fair and equitable treatment of persons displaced by programs of the Redevelopment Agency, the Modesto Redevelopment Agency has previously adopted guidelines; however, Congress and the State of California have recently developed revisions intended to increase the payments to property owners and to liberalize this law for public agencies,

NOW, THEREFORE, BE IT RESOLVED by the Modesto Redevelopment Agency that it hereby approves and adopts revised relocation guidelines entitled "City of Modesto Regulations and Procedures Implementing the Relocation Assistance Law Government Code Sections 7620 et. seq.", a copy of said relocation guidelines is attached hereto and incorporated herein by reference as though set forth in full herein.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 28th day of January, 1992, by Agency Member Patterson, who moved its adoption, which motion being duly seconded by Agency Member Cogdill, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Cogdill, Dobbs, Friedman, Muratore,  
Patterson, Chairperson Lang

NOES: Agency Members: None

ABSENT: Agency Members: Bird

(SEAL)

ATTEST: Norriene Coyle  
NORRIENE COYLE, Secretary

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, General Counsel

CITY OF MODESTO

REGULATIONS & PROCEDURES IMPLEMENTING THE RELOCATION ASSISTANCE LAW  
GOVERNMENT CODE SECTIONS 7260 et. seq.

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*Exhibit "A"*

CITY OF MODESTO

REGULATIONS & PROCEDURES IMPLEMENTING THE RELOCATION ASSISTANCE LAW  
GOVERNMENT CODE SECTIONS 7260 et. seq.

1 - GENERAL

1.1 Purpose and coverage.

a. These regulations and procedures implementing Section 7260 et. seq. of the Government Code, Relocation Assistance, hereinafter referred to as the Act, are to assure a uniform policy for the fair and equitable treatment of persons displaced by programs of the City of Modesto.

b. In the event of any conflict between these regulations and procedures and the provisions of the Act, or any other applicable law, the statutory provisions are controlling.

c. It is the intent of these regulations and procedures to establish minimum requirements for relocation assistance payments by the City of Modesto. These regulations and procedures shall not be construed to limit any other authority which the City of Modesto may have to make other relocation assistance payments, or to make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by these regulations and procedures.

d. The requirement to provide relocation assistance benefits shall not apply to a purchase of property which is offered for sale by the owner, property being sold at execution or foreclosure sale, or property being sold under a court order.

dg. The City of Modesto, may, also, make any other relocation assistance payment, or may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by these regulations and procedures, if the making of such payment, or the payment in such amount, is required under federal law to secure federal funds.

1.2 General considerations.

a. In interpreting these regulations and procedures, in addition to the Act, the following shall be considered:

(1) House Report No. 91-1656 of December 2, 1970, a report to accompany S.1, Committee on Public Works, House of Representatives, 91st Congress, 2nd Session.

(2) Provisions of other applicable law, including Title VI of the Civil Rights Act of 1964, and Title VIII of the Civil Rights Act of 1968.

(3) State of California Relocation Guidelines ~~of October 17,~~ 1973, issued by the Department of Housing and Community Development.

(4) Applicable State laws and good faith and reasonableness.

b. The City Manager shall instruct city officials responsible for programs under the Act that:

(1) Programs undertaken by the City shall, in an early stage, shall include a plan which (1) recognizes the problems associated with the displacement of individuals, families, businesses and farm operations; and (2) provides for the resolution of these problems in order to minimize adverse impacts and to expedite program advancement and completion. This plan shall include those measures, facilities and services necessary to accomplish the goals set forth in Government Code 7261(c).

(2) No person shall be required to move from his or her dwelling because of its acquisition by a public entity, unless comparable replacement housing is available to the person.

(13) A written notice of displacement must be given by the City of Modesto to each individual, family, business, or farm operation to be displaced. Such notice shall be served personally or by certified first-class mail.

(24) In order to qualify for benefits under the Act as a displaced person, either of two conditions must be fulfilled:

(aa) The person must have moved (or moved personal property) as a result of a written notice of intent to acquire for a program or project undertaken by a public entity or a person having an agreement with or acting on behalf of a public entity; or

(ab) The person must have moved as a direct result of the rehabilitation, demolition, or other displacing activity prescribed by a public entity when the public entity determines that the displacement is permanent.

(ad) The person must have moved (or moved his personal property) as a result of the receipt of a written notice to vacate which notice may have been given before or after initiation of negotiations for acquisition of the property. (When negotiations are initiated prior to issuance of a written notice, all persons contacted should be advised that the benefits of the Act are available only when the person moves subsequent to receipt of a written notice.)

(ab) The subject real property must in fact have been acquired in whole or in part and the person must have moved as a result of its acquisition.

(15) In addition, certain of the benefits provided by the Act are available as follows:

(aa) Whenever the acquisition of (or notice to move from) a written notice of intent to acquire or a public program for rehabilitation, demolition, or other displacing activity to real property used for a business or farm operation causes any person to move from other real property used for his dwelling, or to move his personal property from such other real property,

such person shall receive the benefits provided by Section 7262 (a) and (b) and 7261 of the Act.

(ab) If the City Manager determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he may offer such person relocation advisory services under Section 7261 of the Act.

(46) For real property acquisitions, contracts or options to purchase real property shall not incorporate provisions for making payments for relocation costs and related items in the Act. Appraisers shall not give consideration to or include in their real property appraisals any allowances for the benefits provided by the Act. In the event of condemnation with a declaration of taking, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to or reference contained therein to the payments to be made under the Act.

(87) Applications for benefits under the Act must be made within eighteen (18) months from the date on which the displaced person moves from the real property acquired or to be acquired; or the date on which the City of Modesto makes final payment of all costs of that real property, whichever is the later date. The City Manager may extend this period upon a proper showing of good cause.

(88) The provisions of the Act apply to the acquisition of all real property for, and the relocation of all persons displaced by, projects or programs undertaken by the City of Modesto regardless of the source of funds.

1.3 Review of activities for compliance with the Act. The City Manager shall provide for periodic review of all programs to insure compliance with the provisions of the Act.

1.4 Public information. Full information concerning the City of Modesto's relocation programs shall be made available to the public and persons to be displaced shall be fully informed, at the earliest possible time, of such matters as available relocation payments and assistance; the specific plans and procedures for assuring that suitable replacement housing will be available for homeowners and tenants, in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review by the City Manager.

## 2 - ASSURANCE OF ADEQUATE/COMPARABLE REPLACEMENT HOUSING PRIOR TO DISPLACEMENT

### 2.1 Assurance of availability.

a. Availability. The City of Modesto shall not proceed with any phase of a project which will cause the displacement of any person until the City Manager has determined that within a reasonable period of time prior to displacement, there/comparable replacement housing will be available on a basis consistent with the requirements of Title VIII of the Civil Rights Act of 1968 (P.L. 90-284), in/itself/not/generally/less/desirable/in/regard/to

public utilities and public and commercial facilities and at tents or places  
with the familial needs of the families and individuals displaced, decent,  
safe, and sanitary dwellings, equal in number to the number of, and available  
to, such displaced persons who require such dwellings and reasonably  
accessible to their places of employment as defined herein.

b. Support. The determination should be based on a current survey and analysis of available replacement housing. Such survey and analysis must take into account the competing demands on available housing.

c. Waiver. Pursuant to Section 7261 (c) (3) of the Act, the City Manager may prescribe situations where the determination described in paragraph a. of Section 2.1 hereof may be waived. These should be limited only to emergency or other extraordinary situations where immediate possession of real property is of crucial importance. Each waiver of assurance of replacement housing shall be supported by appropriate findings and a determination of the necessity for the waiver.

d. Standards for decent, safe, and sanitary dwellings.

(1) A decent, safe, and sanitary dwelling is one which meets all of the following minimum requirements. Adjustments may be made only in the cases of unusual circumstances or in unique geographic areas.

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

(ab) Has a continuing and adequate supply of potable safe water.

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

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

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

(af) Has an adequate and safe wiring system for lighting and other electrical services.

(ag) Is structurally sound, weather tight, in good repair and adequately maintained.

(ah) Each building used for dwelling purposes shall have a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multi-dwelling buildings of three (3) stories or more, the common corridor on each story must have at least two (2) means of egress.

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

(2) A decent, safe, and sanitary sleeping room is one which includes the minimum requirements contained in paragraph d. (1), subparagraphs (aa), (ad), (ae), (af), (ag), and (ah) of this Section and the following:

(aa) At least one hundred (100) square feet of habitable floor space for the first occupant and fifty (50) square feet of habitable floor space for each additional occupant.

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

(3) A decent, safe, and sanitary mobile home is one which includes the minimum requirements contained in paragraph d. (1), subparagraphs (ab), (ac), (ad), (ae), (af), (ag), (ah), and (ai) of this Section, except that it may have seventy (70) square feet of habitable floor space for each additional occupant, and the following:

(aa) Bears the insignia of approval issued by the State of California, Department of Housing and Community Development, pursuant to the California Health and Safety Code, except those manufactured prior to September 1, 1958.

2.2 Housing provided as a last resort. When it is determined that adequate replacement housing is not available and cannot otherwise be made available, the City Manager may take action to develop replacement housing. Such action for replacement housing will be guided by the criteria and procedures issued by the Secretary of Housing and Urban Development in accordance with the provision concerning Section 206 (a) of the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 (P.L. 91-646).

3 - MOVING AND RELATED EXPENSES

3.1 Eligibility.

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

b/ Any person who moves from real property or moves his personal property from real property in/as a result of the acquisition of such real property in whole or part, or in/as a result of a written notice from the City of Modesto to vacate real property, or in/as a result of a written notice from the City of Modesto to vacate other real property or which such person conducts a farm or business, is eligible to receive a payment for moving expenses.

3.2 Allowable moving expenses.

a. Allowable moving expenses.

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

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

(3) Advertising for packing, crating, and transportation when the City of Modesto determines that it is necessary.

(4) Storage of personal property for a period generally not to exceed six (6) months when the City of Modesto determines that storage is necessary in connection with relocation.

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

(6) Removal, reinstallation, re-establishment, including such modification as deemed necessary by the City of Modesto of, and reconnection of utilities for, machinery, equipment, appliances, and other items, not acquired as real property. Prior to payment of any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and that the City of Modesto is released from any payment for the property.

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

b. Additional business moving expenses.

(1) The costs of physical changes associated with disconnection and reinstallation of equipment.

(2) The cost of modifying equipment to fit the new location.

(3) The cost of licenses, permits and other entitlements to operate the business at the new location.

b.c. Limitations.

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

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

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

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

3.3 Nonallowable moving expenses and losses.

- a. Additional expenses incurred because of living in a new location.
- b. Cost of moving structures or other improvements in which the displaced person reserved ownership except as otherwise provided by law.
- c. Improvements to the replacement site, except when required by law.
- d. Interest on loans to cover moving expenses.
- e. Loss of good will (covered already by CCP 1265.510 et seq.).
- f. Loss of profits.

- g. Loss of trained employees.
- h. Personal injury.
- i. Cost of preparing the application for moving and related expenses.
- j. Payment for search cost in connection with locating a replacement dwelling.

3.4 Expenses in searching for replacement business or farm.

a. Allowable.

(1) Actual travel costs.

(2) Extra costs for meals and lodging.

(3) Time spent in searching at the rate of the displaced person's salary or earnings, but not to exceed Ten and no/100ths Dollars (\$10.00) per hour.

(4) In the discretion of the City of Modesto, necessary broker, real estate or other professional fees to locate a replacement business or farm operation.

b. Limitation. The total amount a displaced person may be paid for searching expenses may not exceed ~~Five/Hundred/One Thousand~~ and no/100ths Dollars ~~(\$500/00)/(\$1,000.00)~~ unless the City Manager determines that a greater amount is justified based on the circumstances involved.

3.5 Actual direct losses by business or farm operation. When the displaced person does not move personal property, he should be required to make a bona fide effort to sell it, and should be reimbursed for the reasonable costs incurred.

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

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

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

d. The actual and reasonable expenses necessary to reestablish a displaced farm, nonprofit organization, or small business at its new site, but not to exceed Ten Thousand Dollars (\$10,000.00).

#### 4 - PAYMENTS IN LIEU OF MOVING AND RELATED EXPENSES

##### 4.1 Dwellings - schedules.

a. Section 7262 (b) of the Act provides that at the option of the displaced person he may receive a moving expense allowance not to exceed Three Hundred and no/100ths Dollars (\$300.00) based on a schedule established by the City of Modesto. The moving allowance schedule maintained by the State Highway Department shall be used as the City of Modesto's schedule. In addition, a displaced person shall receive a dislocation allowance of Two Hundred and no/100ths Dollars (\$200.00).

b. A displaced person, who elects to receive a payment based on the schedule, shall be paid under the City of Modesto's schedule regardless of where he relocates.

##### 4.2 Businesses - eligibility.

a. A person displaced from his business, as defined in Section 7260 (d) of the Act is eligible under Section 7262 (c) of the Act to receive a fixed payment in lieu of moving and related expenses. Care must be exercised, in each instance, however, to assure that such payments are made only in connection with a bona fide business. The City Manager shall prescribe appropriate criteria for a determination that a given activity does, in fact, constitute a bona fide business.

b. Those businesses described in Section 7260 (4) of the Act are not eligible under Section 7262 (c) of the Act for a payment in lieu of moving and related expenses.

c. Where a displaced person is displaced from his place of business, no payment shall be made under Section 7262 (c) of the Act until after the City Manager determines (1) that the business is not part of a commercial enterprise having at least one other establishment not being acquired, which is engaged in the same or similar business, and (2) that the business cannot be relocated without a substantial loss of existing patronage. The determination of loss of existing patronage shall be made by the City Manager only after consideration of all pertinent circumstances, including but not limited to, the following factors:

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

(2) The nature of the clientele of the displaced concern.

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

##### 4.3 Farms - partial taking.

d. Where a displaced person is displaced from only a part of his farm operation, the fixed payment provided by Section 7262 (c) of the Act shall be made only if the City Manager determines that the farm met the definition of a

initiation of negotiations for the property. The term "initiation of negotiations" means the day on which the City of Modesto makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

(2) Purchases and occupies a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the one year period beginning on the date on which he receives from the City of Modesto the final payment of all costs of the acquired dwelling (or in the case of condemnation, the date the full amount of estimated just compensation is deposited in court), or on the date on which he moves from the acquired dwelling, the City makes one comparable replacement dwelling available, whichever is the later date.

b. A displaced owner-occupant of a dwelling who is determined to be ineligible under this section may be eligible for a replacement housing payment under Section 6.

B/2 Comparable replacement dwelling // For the purposes of rendering relocation assistance by making referrals for replacement housing and for computation of the replacement housing payment, a comparable replacement dwelling is one which is decent, safe, and sanitary and

a/ Functionally equivalent and substantially the same as the acquired dwelling, but not including newly constructed housing

b/ Adequate in size to meet the needs of the displaced family or individual // However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced

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

d/ Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to

(1) Neighborhood conditions, including but not limited to municipal services and other environmental factors

(2) Public utilities, and

(3) Public and commercial facilities

e/ Reasonably accessible to the displaced persons/placement of employment or potential placement of employment

f/ Within the financial means of the displaced family or individual

g/ Available on the market to the displaced person

farm operation prior to the acquisition and that the property remaining after the acquisition can no longer meet the definition of a farm operation.

414 Nonprofit/organizations

e. Where a nonprofit organization is displaced, no payment shall be made under Section 7262 (c) of the Act until after the City Manager determines:

a/ (1) That the nonprofit organization cannot be relocated without a substantial loss of its existing patronage. The term "existing patronage" as used in connection with nonprofit organizations includes the persons, community or clientele served or affected by the activities of the nonprofit organization.

b/ (2) That the nonprofit organization is not part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

415 Net/earnings

f. The term "average annual net earnings" as used in Section 7262 (c) of the Act means one-half (1/2) of any net earnings of the business or farm operation, before Federal, State, and local income taxes, during the two (2) taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired for such project, or during such other period as the City Manager determines to be more equitable for establishing such earnings, and includes any compensation paid by the business or farm operation to the owner, his spouse or his dependents during such period. If a business or farm operation has no net earnings, or has suffered losses during the period used to compute "average annual net earnings" it may nevertheless receive the Two Thousand Five Hundred and no/100ths Dollars (\$2,500.00) minimum payment authorized by such section.

416 Amount/of/business/fixed/payment

g. The fixed payment to a person displaced from a farm operation or from his place of business, including nonprofit organizations, shall be in an amount equal to the average annual net earnings of the business or farm operation, except that such payment shall not be less than Two Thousand Five Hundred and no/100ths Dollars (\$2,500.00), or more than ~~Ten~~ Twenty Thousand and no/100ths Dollars ~~(\$10,000.00)~~ (\$20,000.00).

5 - REPLACEMENT HOUSING PAYMENT FOR HOMEOWNERS

5.1 Eligibility.

a. A displaced owner-occupant is eligible for a replacement housing payment, authorized by Section 7263 of the Act, not to exceed ~~Fifteen~~ Twenty-two Thousand Five Hundred and no/100ths Dollars ~~(\$15,000.00)~~ (\$22,500.00) if he meets both of the following requirements:

(1) Actually owned and occupied the acquired dwelling from which displaced for not less than one hundred eighty (180) days prior to the

W/ If housing meeting the requirements of Section 51218 not available on the market, the City Manager may, upon a proper finding of the need therefor, consider available housing exceeding these basic criteria

5.32 Computation of replacement housing payment. The replacement housing payment of not more than Fifteen/Twenty-two Thousand Five Hundred and no/100ths Dollars (\$15,000/00)/(\$22,500.00) comprises the following:

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

(1) Schedule method. The City Manager may establish a schedule of reasonable acquisition costs for comparable replacement dwellings of the various types of dwellings to be acquired and available on the private market. The schedule shall be based on a current market analysis sufficient to support determinations of the amount for each type of dwelling to be acquired. The City Manager shall coordinate the establishment of the schedule for replacement housing payments with other public agencies causing displacement in the Modesto urban area.

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

(3) Alternate method. The City Manager may develop criteria for computing replacement housing payments when neither the schedule method nor the comparative method is feasible.

(4) Limitations. The amount established as the differential payment for the replacement housing sets the upper limit of this payment.

(aa) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the above, the comparable replacement housing payment will be reduced to that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(ab) If the displaced person voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no differential payment shall be made.

b. Interest payment. The City Manager shall determine the amount, if any, necessary to compensate a displaced person for any increased interest costs, including points paid by the purchaser. Such amount shall be paid only if the acquired dwelling was encumbered by a bona fide mortgage. The following shall be considered.

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

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

(3) A "bona fide mortgage" is one which was a valid lien on the acquired dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations.

c. Incidental expenses.

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

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

(ab) Lenders', FHA or VA, appraisal fees.

(ac) FHA application fee.

(ad) Certification of structural soundness when required by lender, FHA or VA.

(ae) Credit report.

(af) Title policies or abstracts of title.

(ag) Escrow agent's fee.

(ah) State revenue stamps or sale or transfer taxes.

(2) No fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90-321, and Regulation "Z" (12 CFR Part 226) issued pursuant thereto by the Board of Governors of the Federal Reserve System. Loan service fee (not to exceed 1%) and origination or discount points are an eligible expense if such fees are normal to real estate transactions in the area.

5.43 Acquisition of mobile homes. The City of Modesto may purchase mobile homes where:

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

b. The mobile home is not considered to be a decent, safe, and sanitary dwelling unit as defined in subsection d. of Section 2.1.

5.84 Partial acquisition of mobile home park. Where the public agency determines that a sufficient portion of a mobile home park is taken to justify the operator of such park to move his business or go out of business, the owners and occupants of the mobile home dwellings not within the actual taking but who are forced to move shall be eligible to receive the same payments as though their dwellings were within the actual taking.

5.85 Mobile homes as replacement dwellings. A mobile home may be considered a replacement dwelling provided:

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

b. The mobile home is placed in a fixed location:

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

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

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

5.76 Computation on next highest type. When a comparable mobile home is not available it will be necessary to calculate the replacement housing payment on the basis of the next highest type of dwelling that is available and meets the applicable requirements and standards, i.e., a higher type mobile home or a conventional dwelling.

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

5.87 General provisions. The general provisions for moving expenses and replacement housing payments of Section 5 are also applicable to owners and tenants of mobile homes.

5.88 Moving expenses for mobile homes.

a. General. The eligibility requirements of Section 3 and the provisions of Section 5 and 6 are applicable to owners and occupants displaced from a mobile home.

6 - REPLACEMENT HOUSING PAYMENTS FOR TENANTS AND CERTAIN OTHERS

6.1 Eligibility.

a. A displaced tenant or owner-occupant of a dwelling for less than one hundred eighty (180) days is eligible for a replacement housing payment not to exceed ~~Four~~/Five Thousand Two Hundred Fifty and no/100ths Dollars (~~\$4,000/00~~)/(\$5,250.00), as authorized by Section 7264 of the Act, if he meets both of the following requirements:

(1) Actually occupied the dwelling for not less than ninety (90) days prior to the initiation of negotiations for acquisition of the property. The term "initiation of negotiations" means the day on which the City of Modesto makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property. Tenants and other persons occupying property shall be advised when negotiations for the property are initiated with the owner thereof.

(2) Is not eligible to receive a payment under Section 7263 of the Act.

b. An owner-occupant of a dwelling for not less than one hundred eighty (180) days prior to the initiation of negotiations is eligible for a replacement housing payment as a tenant, as authorized by Section 7264 of the Act, when he rents a decent, safe, and sanitary replacement dwelling instead of purchasing and occupying a replacement dwelling, which is decent, safe, and sanitary, not later than the end of the one-year period beginning on the date on which he receives from the City of Modesto final payment for all costs for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

6.2 Computation of replacement housing payments for displaced tenants. A displaced tenant is eligible for a rental replacement housing payment, not to exceed ~~Four~~/Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00), which shall be determined by subtracting from the amount which the tenant actually pays for a replacement dwelling of less than the amount determined by the City of Modesto as necessary to rent a comparable dwelling Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00), in an amount which is necessary to enable the person to lease or rent a comparable replacement dwelling for a period of forty-eight (48) months; or if he purchases replacement housing within one year from displacement, he is eligible for a the tenant may elect to apply the rental replacement housing payment to the down payment including expenses incidental to closing not to exceed Four/Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00).

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

(1) Schedule method. The City Manager may establish a rental schedule for renting comparable replacement dwellings as described in Section 5.2 and which are available in the private market for the various types of dwellings to be acquired. The payment shall be computed by determining the

amount necessary to rent a comparable replacement dwelling for four (4) years (the average monthly cost from the schedule) and subtracting from such amount forty-eight (48) times the average month's rent paid by the displaced tenant in the last three (3) months prior to initiation of negotiation if such rent was reasonable. The City Manager may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant. Publicly funded transportation projects shall make payments based on forty-two (42) months.

For purposes of these regulations and procedures, economic rent is defined as the amount of rent the displaced tenant would have had to pay for a comparable dwelling unit in an area similar to the neighborhood in which the dwelling unit to be acquired is located. The schedule should be based on current analysis of the market to determine the amount of each type of dwelling required. When other public agencies are causing displacement in the greater Modesto area, the City Manager shall cooperate in choosing the method of computing the replacement housing payment and shall, if possible, use a uniform schedule of average rental housing in the area.

(2) Comparative method. The City Manager may determine that average month's rent by selecting one or more dwellings most representative of the dwelling unit acquired, which is available to the displaced person and meets the definition of a comparable replacement dwelling as described in Section 5.2. The payment should be computed by determining the amount necessary to rent a comparable replacement dwelling for four (4) years and subtracting from such amount forty-eight (48) times the average month's rent paid by the displaced tenant in the last three (3) months prior to initiation of negotiations, if such rent was reasonable. The City Manager may prescribe circumstances which may dictate the use of economic rather than actual rent paid by the displaced tenant.

(3) Exceptions. The City Manager may establish the average month's rent paid by the displaced person by using more than three (3) months, if he deems it advisable. If rent is being paid to the City of Modesto, economic rent shall be used in determining the amount of the payment to which the displaced tenant is entitled.

(4) Alternate to (1) and (2) above. When neither method is feasible, the City Manager shall develop criteria for computing the payment.

(5) Disbursement of rental replacement housing payment. The City Manager shall develop procedures to implement Section 7264 of the Act to provide, within the Four/Five Thousand Two Hundred Fifty and no/100ths Dollars (\$4,000/00)/(\$5,250.00) and four (4) year limitations of such section, a rental replacement housing payment that will enable the displacee to rent comparable decent, safe, and sanitary housing. The/City/Manager/shall/develop/criteria/for/a/determination/as/to/the/manner/of/disbursement//that/is//in/such/payment//and/of/annual/installments//of/monthly/payments/Payments will be made in a lump sum unless a sum in excess of the maximum must be paid.

or/Purchases//replacement/housing/payment//if/the/tenant/elects/to/purchase/instead/of/renting//the/payment/shall/be/computed/by/determining/the/monthly/necessary/to/enable/him/to/make/a/down/payment/and/to/cover/initial/expenses/on/the/purchase/of/replacement/housing//as/follows/

(1) The down payment shall be the amount necessary to make a down payment on a comparable replacement dwelling. Determination of the amount necessary for such down payment shall be based on the amount of down payment that would be required for purchase of the dwelling being acquired.

(2) Incidental expenses of closing the transaction are those as described in paragraph c of Section 513.

(3) The maximum payment may not exceed four thousand and no/100ths Dollars (\$4,000.00), except that if more than two thousand and no/100ths Dollars (\$2,000.00) is required, the tenant must make any amount in excess of two thousand and no/100ths Dollars (\$2,000.00) by an equal amount in making the down payment.

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

### 6.3 Computation of replacement housing payments for certain others.

a. A displaced owner-occupant who does not qualify for a replacement housing payment under Section 5 because of the one hundred eighty (180) day occupancy requirement and elects to rent is eligible for a rental replacement housing payment not to exceed four thousand and no/100ths Dollars (\$4,000.00) Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00). The payment will be computed in the same manner as shown in paragraph a. of Section 6.2, except that the present rental rate for the acquired dwelling shall be economic rent as determined by market data.

b. A displaced owner-occupant who does not qualify for a replacement housing payment under Section 5 because of the one hundred eighty (180) day occupancy requirement and elects to purchase a replacement dwelling is eligible for a replacement housing down payment and closing costs not to exceed four thousand and no/100ths Dollars (\$4,000.00) Five Thousand Two Hundred Fifty and no/100ths Dollars (\$5,250.00). // The payment will be computed in the same manner as shown in paragraph b of Section 6.2.

## 7 - RELOCATION ASSISTANCE ADVISORY SERVICES

7.1 Relocation assistance advisory program. In accordance with Section 7261 of the Act, a relocation assistance advisory program shall be provided for persons displaced as a result of programs or projects. The relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate to perform all of the tasks detailed in Section 7261 (c) of the Act.

7.2 Coordination of planned relocation activities. When other public agencies contemplate displacement activities in the Modesto urban area, the City Manager shall establish appropriate channels of communication with such other agencies for the purpose of planning relocation activities and coordinating available housing resources.

The City Manager shall designate at least one representative who will meet periodically with the representatives of other Federal, State and local agencies to review the impact of their respective programs on the Modesto urban area.

### 7.3 Contracting for relocation services.

a. Contracting with central relocation agency. The City Manager shall consider contracting with the central relocation agency in the Modesto urban area for the purpose of carrying out the City of Modesto's relocation activities.

b. Contracting with others. If a centralized relocation agency is not available in the Modesto urban area or if in the judgment of the City Manager the centralized agency does not have the capacity to provide the necessary services within the time required by the City of Modesto's program, the City Manager may consider contracting with another public agency or a private contractor who can provide the necessary relocation services.

## 8 - GRIEVANCE PROCEDURE

8.1 Federal participation exemption. If the City of Modesto has an approved and adopted grievance procedure policy mandated by a federal agency in order to receive federal financial participation, then, that policy may be used in lieu of this section.

8.2 Right of review. Any person aggrieved by a determination as to eligibility for, or the amount of, a payment under these regulations and procedures, may have his claim reviewed and reconsidered by the City Council in accordance with the procedures set forth in this section as supplemented by such procedures as the City Council shall have established for such review and reconsideration. Any person or class of persons may seek review and revision of any schedule with respect to payments under these regulations and procedures.

8.3 Notification to claimant. If the City Manager denies the eligibility of a claimant for a payment or disapproves the full amount claimed or refuses to consider the claim on its merits because of untimely filing or any other ground, the City Manager's notification to the claimant of his determination shall inform the claimant of his reasons therefor and shall also inform the claimant of the applicable procedures for obtaining review of this determination.

### 8.4 Request for review.

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

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

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

d. Oral presentation. Upon request of the claimant, the City Council shall afford him an opportunity to make an oral presentation. The claimant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the claimant to discuss his claim with the City Council. A summary of the matters discussed in the oral presentation shall be made and included as part of the claimant's file.

#### 8.5 City Council review.

a. General. The City Council shall consider the request for review and shall make a determination as to whether a modification is necessary. The City Council shall consider every complaint regardless of form.

b. Scope of review. The City Council shall review and reconsider the initial determination of the claimant's case in light of:

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

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

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

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

c. Determination on review by the City Council. The final determination on review by the City Council shall include, but is not limited to:

(1) The City Council's decision on reconsideration of the claim;

(2) The factual and legal basis upon which its decision is based, including any pertinent explanation or rationale.

d. Time limits.

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

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

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

8.7 Review of files by claimant. Except for confidential material, and except to the extent specifically prohibited by law, a claimant shall have the right to inspect all files and records bearing upon his claim or the prosecution of his grievance. However, reasonable conditions may be imposed on the claimant's right to inspect.

8.8 Effect of determination on other persons. The principles established in all determinations shall be applied to all similar cases regardless of whether or not a person has filed a written request for review.

8.9 Construction of regulations and procedures. These regulations and procedures shall be liberally construed so as to fulfill the statutory purpose as declared in the Act of "fair and equitable treatment" in order that displaced persons "not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

8.10 Right to counsel. Any aggrieved party has a right to representation by legal or other counsel at his own expense at any and all stages of the proceedings set forth in Section 8.

8.11 Judicial review. Nothing in Section 8 shall in any way preclude or limit a claimant from seeking judicial review or receiving a fair and impartial consideration of his claim on its merits upon exhaustion of such administrative remedies as are available to him under Section 8.

## 9 - UNIFORM REAL PROPERTY ACQUISITION POLICY

### 9.1 Acquisition procedures.

a. Just compensation. Section 7267.2 of the Act establishes the policy that, before initiation of negotiations for the acquisition of real property, the City of Modesto shall establish an amount which it believes to be just compensation therefor. In no event shall such amount be less than the City of Modesto's approved appraisal of the fair market value of the property.

b. Incidental expenses incurred by displaced owner selling to acquiring public agency. Compensation for real property shall include recording fees, transfer taxes and prepayment penalties on existing liens and other similar expenses incidental to conveying such real property to the City of Modesto.

c. Initiation of negotiations.

(1) Statement to be furnished owner. When negotiations for the acquisition of real property are initiated, the owner shall be provided with a written statement concerning the proposed acquisition. This statement shall include, as a minimum, the following:

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

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

(2) Offer to purchase. The City of Modesto shall make a prompt offer to purchase the property for the amount contained in the statement.

9.2 Appraisal standards. For the purpose of promoting uniformity under Section 7267.2 of the Act, the City Manager shall establish, for all programs under his jurisdiction, standards for appraisals used in such programs, criteria for determining the qualifications of appraisers, and a system of review by qualified appraisers.

9.3 Notice to move. Section 7267.3 of the Act provides that, to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling or to move his business or farm operation without at least ninety (90) days written notice from the City of Modesto of the date by which such move is required.

## 10 - DEFINITIONS

10.1 Affected property. Affected property means any real property which actually declines in fair market value because of acquisition by the City of Modesto for public use of other real property and a change in the use of the real property acquired by the City of Modesto.

10.2 Average annual net earnings. The net earnings of the business or farm operation before Federal, State, and local income tax, during the two (2) taxable years immediately preceding displacement (or if the business or farm was not operated that long, such other period as may be approved by the City of Modesto), and includes salaries, wages or other compensation paid by the business or farm operation to the owner, his spouse or his dependents. If the City of Modesto determines that such two (2) year period is not equitable for establishing earnings, the period used for determining average net earnings

shall be a substitute period determined by the City of Modesto. In the case of a corporate owner, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife and their dependent children shall be treated as one unit.

10.3 Business. Any lawful activity, except a farm operation conducted:

a. Primarily for the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities or any other personal property;

b. Primarily for the sale of services to the public;

c. Primarily by a nonprofit organization; or

d. Solely for the purpose of Section 7262 of the Act for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display, whether or not such display is located on the premises on which any of the above activities are conducted.

10.4 Closing (Replacement housing payments). Those payments to owner-occupants relating to the closing costs on the purchase of a replacement dwelling including costs of evidence of title, recording fees, etc., but not including prepaid expenses.

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

a. Functionally equivalent and substantially ~~the same as~~ comparable to the acquired dwelling in the number of rooms, habitable space and type and quality of construction, but not excluding newly constructed housing.

b. Adequate in size to meet the needs of the displaced family or individual. However, at the option of the displaced person, a replacement dwelling may exceed his needs when the replacement dwelling has the same number of rooms or the equivalent square footage as the dwelling from which he was displaced.

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

d. Located in an area not generally less desirable than the one in which the acquired dwelling is located, with respect to:

(1) Neighborhood conditions, including but not limited to municipal services and other environmental factors;

(2) Public utilities; and

(3) Public and commercial facilities.

- e. Reasonably accessible to the displaced person's place of employment or potential place of employment.
- f. Within the financial means of the displaced family or individual.
- g. Available on the market to the displaced person.
- h. If housing meeting the requirements of Section 5.2 is not available on the market, the City Manager may, upon a proper finding of the need therefore, consider available housing exceeding these basic criteria.

10.6 Condominium. "Condominium" means a combination of co-ownership and ownership in severalty. It is an arrangement under which a family or individual in a housing development holds full title to a one-family dwelling unit, including an undivided interest in common areas and facilities, and such restricted common areas and facilities as may be designated.

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

10.8 Counted room. "Counted room" means that space in a dwelling unit containing the usual quantity of household furniture, equipment and personal library, study, dining room, kitchen, laundry room, basement, bedroom and garage. Rooms or storage areas which contain substantial amounts of personal property equivalent to one or more rooms may be counted as additional rooms.

10.9 Date of initiation of negotiations for parcel. This phrase means the day on which the City of Modesto makes the first personal contact with the property owner or his representative and furnishes him with a written offer to purchase the real property.

10.10 Date of initiation of negotiations for the project. This phrase means the date the City of Modesto makes the first personal contact with the owner of any property on the project or his representative where price is discussed except where such contact is made solely for protective buying or because of hardship.

10.11 Date of intent to acquire. "Intent to acquire" means the public acknowledgment by the City of Modesto of its intention and/or plan to obtain specified parcels for a specific purpose (project).

"Date of intent to acquire" means the date on which the City of Modesto sends through certified mail to or makes personal contact with the owner of each parcel or advertises in a local paper of general circulation that a specific project is intended to be developed and specified parcels therein are intended to be acquired. After the date of intent to acquire, parcels may be acquired through hardship.

10.12 Displaced person. // YDIsplacéd/pérsón/méans///áný/pérsón/whó/móvés/fróm  
réal/próperty/ót/whó/móvés/hís/pérsónal/próperty/fróm/réal/próperty/as/a  
résult/óf/thé/ácdúisítíón/óf/súch/réal/próperty/in/whólé/ót/in/párt/ót/as  
thé/résult/óf/a/wríttén/órdér/fróm/thé/City/óf/Módéstó/tó/Vácáté/thé/réal  
próperty/óf/públic/úsé/

(a) The person must have moved (or moved personal property) as a result of a written notice of intent to acquire for a program or project undertaken by a public entity or a person having an agreement with or acting on behalf of a public entity; or

(b) The person must have moved as a direct result of the rehabilitation, demolition, or other displacing activity prescribed by a public entity when the public entity determines that the displacement is permanent.

(c) Displaced person shall not include:

(1) Any person who has been determined to be in unlawful occupancy of the displacement dwellings.

(2) Any person whose right of possession at the time of moving arose after the date of the public entity's acquisition of the real property.

(3) Any person who has occupied the real property for the purpose of obtaining assistance under this chapter.

(4) In any case in which the public entity acquires property for a program or project (other than a person who was an occupant of the property at the time it was acquired), any person who occupies the property for a period subject to termination when the property is needed for the program or project.

10.13 Dwelling. A single-family building, a single-family unit (including a nonhousekeeping unit) in a two-family or multi-family building, a unit of a condominium or cooperative housing project, a mobilehome, or other residential unit.

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

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

10.16 Eligible person. "Eligible person" means any displaced person who is, or becomes, lawfully entitled to any relocation payment under these regulations and procedures.

10.17 Family. The term "family" means two (2) or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two (2) or more individuals occupy the same dwelling with no identifiable head of household, they shall be treated as one family for replacement housing payment purposes.

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

10.19 Federal project. "Federal project" means any direct Federal project or any project receiving Federal financial assistance.

10.20 Hardship. "Hardship" means the acquisition of real property by the City of Modesto for a public use prior to the date of initiation of negotiations for the project.

10.21 Incidental expenses. Reasonable expenses incurred for evidence of title, recording, fees, and other closing costs on the purchase of a replacement dwelling.

10.22 Gross income. Projected annual income from all sources of each member of the family residing in the household who is at least eighteen (18) years of age.

a. Adjusted gross income.

(1) A deduction of five percent (5%) of gross income, except that the deduction shall be ten percent (10%) in the case of a family whose head or spouse is elderly;

(2) A deduction for extraordinary medical expenses where not compensated for or covered by insurance, defined for this purpose to mean medical expense in excess of three percent (3%) of gross income;

(3) A deduction of amounts for unusual occupational expenses not compensated for by the employer, such as special tools and equipment, but only to the extent by which such expenses exceed normal and usual expenses incidental to employment;

(4) A deduction of amounts paid by the family for the care of children or sick or incapacitated family members when determined to be necessary to employment of the head or spouse, provided the amount deducted does not exceed the amount of income received by the family member thus released;

(5) An exemption of Three Hundred and no/100ths Dollars (\$300.00) for each dependent, i.e., each minor (other than the head or spouse) and for each adult (other than the head or spouse) dependent upon the family for support; and

(6) Any nonrecurring income, or income of full-time students.

10.23 Mobile home. "Mobile home" means a vehicle, other than a motor vehicle, designed or used for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle.

10.24 Monthly gross income. "Monthly gross income" means the total monthly income of a family or individual irrespective of expenses and voluntary or involuntary deductions and includes, but is not limited to salaries, wages, tips, commissions, rents, royalties, dividends, interest, profits, pensions, and annuities.

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

10.26 Moving Expense. "Moving expense" means the cost of dismantling, disconnecting, crating, loading, insuring, temporary storage, transporting, unloading and reinstalling of personal property, including service charges in connection with effecting such reinstallations, and necessary temporary lodging and transportation of eligible persons. Moving expense shall not include:

a. Any addition, improvement, alteration or other physical change in or to any structure in connection with effecting removal of personal property from, or reinstallation in such structure;

b. The cost of construction or improvement at the new location to replace property for which compensation was paid in the acquisition;

c. Any loss of, or damage to, personal property caused by the fault or negligence of the displaced person, his agent, or employee in the process of moving where insurance to cover such loss or damage is or was available;

d. Any payment for moving personal property where such property is purchased as part of the acquisition;

e. Additional expenses incurred because of living in a new location;

f. Cost of moving structures, improvements or other real property in which the displaced person reserved ownership;

g. Improvements to the replacement site;

h. Interest on loans to cover moving expenses;

i. Loss of goodwill;

j. Loss of business or profits;

k. Loss of trained employees;

l. Personal injury;

m. Cost of preparing the application for moving and related expenses;  
and

n. Modification of personal property to adapt it to replacement site.

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

10.28 Owner. A person "owns a dwelling" if he:

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

b. Holds an interest in a cooperative housing project which includes the rights of occupancy of a dwelling unit therein;

c. Is the contract purchaser of any of the foregoing estates or interests;

d. Has a leasehold interest with an option to purchase; or

e. Owns a mobile unit which under State law is determined to be real property, not personal property.

Also the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

10.29 Person. Person means any individual, partnership, corporation, or association.

10.30 Personal property. (Tangible personal property.) Tangible property which is situated on the real property vacated or to be vacated by a displaced person and which is considered personal property and is noncompensable (other than for moving expenses) under the State law of eminent domain; and

In the case of a tenant, fixtures and equipment, and other property which may be characterized as real property under State or local law, but which the tenant may lawfully, and at his election determines to, move and for which the tenant is not compensated in the real property acquisition. In the case of an owner of real property, the determination as to whether an item of property is personal or real shall depend upon how it is identified in the acquisition appraisals and the closing or settlement statement with respect to the real property acquisitions, provided that no item of property which is compensable under State and local law to the owner of real property in the real property acquisition may be treated as tangible personal property in computing actual direct losses of tangible personal property.

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

10.32 Protective buying. "Protective buying" means the acquisition of real property by the City of Modesto for a public use prior to the date of initiation of negotiations for the project.

10.33 Public agencies. "Public agencies" includes the State, the Regents of the University of California, a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the State when acquiring real property, or any interest therein, in any city or county for public use.

10.34 Public use. "Public use" means a use for which real property may be acquired by eminent domain.

10.35 Purchases (re: replacement housing).

a. The acquisition, construction or rehabilitation of a dwelling, the purchase and rehabilitation of a substandard dwelling, the relocation or relocation and rehabilitation of an existing dwelling, or the entering into a contract to purchase, or for the construction of, a dwelling to be constructed on a site to be provided by a builder or developer or on a site which the displaced person owns or acquires for such purpose. Where completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed, for reasons beyond control of the displaced person, beyond the date by which occupancy is required, the City of Modesto may determine the date of occupancy to be the date the displaced person enters into a contract for such construction, rehabilitation, or relocation or for the purchase upon completion, of a dwelling to be constructed or rehabilitated if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed.

b. Mobile homes must be registered with the California Department of Motor Vehicles in the name of the claimant.

10.36 Relocatee. "Relocatee" means any person who meets the definition of a displaced person.

10.37 Stated mortgage interest rate. "Stated mortgage interest rate" means the annual percentage rate to be paid on the debt of a mortgage as set forth in the mortgage or other credit instrument.

Section 11 A. CONVERSION - STATE AND MODESTO TO FEDERAL

LAW

GUIDELINES

Government  
Code  
Sections  
7260  
et. seq.

Public Law  
91-646

H/CD  
(State)

Modesto

OMB A-103  
(Federal)

7260	101	10.1	10.1	11.1 - 11.3
7261	205	7.1 - 7.2	7.1 - 7.2	7.1 - 7.3
7261.5	212	7.3	7.3	8.3
7261.6	-	-	-	-
7262	202	3.1 - 4.6	3.1 - 4.6	3.1 - 4.6
7263	203	5.1 - 5.8	5.1 - 5.9	5.1 - 5.4
7263.5	-	-	-	-
7264	204	6.1 - 6.3	6.1 - 6.3	6.1 - 6.3
7264.5	206	2.2	2.2	2.1 - 2.2
7265	-	-	-	-
7265.3	217	-	-	-
7265.4	303	-	-	-
7266	213	8.0 - 8.10	8.1 - 8.11	-
7267	301	-	-	-
7267.1	301 (1) (2)	9.1	9.1	10.1 - 10.5
7267.2	301 (3)	9.1	9.1	10.1 - 10.5
7267.3	301 (5)	9.3	9.3	10.1 - 10.5
7267.4	301 (6)	-	-	-
7267.5	301 (7)	-	-	-
7267.6	301 (8)	-	-	-
7267.7	301 (9)	9.1	9.1	10.1 - 10.5
7267.8	213	1.1	1.1	1.1 - 1.5
7268	213	-	-	-
7269	216	-	-	-
7270	102 (b)	-	-	-
7271	-	-	-	-
7272	-	-	-	-
7272.3	201	1.1	1.1	1.1 - 1.5
7272.5	102 (b)	-	-	-
7273	-	-	-	-
7274	102 (a)	-	-	-

Section 11 B. CONVERSION - FEDERAL TO STATE AND MODESTO

LAW

GUIDELINES

PL-91-646 FEDERAL	Government Code Sections 7260 et. seq.	OMB A-103 (Federal)	H/CD (State)	Modesto
Title I				
Section 101	7260	11.1 - 11.3	10.1	10.1
Section 102	7272.5 - 7274	-	-	-
Title II				
201	7272.3	1.1 - 1.5	1.1 - 1.5	1.1 - 1.4
202	7262	3.1 - 4.6	3.1 - 4.6	3.1 - 4.6
203	7263	5.1 - 5.4	5.1 - 5.8	5.1 - 5.9
204	7264	6.1 - 6.3	6.1 - 6.3	6.1 - 6.3
205	7261	7.1 - 7.3	7.1 - 7.2	7.1 - 7.2
206	7264.5	2.1 - 2.2	2.2	2.2
207	-	-	-	-
208	-	-	-	-
209	-	-	-	-
210	-	8.1 - 8.2	-	-
211	-	-	-	-
212	7261.5	8.3	7.3	7.3
213	7268	-	8.1 - 8.10	8.0 - 8.11
214	-	9.1 - 9.4	-	-
215	-	-	-	-
216	7269	-	-	-
217	7265.3	-	-	-
218	-	-	-	-
219	-	-	-	-
220	-	-	-	-
221	-	-	-	-
Title III				
301	7267 - 7267.8	10.1 - 10.5	9.1 - 9.3	9.1 - 9.3
302	-	-	-	-
303	7265.4	-	-	-
304	-	-	-	-
305	-	-	-	-
306	-	-	-	-

MODESTO REDEVELOPMENT AGENCY  
RESOLUTION NO.3-92

A RESOLUTION APPROVING AN AMENDMENT TO THE COOPERATIVE AGREEMENT BETWEEN THE REDEVELOPMENT AGENCY AND THE CITY OF MODESTO TO AMEND INTEREST RATES CHARGED FOR LOANS BY THE CITY TO THE REDEVELOPMENT AGENCY

BE IT HEREBY RESOLVED by the Redevelopment Agency of the City of Modesto that the amendment to the cooperative agreement between the Redevelopment Agency and the City of Modesto to amend interest rates charged for loans by the City of Modesto to the Redevelopment Agency be, and it is hereby approved.

BE IT FURTHER RESOLVED that the execution of said agreement by the designated Agency officials be authorized

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 11th day of February, 1992, by Agency Member Dobbs, who moved its adoption, which motion being duly seconded by Agency Member Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Chairperson Lang

NOES: Agency Members: None

ABSENT: Agency Members: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, Secretary

MODESTO REDEVELOPMENT AGENCY  
RESOLUTION NO. 4-92

A RESOLUTION CREATING AN ADVISORY REDEVELOPMENT COMMISSION.

WHEREAS, the Modesto Redevelopment Agency recognizes that there is a need for a citizens advisory Redevelopment Commission to support, participate and be involved in the redevelopment policy and program in general, and

WHEREAS, staff has talked with interested parties regarding the role and composition of the Commission and has sought input from a number of established redevelopment agencies throughout the state in search of models for such a commission, and

WHEREAS, the Modesto Redevelopment Agency supports the creation of an advisory Redevelopment Commission, and

WHEREAS, both the Planning Commission and the Downtown Improvement District are supportive of the concept of a Redevelopment Commission and of the initial staff recommendation that they be represented on the Redevelopment Commission,

NOW, THEREFORE, BE IT RESOLVED by the Modesto Redevelopment Agency that there is hereby created a commission to be known as the Redevelopment Commission consisting of nine-members, serving four year terms, with the initial terms being staggered. Composition of the commission shall be as follows:

- 1 Project Area resident
- 1 Planning Commission member
- 1 DID Board member
- 4 Project Area property or business owners
- 2 Members at large from outside the Project Area

BE IT FURTHER RESOLVED that in appointing the commission members, the Agency shall seek to provide the Redevelopment Commission with expertise in fields such as finance, architecture, real estate, and housing.

BE IT FURTHER RESOLVED that the Charge to the Redevelopment Commission is as follows:

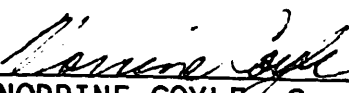
1. The Redevelopment Commission shall develop and recommend to the Agency a long-term plan for the Project Area and shall review the annual work program to implement the plan.
2. The Commission shall develop and recommend to the Agency a plan for utilization of funds for low and moderate income housing.
3. The Commission shall review other policy issues, such as design guidelines for future private and public development, related to implementation of the Redevelopment Plan.
4. The Commission shall foster citizen, resident and business involvement in the Redevelopment Project and its planning process.

The foregoing resolution was introduced at a Special meeting of the Redevelopment Agency of the City of Modesto held on the 7th day of April, 1992, by Agency Member Patterson, who moved its adoption, which motion being duly seconded by Agency Member Bird, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Bird, Dobbs, Irizarry, Martin, Muratore, Patterson, Chairperson Lang

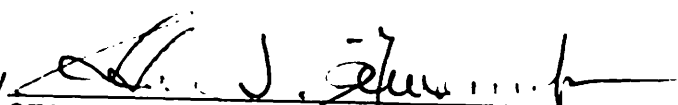
NOES: Agency Members: None

ABSENT: Agency Members: None

ATTEST:   
NORRINE COYLE, Secretary

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, General Counsel

MODESTO REDEVELOPMENT AGENCY  
RESOLUTION NO. 5-92

A RESOLUTION AMENDING REDEVELOPMENT AGENCY  
RESOLUTION NO. 4-92 ENTITLED "A RESOLUTION  
CREATING AN ADVISORY REDEVELOPMENT  
COMMISSION" TO INCREASE THE NUMBER OF PERSONS  
SERVING ON THE REDEVELOPMENT COMMISSION.

WHEREAS, by Resolution No. 4-92 adopted by the Modesto  
Redevelopment Agency on April 7, 1992, the Agency created a  
commission to be known as the Redevelopment Commission consisting  
of nine members, serving four year terms, with the initial terms  
being staggered, and

WHEREAS, it has been recommended to the Modesto  
Redevelopment Agency that the number of persons serving on the  
Redevelopment Commission should be increased from nine to ten,  
with the at large category being increased from two to three,

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment  
Agency that Resolution No. 4-92 entitled "A Resolution Creating  
An Advisory Redevelopment Commission" is hereby amended to  
increase the number of persons serving on the Redevelopment  
Commission from nine to eleven, with the at large category being  
increased from two to three and the Project Area Property or  
Business Owners being increased from 4 to 5 as follows:

- 1 Project Area Resident
- 1 Planning Commission Member
- 1 DID Board Member
- 5 Project Area Property or Business Owners
- 3 Members at Large from Outside the Project Area

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 25th day of August, 1992, by Agency Member Dobbs, who moved its adoption, which motion being duly seconded by Agency Member Friedman, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency Members: Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang

NOES: Agency Members: None

ABSENT: Agency Members: None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, Secretary

(SEAL)

APPROVED AS TO FORM:

By

*Michael D. Milich*  
MICHAEL D. MILICH, Acting City Attorney

MODESTO REDEVELOPMENT AGENCY  
RESOLUTION NO. 6-92

A RESOLUTION APPOINTING MEMBERS OF THE REDEVELOPMENT ADVISORY COMMISSION

WHEREAS, Section 33200 of the Community Redevelopment Law authorized the City Council in its capacity of Redevelopment Agency members, to appoint members to various Boards and Commissions.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Modesto as follows:

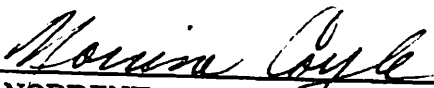
SECTION 1. The following persons are appointed to the Redevelopment Advisory Commission:

Jean McNulty (project area resident)  
Norma Reed (Downtown Improvement District member)  
Tim Fisher (Planning Commission member)  
Bradley Hawn ( project area property owner or business owner)  
Lenny Sorrano (project area property owner or business owner)  
John Sanders (project area property owner or business owner)  
Ben Groesbeck (project area property owner or business owner)  
Jacob Slaffey (project area property owner or business owner)  
Mike Navarro (member at large)  
Kirk Lindsey (member at large)  
Richard Harriman (member at large)

SECTION 2. The City Clerk is hereby directed to transmit a copy of this resolution to the newly appointed members of the Redevelopment Advisory Commission and the Secretary thereof.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 25th day of August, 1992, by Agency member Muratore, who moved its adoption, which motion being duly seconded by Agency member Dobbs, was upon roll call carried and the resolution adopted by the following vote:

AYES: Agency members: Bird, Cogdill, Dobbs, Friedman, Muratore,  
Patterson, Mayor Lang  
NOES: Agency members: None  
ABSENT: Agency members: None

ATTEST:   
NORRINE COYLE, Secretary

MODESTO REDEVELOPMENT AGENCY  
RESOLUTION NO. 7-92

A RESOLUTION ACKNOWLEDGING RECEIPT OF LETTER FROM JACOB SLAFFEY DECLINING THE APPOINTMENT TO THE CITIZENS REDEVELOPMENT ADVISORY COMMISSION

WHEREAS, on August 25, 1992, Jacob Slaffey was appointed as a member of the newly created Citizens Redevelopment Advisory Commission; and

WHEREAS, on October 6, 1992, a letter was received from Jacob Slaffey declining the appointment.

NOW, THEREFORE BE IT RESOLVED by the Redevelopment Agency of the City of Modesto that the letter from Jacob Slaffey declining the appointment to the Citizens Redevelopment Advisory Commission, is hereby accepted with regret.

The foregoing resolution was introduced at a special meeting of the Redevelopment Agency of the City of Modesto held on the 20th day of October, 1992, by Agency member Dobbs , who moved its adoption, which motion being duly seconded by Agency member Friedman , was upon roll call carried and the resolution adopted by the following vote:

AYES:	Agency member:	Bird, Cogdill, Dobbs, Friedman, Muratore, Patterson, Mayor Lang
NOES:	Agency member:	None
ABSENT:	Agency member:	None

ATTEST: *Norrine Coyle*  
NORRINE COYLE, Secretary