



Upper Llagas Creek

RELOCATION PLAN

Prepared for:
Santa Clara Valley Water District

By:
Overland, Pacific & Cutler, Inc.

(916) 857-1520

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Adopted

Date _____

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Introduction

The Santa Clara Valley Water District (the “District”) has authorized the preparation of a Relocation Plan (“Plan”) to be undertaken in connection with the commencement of the flood control improvements associated with the Upper Llagas Creek Project (“Project”). The Project will require the acquisition of real property, and potential of displacement of residential and business occupants and personal property in the City of Morgan Hill and San Martin (a Census Designated Place or CDP in Santa Clara County).

The portion of the improvements that this Plan is concerned with is the displacement that may be caused by the acquisition of real estate utilized in whole or in part by three commercial businesses and one single-family residence (SFR), which is believed to be owner occupied to accommodate the actions of the proposed Project. The Project also has the potential to require the removal of miscellaneous personal property and non-occupied structures from the area to be acquired.

The needs and characteristics of the displacee population, available relocation resources and the District’s program to provide assistance to each affected persons are the general subjects of this Relocation Plan (Plan). This Plan conforms to the requirements of the Uniform Relocation and Real Property Acquisition Act of 1970 as amended (URA), California Relocation Assistance Law, Government Code §7260, et seq. (Law), the Relocation Assistance and Real Property Acquisition Guidelines adopted by the Department of Housing and Community Development and Title 25, *California Code of Regulations* §6000, et seq. (Guidelines).

This Plan is organized in five sections:

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

I. Project Description

A. Regional Location

The Project is located in Morgan Hill and San Martin, CA in Santa Clara County. The City of Morgan Hill and the unincorporated County lands of San Martin are located between the cities of San Jose and Gilroy within Santa Clara County (See Figure 1: Regional Project Location).

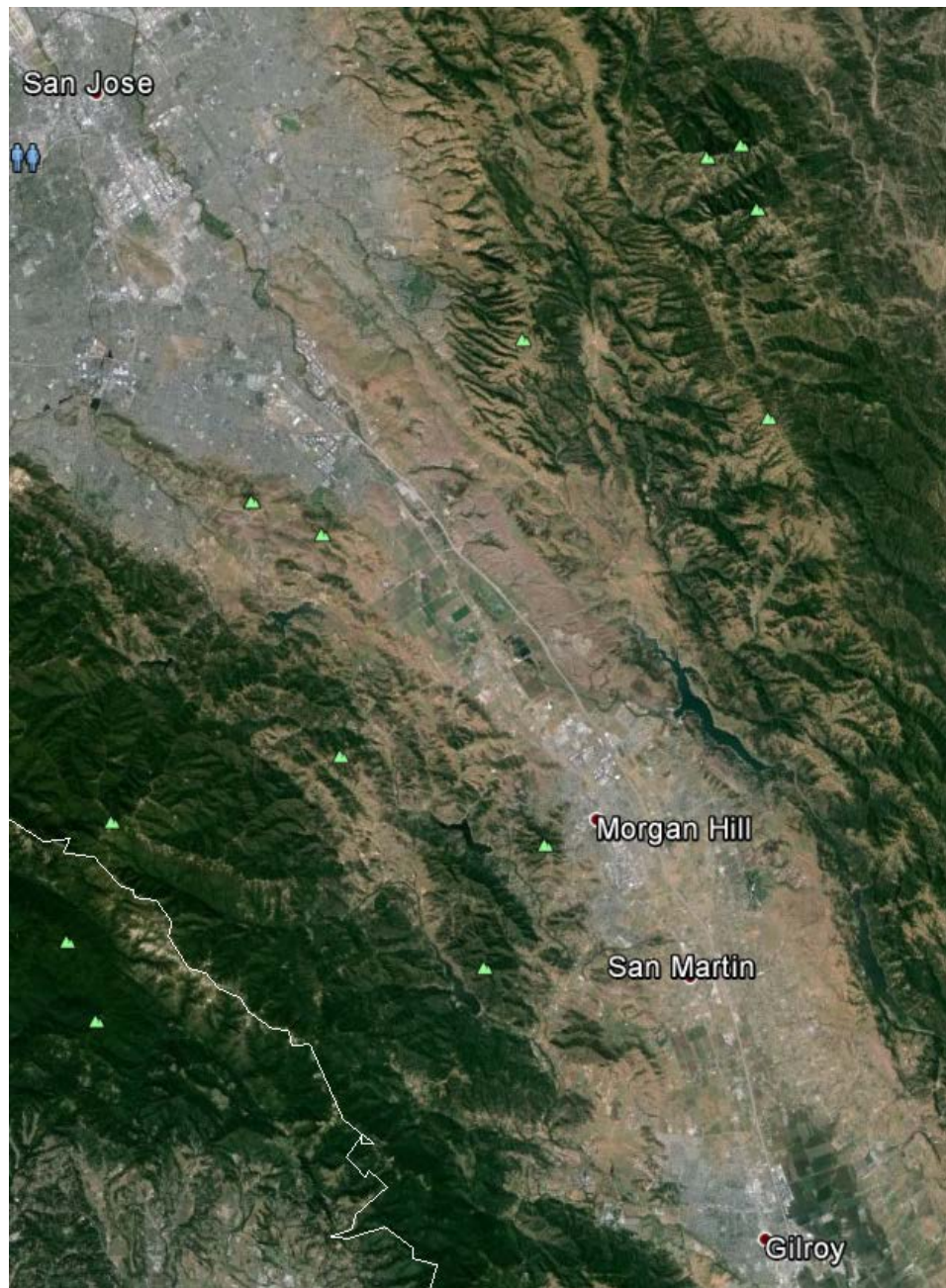


Figure 1: Regional Project Location

The Upper Llagas Creek flood protection project (Project) was originally funded (\$17 million) by the countywide Clean, Safe Creeks and Natural Flood Protection Plan parcel tax passed by voters in November 2000. In November 2012, the voters approved an additional \$39.1 million for Project funding in the Safe, Clean Water and Natural Flood Protection Program. The Project extends approximately 13.9 miles from approximately Buena Vista Avenue to Llagas Road within the northern portion of the City of Morgan Hill. The Project will provide 100-year level of flood protection in the urban areas of Morgan Hill, as well as an approximate 10-year level of flood protection and no induced flooding in the agricultural areas of the City of Gilroy and unincorporated County lands, including San Martin.

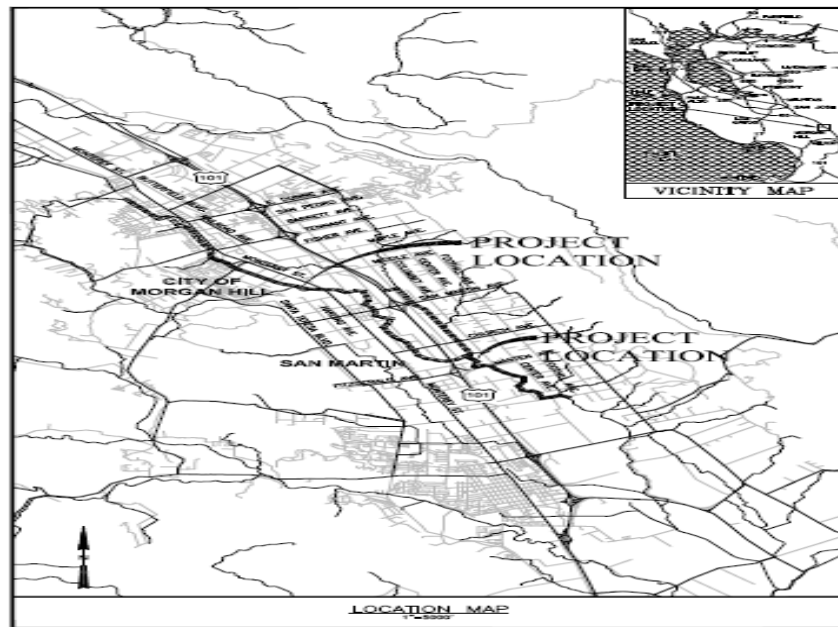


Figure 2: Project Site Location and Description

B. General Demographic and Housing Characteristics

Corresponding Census data for the Project is shown in **Tables 1 and 2.**

TABLE 1: 2010 Census Population – City of Morgan Hill, San Martin, and County of Santa Clara						
Population	Morgan Hill City	%	San Martin	%	Santa Clara County	%
Total Population	37,882	100.0	7,027	100.0	1,781,642	100.0
White	24,713	65.2	4,329	61.6	836,616	47.0
Black or African American	746	2.0	27	0.4	46,428	2.6
American Indian or Alaska Native	335	0.9	71	1.0	12,960	0.7
Asian	3,852	10.2	470	6.7	570,524	32.0
Native Hawaiian or Other Pacific Islander	125	0.3	18	0.3	7,060	0.4
Some Other Race	5,779	15.3	1,752	24.9	220,806	12.4
Two or More Races	2,332	6.2	360	5.1	87,248	4.9
Hispanic or Latino (of Any Race)	12,863	34.0	3,249	46.2	479,210	26.9

Source: U.S. Census Bureau, QT-H1. General Housing Characteristics: 2010.

TABLE 2: 2010 Census Housing units – City of Morgan Hill, San Martin, and County of Santa Clara						
Population	Morgan Hill City	%	San Martin	%	Santa Clara County	%
Total Occupied Units	12,326	95.9	1,993	93.9	604,204	95.6
Owner-Occupied	8,793	71.3	1,309	65.7	348,298	57.6
Renter-Occupied	3,533	28.7	684	34.3	255,906	42.4
Vacant Housing Units	533	4.1	129	6.1	27,716	100.0
Available for Sale Only (of Total Vacant Units)	156	29.3	26	20.2	5,067	18.3
Available for Rent – Full Time Occupancy (of Total Vacant Units)	96	18.0	12	9.3	11,519	41.6
Sold or Rented – Not Occupied	54	10.1	12	9.3	2,222	8.0
Otherwise Not Available (e.g. seasonal, recreational, migratory, occasional use)	80	15.0	26	20.2	3,050	11.0
Other Vacant	147	27.6	53	41.1	5,858	21.1

Source: U.S. Census Bureau, QT-H1, General Housing Characteristics: 2010

II. Assessment of Relocation Needs

A. Survey Method

To obtain information necessary for the preparation of this Plan, personal interviews with the potential displacees were conducted.

Residential occupant interviews conducted were concerned with obtaining information regarding household size and composition, income, rent and/or mortgage payments, length of occupancy, ethnicity, home language, physical disabilities, and replacement housing preferences. Inquiries of the commercial occupants obtained information concerned with type of business, product or service sold, number of employees, utilization of the take area, type and complexity of machinery and items pertaining to the realty that may need to be moved or replaced, and inventory periods. A sample of the residential and business interview forms used in the interview process is presented as **Exhibit A** of this report.

B. Field Survey Data

1. Current Occupants

There is the potential to displace one owner occupied household. The Project occupants reside in a Single Family Residential (SFR) dwelling on a rural residential lot greater than one acre. Possible tenant occupants are unknown at this time. The household size and composition consists of three adults. The commonly accepted standard for housing density allows two persons per bedroom and one person in the common living area. There were no Over- Crowding issues known at this time.

There is also the potential to displace one business tenant occupant operating and automotive repair facility.

2. Replacement Housing Needs

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

Replacement units required for the potentially displaced Project occupants include one three-bedroom SFR dwelling for sale.

3. Income

Income information has not been obtained. Income standards for the County of Santa Clara are provided in **Exhibit B**. This data shows the household income thresholds for median, low and moderate incomes adjusted for family size. This data is published by the State of California Housing and Community Development Department (HCD).

4. Ethnicity/Language

The ethnicity for the one owner occupied household to potentially be displaced is of Hispanic decent. The preferred language of the household is Spanish.

5. Senior/Handicapped Households

It was determined the owner occupied household to be identified with a senior head of household or spouse (62 years or older). The disability status of the household is unknown at this time. Considerations such as age and disability will be taken into when providing referrals for replacement housing and other relocation assistance in order to serve the needs of the household and locate housing that is decent, safe and sanitary for them.

6. Preferred Residential Relocation Areas

It was determined that the household would prefer to stay within the area in and around San Martin. Survey of replacement housing resources has been based on this preference.

7. Business Relocation Needs

It is estimated the Project will also require the permanent relocation of one business. This business is currently operating as an automotive repair service. In addition personal property moves for two other commercial occupants may be necessary. These include farming related businesses for produce and ornamental flowers.

III. Relocation Resources

A. Methodology

For residential housing displacement, a resource survey was initially conducted to identify available homes with similar characteristics of the displacement property. The following source was utilized:

- Internet sources for purchase and rental opportunities, including the Multiple Listing Service.

At this time, a preliminary analysis of the businesses and their relocation needs has been performed. This assessment focus's on issues regarding the timing of their move, hours of operations, peak demand for services and sales peak sales inventory and other business performance periods. Needs for replacement equipment, potential replacement site modifications such as electrical power, water and sewer, and permitting issues related to re-establishing at a new location or re-opening after any potential modifications to their existing site that prevents their displacement. A more detailed analysis will be performed through a second interview and consultation with the business and other parties they choose such as building contractors, consultants and government officials. It is assumed that moderate advanced move planning may be required in all cases to minimize the impacts to the business.

Replacement site resources have not yet been evaluated for the potential business displacements as not enough is known about their needs. It is expected that a Furnishing, Fixtures and Equipment Appraisal may be prepared for each business. Additional analysis such as securing moving bids will also be conducted to better understand the cost and timing implications of the potential relocations.

B. Replacement Housing Availability

1. Residential For Sale and Rental Housing

The replacement housing survey considered SFRs for rent and for sale in the area. This data is summarized in **Table 3** below. The individual figures for number of units found by bedroom size are presented in the table alongside the number of units needed (shown in parentheses) to meet the re-housing obligations.

Table 3: Availability and Cost of Replacement Rental Housing

Bedroom Size	Three
# Found (# Needed)	Four (One)
Sales Price Range	\$749,000-\$959,000
Median Sales Price	\$890,000

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

2. Summary

Considering the above described availability of replacement housing resources gathered in February 2016. There are adequate replacement resources for the residential occupants.

Possible increases in housing costs, if any, will be met through the Agency's obligation under the relocation regulations, including Last Resort Housing (LHR) requirements. (See Section IV.E, Last Resort Housing).

C. Related Issues

1. Concurrent Residential and Business Displacement

At this time, there are no other known current public projects causing significant displacements underway in Morgan Hill, San Martin or adjacent communities which would compete with the Project for needed housing resources. As previously stated, the Upper Llagas Creek flood protection project was originally funded (\$17 million) by the countywide Clean, Safe Creeks and Natural Flood Protection Plan parcel tax passed by voters in November 2000. In November 2012, the voters approved an additional \$39.1 million for Project funding in the Safe, Clean Water and Natural Flood Protection Program. This Project is subject to oversight by the US Army Corps of Engineers. As shown in Tables 3 and 4, there are adequate resources available for replacement sites. No residential displacee will be required to move without both adequate notice and access to available affordable decent, safe and sanitary housing.

Given the complexity of the businesses that may be relocated, the availability of replacement sites will likely be constrained due the specifications they may require.

2. Temporary Housing

No need for temporary housing is anticipated.

IV. The Relocation Program

The Districts' Relocation Program is designed to minimize hardship, be responsive to unique project circumstances, emphasize maintaining personal contact with all affected individuals, and consistently apply all regulatory criteria to formulate eligibility and benefit determinations and conform to all applicable requirements.

The District has retained Overland, Pacific & Cutler, Inc. ("OPC") to administer the Relocation Program. OPC has worked on more than 3,000 public acquisition and relocation projects over the past 35 years. Additionally, OPC has an extensive resume of projects undertaken in the County of Santa Clara and with other water and flood management districts. Experienced District staff will monitor the performance of OPC and be responsible to approve or disapprove OPC recommendations concerning eligibility and benefit determinations and interpretations of the District's policy.

The Relocation Program consists of two principal constituents: Advisory Assistance and Financial Assistance.

A. Advisory Assistance

Individuals, businesses and persons requiring personal property moves who will need to be relocated will receive advisory assistance. Advisory assistance services are intended to:

- inform displacees about the relocation program
- help in the process of finding appropriate replacement sites
- facilitate claims processing
- maintain a communication link with the District
- coordinate the involvement of outside service providers

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

1. Distribute appropriate written information concerning the District's relocation program;
2. Inform eligible Project occupants about the nature of, and procedures for, obtaining available relocation assistance and benefits (see **Exhibit C**);
3. Determine the needs of each displacee eligible for assistance;
4. Provide residential displacees with at least three referrals to comparable replacement housing within a reasonable time prior to displacement and provide appropriate referrals for business displacees;
5. Maintain an updated database of available housing resources, and distribute referral information to displacees for the duration of the Project;

6. Assist each eligible, displaced person to obtain and move to a comparable replacement dwelling.
7. Assist each eligible person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;
8. Supply to such eligible persons information concerning federal and state housing programs, disaster loan and other programs administered by the Small Business Administration, and other federal or state programs, offering assistance to displaced persons;
9. Provide other advisory assistance to eligible persons in order to minimize their hardships. It is recommended that, as needed, such assistance include counseling and referrals with regard to housing, financing, employment, training, health and welfare, as well as other assistance;
10. Provide transportation to residential displacees, if necessary, to inspect replacement sites within the local area;
11. Offer special assistance to help elderly or disabled displacees find housing near friends, relatives, medical facilities, services and convenient transportation;
12. Provide continuously updated referrals to potential replacement sites within a reasonable time prior to displacement,
13. Supply information concerning federal, state and other governmental programs providing assistance to displaced persons;
14. Assist each eligible displacee in the preparation and submission of relocation assistance claims;
15. Provide additional reasonable services necessary to successfully relocate occupants;
16. Make benefit determinations and payments in accordance with applicable federal and state law and the District's guidelines;
17. Assure that no occupant is required to move without a minimum of 90 days written notice to vacate. This notice could be part of, separate from, or be an Order for Immediate Possession issued from the Court;
18. Inform all persons, subject to displacement, of the Districts' policies with regard to eviction and property management;
19. Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the District's decision with respect to relocation assistance; and,
20. Provide assistance that does not result in different or separate treatment due to race, color, religion, national origin, sex, marital status or other arbitrary circumstances.

B. Relocation Benefits

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

Relocation benefits will be paid to eligible displacees upon submission of required claim forms and documentation in accordance with the District's administrative procedures. The District may process advance payment requests from determined eligibility amounts to mitigate hardships for residential occupants who do not have access to sufficient funds to initially secure replacement housing such as paying an escrow deposit. Approved requests, which may require prior approval from District's Board of Directors or Chief Executive Officer, will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

It is recommended that advanced business relocation payments be made available for expenses such as permit and license fees, professional services such as architecture and engineering, or equipment replacement based on receipt of documentation such as signed vendor contracts, proof of deposits or retainers or other documentation that payment for applicable services and resources have been initiated.

1. Residential Moving Expense Payments

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

a. Actual Cost (Professional Move)

The displacee may elect to retain the services of a licensed professional mover, in which case the District will pay the actual cost of moving services, based on the lower of at least two (2) acceptable bids. The District may, at its discretion, solicit competitive bids to determine the lowest, reasonable move cost. After the move is complete, the displacee may request a direct payment from the County to the mover.

b. Fixed Payment (based on Room Count Schedule)

The displacee may, while taking full responsibility for the move, elect to receive a fixed payment for moving expenses based on a room count in the displacement dwelling. The fixed payment is a one-time, all-inclusive allowance that does not require back-up documentation. The current schedule for fixed payments is set forth in **Table 4:**

Table 4: Schedule of Fixed Moving Payments

Unfurnished Dwelling									
Room count	1	2	3	4	5	6	7	8	Each additional
Amount	\$685	\$880	\$1,100	\$1,295	\$1,570	\$1,815	\$2,090	\$2,365	\$250
Furnished Dwelling									
Room count	1	each additional							
Amount	\$450	\$85							

Source: California Department of Transportation – June 2012

2. Rental Assistance to Tenants Who Choose to Rent

A tenant displaced from a dwelling may be entitled to a Replacement Housing Payment in the form of rental or down payment assistance not-to-exceed \$7,200 (prior to consideration of eligibility for Last Resort Housing benefits – see Section IV.E, Last Resort Housing), if the displacee:

1. Has actually and lawfully occupied the displacement dwelling for at least 90 days immediately prior to the initiation of negotiations; and
2. Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within one year (unless the Agency extends this period for good cause) after the date he or she moves from the displacement dwelling.

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

1. The monthly rent and estimated average monthly cost of utilities for a comparable replacement dwelling; or
2. The monthly rent and estimated average monthly cost of utilities for the decent, safe and sanitary replacement dwelling actually occupied by displaced person.

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

1. The average monthly cost for rent and utilities at the displacement dwelling 90 days prior to the offer on the property. For owner-occupants or households, which pay no rent, Fair Market Rent will be used as a substitute for actual rent; or
2. Thirty percent (30%) of the displaced person's average, monthly, adjusted gross household income. If a displacee refuses to provide appropriate evidence of income or is a dependent, the base monthly rent shall be determined to be the average monthly cost for rent and utilities at the displacement dwelling; or
3. The total of the amount designated for shelter and utilities if receiving a welfare assistance payment from a program that designated the amounts for shelter and utilities.

Table 5 illustrates the computation of a rental/down payment assistance payment.

Table 5: Computation of Rental Assistance Payments (Tenants)

1. Old Rent	\$650	Old Rent, plus Utility Allowance
or		
2. Ability to Pay	\$700	30% of the Adjusted Gross Household Income*
3. Lesser of lines 1 or 2	\$650	Base Monthly Rental
Subtract From:		
4. Actual New Rent	\$750	Actual New Rent including Utility Allowance
or		
5. Comparable Rent	\$775	Determined by Agency, includes Utility Allowance
6. Lesser of lines 4 or 5	\$750	
7. Yields Monthly Need	\$100	Subtract line 3 from line 6
8. Rental Assistance Payment	\$4,200	Multiply line 7 by 42 months

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

3. Down payment Assistance to Tenants Who Choose to Purchase

Displacees otherwise eligible to receive a Rental Assistance payment as previously described, may choose to utilize the full amount of their rental assistance eligibility amount (including Last Resort benefit) to purchase a home. Such payments shall be deposited directly into an escrow account with provisions that allow the Agency to recover its funds should the escrow be cancelled or not proceed in a timely manner. These funds can be used as a down payment and/or to pay for eligible non-recurring closing costs.

4. Payment to Non-Tenured Residential Tenants

A residential tenant who has actually and lawfully occupied the displacement dwelling for less than 90 days immediately prior to the initiation of negotiations is entitled to receive a moving expense payment. Additionally, non-tenured residential tenants may qualify for a rental assistance payment under the provisions of Last Resort Housing assistance (see Section IV.E, Last Resort Housing). Such assistance is authorized when comparable replacement housing is not available at rental rates within the tenant's financial means (30% of gross monthly household income). Last Resort Housing assistance to non-tenured households is based solely on income.

5. Payments to Owner Occupants

An owner occupant displaced from a dwelling may be entitled to a Replacement Housing Payment in the form of Purchase Price Differential not-to-exceed \$31,000, Mortgage Interest Differential and Non-recurring Incidental Costs if the displacee:

1. Has actually and lawfully occupied the displacement dwelling for at least 180 days immediately prior to the initiation of negotiations; and
2. Has rented, or purchased, and occupied a decent, safe, and sanitary replacement dwelling within one year (unless the Agency extends this period for good cause) after the date he or she moves from the displacement dwelling.

Purchase Price Differential is to cover the increased cost the displacee may have to pay when you buy a new home. It is the difference between the cost of a comparable replacement dwelling (as determined by the Displacing Agency) or, if less, the cost of the replacement dwelling you purchase, and the price paid by Displacing Agency for your present home.

An Interest Differential is to help pay increased interest cost, if any, of the new mortgage (with some limitations).

Non-recurring Incidental Costs is to cover some of the closing costs that may incur in purchasing a replacement dwelling.

Table 6 illustrates an example of how the Purchase Price Differential payment is calculated.

Table 6: Computation of Purchase Price Differential (Owner Occupants)

1	List Price for Comparable Dwelling	\$222,500.00
2	Offer Price for Your Current Dwelling	\$200,000.00
3	Maximum Purchase Price Differential (Line 1 minus Line 2)	\$22,500.00

6. Payments to Businesses

Pursuant to URA, eligible businesses may receive a relocation payment to cover the actual and reasonable cost of moving and re-establishing their personal property from the Property to their selected replacement site and reasonable site search costs.

There are two options for receiving payment:

(A) A payment for actual reasonable and necessary moving and related expenses;

Or,

(B) A fixed payment not to exceed fourty thousand dollars (\$40,000).

Payment for Actual Reasonable and Necessary Moving and Related Expenses

This payment may include the following:

- a)** Transportation of persons and property from the present location to the replacement location (transportation costs are limited to a distance of 50 miles);
- b)** Packing, crating, uncrating, and unpacking personal property;
- c)** Disconnecting, dismantling, removing, reassembling, and installing relocated and substitute machinery, equipment and other personal property. This includes connection to utilities available nearby, and modifications necessary to adapt such property to the replacement structure, or to the utilities, or to adapt the utilities to the personal property;
- d)** Storage of personal property generally for up to twelve (12) months, at the Agency's discretion;
- e)** Insurance of personal property while in storage or transit and, the replacement value of property lost, stolen, or damaged (though not through the fault or negligence of the displaced person) in the process of moving;
- f)** Subject to certain limitations, any license, permit or certification required by the displaced business, to the extent that the cost is necessary for reestablishment at the replacement location;
- g)** Subject to certain limitations, reasonable and pre-authorized professional services, including architects', attorneys', engineers' fees and consultants' charges, necessary for: (1) planning the move of the personal property; (2) moving the personal property; or, (3) installing the relocated personal property at the replacement location;
- h)** Subject to certain limitations, the purchase and installation of substitute personal property limited to the lesser of: (1) the estimated cost to move the item to the replacement location; or, (2) the replacement cost, less any proceeds from its sale;
- i)** Subject to certain limitations, modifying the machinery, equipment or other personal property to adapt it to the replacement location or to utilities available at the replacement location or modifying the power supply.

- j) Actual direct losses of tangible personal property resulting from moving, or discontinuing a business or non-profit organization, *not-to-exceed the lesser of:*
- k) The fair market value of the tangible, personal property for continued use at its location prior to displacement; **or,**

An amount equal to the reasonable expenses that would have been required to relocate the property, subject to certain limitations;
- l) Actual, and reasonable expenses incurred in searching for a replacement business location, *not-to-exceed \$2,500.*
- m) Actual, and reasonable expenses necessary to reestablish a displaced small business at its new location, *not-to-exceed \$25,000.* Examples of expenses that may be considered for reimbursement include advertising, redecoration and certain increased costs of operation at the new location.

Fixed Payment In Lieu of a Payment for Actual Reasonable Moving and Related Expenses

The amount of this payment shall be based on the *average, annual net* earnings of the business over the previous two tax years. The payment to an eligible business may neither be less than \$1,000, nor more than \$40,000. To qualify for this payment a displaced business:

- A) Cannot be a part of a commercial enterprise having *at least* three (3) other establishments which are *not* being displaced as part of this Project, and which is under the *same ownership* and engaged in the *same, or similar* business activities;
- B) Must not be able to relocate without substantial loss of patronage; and,
- C) Must have contributed *at least* 33% of the owner's total gross income during *each* of the two (2) taxable years *prior to* displacement, or meet specific earnings criteria.

C. Determination of Comparable Housing

Relocation staff will evaluate the cost of comparable replacement housing in the preparation of each individual Notice of Eligibility issued to residential displacees. For residential tenant occupants, the cost of comparable replacement housing will be determined by the comparative method.

D. General Information Regarding the Payment of Relocation Benefits

Claims and supporting documentation for relocation benefits must be filed with the District no later than 18 months after the date of displacement (date the property is vacated by the displacee). The procedure for the preparation and filing of claims, and the processing and delivery of payments, will be as follows:

1. Claimant(s) will provide all necessary documentation to substantiate eligibility for assistance;
2. Relocation staff will review all necessary documentation including, but not limited to, income verification, lease documents and escrow material before reaching a determination as to which expenses are eligible for compensation;
3. Required claims forms will be prepared by relocation staff and presented to the claimant for review. Signed claims and supporting documentation will be returned to relocation staff and submitted to the District;
4. The District will review and approve claims for payment, or request additional information;
5. The District will issue benefit checks to claimants in the most secure, expeditious manner possible;
6. Final payments to residential displacees will be issued after confirmation that the Project premises have been completely vacated and actual residency at the replacement unit is verified;
7. Receipts of payment and all claims materials will be maintained in the relocation case file.

E. Last Resort Housing

Under the Code of Federal Regulations (CFR 24.404) requires that comparable decent, safe, and sanitary replacement (DSS) housing within a person's financial means be made available before that person may be displaced. When such housing cannot be provided by using replacement housing payments, the URA provides for "housing of last resort." Housing of last resort may involve the use of replacement housing payments that exceed the URA maximum amounts. Housing of last resort may also involve the use of other methods of providing comparable decent, safe, and sanitary housing within a person's financial means.

Specifically, for renters, when the computed replacement housing assistance eligibility exceeds \$5,250 or replacement dwelling monthly rental costs (including utilities and other reasonable recurring expenses) exceeds 30% of the person's average monthly income, Last Resort Housing will have to be provided.

Therefore, if the Project is to go forward, the District will authorize its funds or funds authorized for the Project to provide housing of last resort. Funds will be used to make payments in excess of the monetary limit specified in the statute (\$5,250); hence, satisfying the requirement that “comparable replacement housing” is available.

A displaced tenant household will be entitled to consideration for supplementary benefits in the form of Last Resort Housing assistance when the computed replacement housing assistance eligibility exceeds \$5,250 or replacement dwelling monthly rental costs (including utilities and other reasonable recurring expenses) exceed 30% of the person’s average monthly income (financial means) or when a tenant fails to meet the 90-day occupancy requirement and comparable replacement rental housing is not available within the displaced person’s financial means. Calculations of Last Resort rental assistance benefits for tenants who fail to meet the 90-day occupancy requirement will be based solely on household income. Non 90-day qualifiers must meet basic eligibility requirements applied to all other displacees.

The District may pay Last Resort Housing payments in installments or a lump sum. Recipients of Last Resort rental assistance, who intend to purchase rather than re-rent replacement housing, will have the right to request a lump sum payment of all benefits in the form of down payment assistance.

F. Relocation Tax Consequences

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

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

V. Administrative Provisions

A. Notices

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

There are three principal notices:

1. the Information Statement
2. the Notice of Relocation Eligibility, and
3. the 90-Day Vacate Notice.

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

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

An NOE will be distributed to each non-residential relocatee. The NOE to non-residential relocatees contains a determination of eligibility for relocation assistance, a description of the entitlements and a range of compensable expenses they may be reimbursed for.

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

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

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

Reminder Notices will be issued periodically throughout the qualification period. An attempt shall be made to make written contact with all non-responsive relocatees no later than within the last six months prior to the filing expiration date.

B. Privacy of Records

All information obtained from displacees is considered confidential and will not be shared without consent of the displacee or the District or as a requirement of a specific Public Records Request in accordance with State law. Relocation staff will comply with federal regulations concerning safeguarding of relocation files and their contents.

C. Grievance Procedures

The District's grievance policy will follow the standards described in Article 5 Section 6150, et seq. of the State guidelines. Briefly stated, displacees will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, the amount of payment, the failure to provide comparable replacement housing referrals or the District's property management practices.

Requests for review will be directed first to the authorized designee of the District and subsequently to a formal Relocation Appeals Board, at the election of the appellant complainant. Details concerning the entire appeals process will be provided upon request.

D. Eviction Policy

The District recognizes that eviction is permissible only as a last resort, and that relocation records must be documented to reflect the specific circumstances surrounding any eviction. Eviction will only take place in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous or illegal act in the unit, or if the household refuses all reasonable offers of alternate accommodation. In the event of an eviction for cause, the household may forfeit their eligibility for relocation benefits.

E. Citizen Participation

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

1. Provide affected tenants with full and timely access to documents relevant to the relocation program;
2. Encourage meaningful participation in reviewing the Relocation Plan and monitoring the relocation assistance program;
3. Provide technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials;
4. Issue a general notice concerning the availability of the Plan for public review, as required, 30 days prior to its proposed approval; and
5. Include written or oral comments concerning the Plan as an attachment (**Exhibit D**) when it is forwarded to the District for approval.

F. Projected Date of Displacement

The Project includes modifications to approximately 6.3 miles of Upper Llagas Creek and approximately 4 miles of West Little Llagas Creek. Phase I construction (Reach 4, Reach 7a diversion, and the on-site compensatory mitigation – Lake Silveira) anticipated by September 2016, no relocations are anticipated for this phase. Phase II relocations in all remaining reaches of the project are anticipated to begin April of 2017. The District anticipates that a date specific Notice to Vacate will not be issued until agreement for a property has been reached or an Order of Possession has been given by the Court. No resident will be required to vacate without a minimum of 90 days' notice. However, a resident may choose to vacate prior to a vacate notice being issued, once they have received their Notice of Eligibility, and be assured they will receive any replacement housing assistance and moving assistance to which they may be entitled.

G. Estimated Relocation Costs

The total budget estimate for residential and business relocation-related payments for this Project has not been determined.

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

If the Project is to be implemented, and circumstances arise that should change either the number of displaced occupants, or the nature of their activity, the District will authorize any additional compensable funds that may need to be appropriated. The District pledges to appropriate, on a timely basis, the funds necessary to ensure the successful completion of the Project, including funds necessary for Last Resort Housing as indicated in Section IV.E, of this Plan to meet its obligation under the relocation regulations.

Exhibit A

Relocation Interview Form

Residential Relocation Interview						
Client/Project:			Case ID:			
Site Address:			Total occupants:	Interview Date:	<input type="checkbox"/> Unoccupied	
City, St, ZIP:				Interviewer:	<input type="checkbox"/> No Contact	
INDIVIDUAL OCCUPANTS (use additional pages as needed)						
1. Name:		Gender: F M	Employer/School:			
Relationship (list 1):	HEAD OF HOUSEHOLD	<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:					
Phone/fax/email:	Move-in date:					
Notes/special needs:						
2. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:					
Phone/fax/email:	Move-in date:					
Notes/special needs:						
3. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:					
Phone/fax/email:	Move-in date:					
Notes/special needs:						
4. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:					
Phone/fax/email:	Move-in date:					
Notes/special needs:						
5. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:					
Phone/fax/email:	Move-in date:					
Notes/special needs:						
6. Name:		Gender: F M	Employer/School:			
Relationship (list 1):		<input type="checkbox"/> ID verified	Income srce (list 2):	Income/empl. description:	Hire/start date:	Mo Income:
Lawful presence (list 3):	Date of birth:					
Phone/fax/email:	Move-in date:					
Notes/special needs:						

DWELLING			HOUSEHOLD		
Mailing Address:			<input type="checkbox"/> Primary residence of all occupants? (if not, explain in notes)		
City, St, ZIP:			<input type="checkbox"/> Can someone read/understand English? If not, language:		
Carbon Copy Address:			Race/Ethnicity: <input type="checkbox"/> American Indian/Alaskan <input type="checkbox"/> Asian		
City, St, ZIP:			<input type="checkbox"/> Black/African-American <input type="checkbox"/> Hawaiian/Pacific Islander		
Dwelling Type (list 4):			<input type="checkbox"/> Hispanic/Latino <input type="checkbox"/> White <input type="checkbox"/> Other <input type="checkbox"/> Mixed		
Bedrooms:	Attic/Utility/Storage:	Approx Sq Ft:	Subscribe to: <input type="checkbox"/> Land phone <input type="checkbox"/> TV service <input type="checkbox"/> Internet		
Kitchen:	Basement:	Bathrooms:	<input type="checkbox"/> Home-based business? (describe in notes)		
Living/family rooms:	Garage:	Garage Spaces:	<input type="checkbox"/> Rent rooms in dwelling? (describe in notes)		
Dining room:	Other/Extra:	Carport Spaces:	<input type="checkbox"/> On fixed income or public assistance? (describe in Occupants)		
Den/Office:	Total physical and content rooms to move:	Parking Spaces:	<input type="checkbox"/> Disabled occupants? (describe modifications/needs in Occupants)		
Total Rooms:		Number of cars:	Replacement site <u>special</u> needs (mark and describe in Notes)		
Air Cond: <input type="checkbox"/> Central <input type="checkbox"/> Wall/Window <input type="checkbox"/> Heat Pump <input type="checkbox"/> Evap./Swamp <input type="checkbox"/> None			<input type="checkbox"/> Employment access <input type="checkbox"/> Shopping		
Heating: <input type="checkbox"/> FAU <input type="checkbox"/> Radiant <input type="checkbox"/> Hot Water <input type="checkbox"/> Space Htr <input type="checkbox"/> Solar <input type="checkbox"/> Heat Pump			<input type="checkbox"/> Public transport <input type="checkbox"/> Religious		
Dwelling Condition: <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor			<input type="checkbox"/> Medical facilities/services <input type="checkbox"/> Social/Public services		
Neighborhood Condition: <input type="checkbox"/> Good <input type="checkbox"/> Fair <input type="checkbox"/> Poor			<input type="checkbox"/> School needs <input type="checkbox"/> Relatives/Ethnic		
Amenities:			<input type="checkbox"/> Childcare <input type="checkbox"/> Other special needs		
			<input type="checkbox"/> All occupants to move to the same dwelling? (if not, explain in notes)		
TENANT			HOMEOWNER		
Rent terms: <input type="checkbox"/> Month-Month <input type="checkbox"/> Lease, months left:			Replacement dwelling preference: <input type="checkbox"/> Rent <input type="checkbox"/> Buy		
<input type="checkbox"/> Rent reduced in exchange for service <input type="checkbox"/> Unit furnished by tenant			Can relocate from: <input type="checkbox"/> Neighborhood <input type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> State		
Monthly contract rent: \$		Security deposit: \$	Preferred relocation areas:		
Landlord/manager name/ph:			Lot size (sq ft):		
<input type="checkbox"/> Written rental agreement available? <input type="checkbox"/> Rent receipts available?			Date purchased:		Age (yrs):
<input type="checkbox"/> Receiving Section 8 or other housing assistance?			<input type="checkbox"/> Own clear, no mortg/loans <input type="checkbox"/> Negative equity		# of stories:
Caseworker name/ph:			1st Loan Information		2nd Loan Information
Monthly tenant portion of rent: \$			Lender:		Lender:
Annual family/child care expenses to allow work: \$			Loan Type (list 5):		Loan Type (list 5):
Annual non-reimbursed medical expenses: \$			Current % Rate:		Current % Rate:
Annual non-reimb. handicapped assistance expenses: \$			Principal Balance: \$		Principal Balance: \$
Utilities paid by tenant:			Original Date:		Original Date:
<input type="checkbox"/> Gas: \$			Remaining months:		Remaining months:
<input type="checkbox"/> Electric: \$			Monthly P&I payment:		Monthly P&I payment:
<input type="checkbox"/> Water: \$			MOBILE HOME		
<input type="checkbox"/> Sewer: \$			Pad space: <input type="checkbox"/> Rent <input type="checkbox"/> Own		Coach: <input type="checkbox"/> Rent <input type="checkbox"/> Own
<input type="checkbox"/> Trash: \$			Pad rent: \$		Make/Model:
<input type="checkbox"/> NONE			Coach length (ft):		Year:
Pets:			Coach width (ft):		Decal #:
Energy source: Gas Electr Oil Other					
Cooking Stove: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
Water Heater: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
Space Heat: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					
Air Conditioning: <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>					

Preferred replacement site attributes						
Relocation area:			Property access (RR, dual):			
Zoning/type of use:			Truck access:			
Lease / purchase:			Freeways/arterials proximity:			
Building size/layout:			Public transport access:			
Single/multistory building:			Pedestrian access:			
Clearance/height:			Parking spaces:			
Lot/yard size:			Shipping/receiving type:			
Special utility needs:			Demographic needs:			
Internet service needs:			Traffic count needs:			
Franchise/ordinance restrictions:			Visibility needs:			
Specific concerns and anticipated move challenges						
<div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 40px;"></div>						
List of any identified replacement sites						
	Address	Bldg size	Lot size	Lease amount	Status	Broker info
1						
2						
3						
ADDITIONAL INTERVIEW NOTES (explain all special circumstances, including those noted above)						
<div style="border: 1px solid black; height: 150px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 150px;"></div>						
1. URA business type: Business, Farm, Non-Profit 2. OPC business type: Agricultural, Industrial, Office, Retail Sales, Retail Service, Special Purpose (detail online) 3. Professional Specialty: Attorney, Accountant, Broker, Move Planner, Contractor 4. Internet service: DSL, cable, T1, fiber, satellite, other						
<p style="text-align: center;"><i>I certify that all information in this survey is true and complete to the best of my knowledge. The information contained herein shall be treated confidential to the extent permitted by law.</i></p>						
Claimant Name:		Date:		Signature:		

Business Relocation Interview

Client/Project:		Case ID:	
Site Address:		Interview Date:	<input type="checkbox"/> Unoccupied
City, St, ZIP:		Interviewer:	<input type="checkbox"/> No Contact
Business Claimant Information			
Legal business name (from tax return):		Person interviewed (name/title):	
Name under which claimant conducts operations (dba):		Ownership type:	Business type:
Mailing address (if different):		<input type="checkbox"/> Sole Proprietor	URA type (list 1):
Date business established:		<input type="checkbox"/> Partnership	OPC type (list 2):
This site move-in:		<input type="checkbox"/> Corporation	Goods, products or services provided:
		<input type="checkbox"/> Non-profit	
Business Contacts Information			
	Contact 1 (PRIMARY)	Contact 2	Contact 3
Name:			
Title/position:			
Business phone:			
Cell phone:			
Fax #:			
Email:			
Authority (Y/N):			
<input type="checkbox"/> Can the person(s) with authority to sign claims and agreements read/understand English? If not, language:			
Business Professionals Involved (Attorney, Accountant, Broker, Move Planner, Contractor)			
	Professional 1	Professional 2	Professional 3
Name:			
Title/position:			
Specialty (list 3):			
Company:			
Address:			
Business phone:			
Cell phone:			
Fax #:			
Email:			
CC address (Y/N):			
Business Description and Features			
Business hours and days of operation:			
Customer trade area:			
Is this a franchise business?		If yes, is copy of franchise agreement available?	
Describe any other businesses on site:			
List any sub-leases:			
List the same or similar operations owned elsewhere:			
List residents living on the property:			
Intend to relocate this business (Y/N):		If yes, plans for new market, product or service?:	
Describe best time to move:			
Months of year with least inventory:		With most inventory:	
Estimated time it would take to move business:			
Describe business conducted on the Internet:			
Describe types of advertising used:			
List printed materials to become obsolete:			
Annual gross income:		Full-time employees:	
Annual net income:		Part-time employees:	

Property Site Features		
Site layout available (provide):	Zoning designation:	Occupancy status
Total building sq.ft.:	Parking spaces:	<input type="checkbox"/> Month-to-month rental
Total land sq.ft.:	Loading spaces:	<input type="checkbox"/> Lease: expires: options:
Area Breakdown	Dock spaces:	<input type="checkbox"/> Mortgage: balance:
Office/retail sq.ft.:	Clearance/height:	<input type="checkbox"/> Own clear
Warehouse/shop sq.ft.:	Railroad access:	Monthly payment:
Yard sq.ft.:		Lease copy available?:
Business Equipment/Improvements		
Inventory list available?:	Phone system	Computer system
Electrical (Amps):	Type/brand:	Number of PCs:
3 phases (Y/N):		Server room (# of racks, A/C, power, etc.):
Describe plumbing:	Age:	
	Voice lines:	Other equipment (printers, security, WAP, registers, inventory control, etc):
Other special utility:	Fax lines:	
	Other lines:	Internet service/provider (list 4):
Indicate quantity of each type of equipment on site:		
Bridge crane: <input type="text"/>	Freezer: <input type="text"/>	Sinks: <input type="text"/>
Jib crane: <input type="text"/>	Walk-in cooler: <input type="text"/>	Clarifier: <input type="text"/>
Hood: <input type="text"/>	Walk-in freezer: <input type="text"/>	Boiler: <input type="text"/>
Refrigerator: <input type="text"/>	Spray booth: <input type="text"/>	Compressor: <input type="text"/>
		Dry-cleaning plant: <input type="text"/>
		UST: <input type="text"/>
		Racking/shelving: <input type="text"/>
		System furniture: <input type="text"/>
		Air lines: <input type="text"/>
		Water lines: <input type="text"/>
		Hoist: <input type="text"/>
Other significant improvements/machinery/equipment:		
Leased equipment onsite:		
Obsolete equipment or equipment that cannot be moved:		
Permits / Required Specialists		
List required special permits and licenses with number (provide copy):		
Operate under Conditional Use Permit? (provide copy)		
Will CUP be required at a new location?:		
Assistance required in obtaining any permits/licenses?:		
Describe any wastewater/air/stack discharge/emissions:		
List hazardous materials used or stored (including handling and disposal):		
Needs for outside specialists for a move:		

Preferred replacement site attributes						
Relocation area:	Property access (RR, dual):					
Zoning/type of use:	Truck access:					
Lease / purchase:	Freeways/arterials proximity:					
Building size/layout:	Public transport access:					
Single/multistory building:	Pedestrian access:					
Clearance/height:	Parking spaces:					
Lot/yard size:	Shipping/receiving type:					
Special utility needs:	Demographic needs:					
Internet service needs:	Traffic count needs:					
Franchise/ordinance restrictions:	Visibility needs:					
Specific concerns and anticipated move challenges						
<div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 40px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 40px;"></div>						
List of any identified replacement sites						
	Address	Bldg size	Lot size	Lease amount	Status	Broker info
1						
2						
3						
ADDITIONAL INTERVIEW NOTES (explain all special circumstances, including those noted above)						
<div style="border: 1px solid black; height: 150px; margin-bottom: 5px;"></div> <div style="border: 1px solid black; height: 150px;"></div>						
1. URA business type: Business, Farm, Non-Profit 2. OPC business type: Agricultural, Industrial, Office, Retail Sales, Retail Service, Special Purpose (detail online) 3. Professional Specialty: Attorney, Accountant, Broker, Move Planner, Contractor 4. Internet service: DSL, cable, T1, fiber, satellite, other						
<p style="text-align: center;"><i>I certify that all information in this survey is true and complete to the best of my knowledge. The information contained herein shall be treated confidential to the extent permitted by law.</i></p>						
Claimant Name:		Date:		Signature:		

Exhibit B

HCD Income Limits – Santa Clara County

2015 HCD INCOME LIMITS (April 2015 – April 2016)

County	Persons in Household								
	Income Category	1	2	3	4	5	6	7	8
Santa Clara: 4-person Area Median Income: \$106,300	Extremely Low	\$22,350	\$25,550	\$28,750	\$31,900	\$34,500	\$37,050	\$39,600	\$42,150
	Very Low	\$37,250	\$42,250	\$47,850	\$53,150	\$57,450	\$61,700	\$65,950	\$70,200
	Low	\$59,400	\$67,900	\$76,400	\$84,900	\$91,650	\$98,450	\$105,250	\$112,050
	Median	\$74,400	\$85,050	\$95,650	\$106,300	\$114,800	\$123,300	\$131,800	\$140,300
	Moderate	\$89,300	\$102,050	\$114,800	\$127,550	\$137,750	\$147,950	\$158,150	\$168,350

Exhibit C

Informational Brochures

Relocation Assistance Informational Statement for Families and Individuals

(Federal)

Displacing Agency:
Santa Clara Valley Water District

Project Name:
Upper Llagas Creek

Displacing Agency Representative:



Overland, Pacific & Cutler, Inc.
7601 Oakport St, Ste 4800
Oakland, CA 94621
Phone: 800.400.7356

Informational Statement Content:

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

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

Informational Statement for Families and Individuals

(Federal)

1. GENERAL INFORMATION

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

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

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

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

2. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Displacing Agency, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself. When a suitable replacement dwelling unit has been found, your relocation agent will carry out an inspection and advise you as to whether the dwelling unit meets decent, safe and sanitary housing requirements. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection before relocation assistance payments can be authorized.

3. MOVING BENEFITS

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

- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two

- written estimates and receipted bills; or
- A combination of both (in some cases).

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

A. Fixed Moving Payment (Self-Move)

A Fixed Moving Payment is based upon the number of rooms you occupy and whether or not you own your own furniture. The payment is based upon a schedule approved by the Displacing Agency, and ranges, for example, from \$450.00 for one furnished room to \$2,365.00 for eight rooms in an unfurnished dwelling. (For details see the table). Your relocation agent will inform you of the amount you are eligible to receive, if you choose this type of payment.

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

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

B. Actual Moving Expense (Commercial Move)

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

4. REPLACEMENT HOUSING PAYMENT – TENANTS AND CERTAIN OTHERS

You may be eligible for a payment up to \$7,200.00 to assist in renting or purchasing a comparable replacement dwelling. In order to qualify, you must either be a tenant or owner who has occupied the present dwelling for at least 90 days immediately prior to the initiation of negotiations.

- A. Rental Assistance.** If you **wish to rent** your replacement dwelling, your maximum rental assistance benefits will be based upon the difference over a forty-two (42) month period between the rent you must pay for a comparable replacement dwelling and the lesser of your current rent or thirty percent (30%) of your monthly household income if your total gross income is classified as "low income" by the U. S. Department of Housing and Urban Development's (HUD) Annual Survey of Income Limits for Public Housing and Section 8 Programs. You will be required to provide your relocation agent with monthly rent and household income verification prior to the determination of your eligibility for this payment.

- OR -

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

5. SECTION 8 TENANTS

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

6. REPLACEMENT HOUSING PAYMENT - HOMEOWNERS

- A. If you own and occupy a dwelling to be purchased by the Displacing Agency for **at least 90 days** prior to the initiation of negotiation, you may be eligible to receive a payment of up to \$31,000.00 to assist you in purchasing a comparable replacement unit. This payment is intended to cover the following items:
1. **Purchase Price Differential** - An amount which, when added to the amount for which the Displacing Agency purchased your property, equals the lesser of the actual cost of your replacement dwelling; **or** the amount determined by the Displacing Agency as necessary to purchase a comparable replacement dwelling. Your relocation agent will explain both methods to you.
 2. **Mortgage Interest Differential** - The amount which covers the increased interest costs, if any, required to finance a replacement dwelling. Your relocation agent will explain limiting conditions.
 3. **Incidental Expenses** - Those one time incidental costs related to purchasing a replacement unit, such as escrow fees, recording fees, and credit report fees. Recurring expenses such as prepaid taxes and insurance premiums are not compensable.
- B. **Rental Assistance Option** - If you are an owner-occupant and choose to rent rather than purchase a replacement dwelling, you may be eligible for a rental assistance payment of up to the amount that you could have received under the Purchase Price Differential, explained above. The payment will be based on the difference between the fair market rent of the dwelling you occupy and the rent you must pay for a comparable replacement dwelling.

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

7. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS

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

- For a tenant, the date you move from the displacement dwelling.
- For an owner-occupant, the latter of:

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- a. The date you receive final payment for the displacement dwelling, or, in the case of condemnation, the date the full amount of estimated just compensation is deposited in court; **or**
 - b. The date the Displacing Agency fulfills its obligation to make available comparable replacement dwellings.

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

8. LAST RESORT HOUSING ASSISTANCE

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

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

9. RENTAL AGREEMENT

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

10. EVICTIONS

Eviction for cause must conform to applicable State and local law. Any person who occupies the real property and is not in unlawful occupancy on the date of initiation of negotiations, is presumed to be entitled to relocation benefits, unless the Displacing Agency determines that:

- The person received an eviction notice prior to the initiation of negotiations and, as a result, was later evicted; or
- The person is evicted after the initiation of negotiations for serious or repeated violation of material terms of the lease; and
- The eviction was not undertaken for the purpose of evading relocation assistance regulations.

Except for the causes of eviction set forth above, no person lawfully occupying property to be purchased by the Displacing Agency will be required to move without having been provided with at least 90 days written notice from the Displacing Agency.

11. APPEAL PROCEDURES - GRIEVANCE

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

12. TAX STATUS OF RELOCATION BENEFITS

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (1) avoiding tax-related penalties under the Internal Revenue Code or (2) promoting marketing or recommending to another party any matters addressed herein)

13. LAWFUL PRESENCE REQUIREMENT

In order to be eligible to receive relocation benefits in federally-funded relocation projects, all members of the household to be displaced must provide information regarding their lawful presence in the United States. Any member of the household who is not lawfully present in the United States or declines to provide this information may be denied relocation benefits, unless such ineligibility would result in an exceptional and extremely unusual hardship to the alien's spouse, parent, or child, any of whom is a citizen or an alien admitted for permanent residence. Exceptional and extremely unusual hardship is defined as significant and demonstrable adverse impact on the health or safety, continued existence of the family unit, and any other impact determined by the Displacing Agency to negatively affect the alien's spouse, parent or child. Relocation benefits will be prorated to reflect the number of household members with certified lawful presence in the US.

14. NON-DISCRIMINATION AND FAIR HOUSING

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

15. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE

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



Informational Statement for Business, Farm & Non-Profit

(Federal)

Introduction

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

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

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

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

Summary of Available Relocation Assistance:

- A. Advisory assistance to explain the relocation process, the related eligibility requirements, the procedures for obtaining reimbursement for moving expenses and referrals to suitable replacement locations
- B. Payment for your moving expenses. You may receive one of the following options:
 - Option A: A Payment for Actual Reasonable Moving and Related Expenses; or
 - Option B: A Fixed Payment In Lieu of a Payment for Actual Moving and Related Expenses
- C. Other help to reestablish your business and minimize the impact of the move including help in preparing claim forms to request relocation payments.

If you disagree with the Displacing Agency's decision as to your right to a relocation payment, or the amount of the payment, you may appeal that decision.



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SOME GENERAL QUESTIONS

How Will I Know I Am Eligible for Relocation Assistance?

Ordinarily, eligibility begins on the date the owner of the property receives the Displacing Agency's initial written offer to purchase it. Therefore, you should not move before that date or receiving a notice of eligibility. If you do, you may not be eligible for relocation assistance.

How Will the Displacing Agency Know How Much Help I Need?

You will be contacted at an early date and personally interviewed by a representative of the Displacing Agency. The interviewer will want to get information about your current operation, as well as identify movable personal property and non-movable improvements, determine your needs and preferences for a replacement location, estimate the time required to vacate the premises and your need for advance payments. During the interview, you may want to discuss other issues relative to your move. It is to your advantage to provide as much information as possible so that the Displacing Agency, through its relocation representative, can assist you in moving with a minimum of hardship. The information you give will be kept in confidence.

How Soon Will I Have to Move?

Every reasonable effort will be made to provide you with sufficient time to find a suitable replacement location and reestablish your business. If possible, a mutually agreeable date for the move will be worked out. Unless there is an urgent need for the property (e.g., your occupancy would present a health or safety emergency), you will not be required to move without at least 90 days advance written notice. It is important, however, that you keep in close contact with the Displacing Agency so that you are aware of the time schedule for carrying out the project and the approximate date by which you will have to move.

I Own the Property. Will I Be Paid for It Before I Have to Move?

If you reach a voluntary agreement to sell your property to the Displacing Agency, you will not be required to move before you receive the agreed purchase price. If the property is acquired through an eminent domain proceeding, you cannot be required to move before the estimated fair market value of the property has been deposited with the court. (You should be able to withdraw this amount immediately, less any amounts necessary to pay off any mortgage or other liens on the property and to resolve any special ownership problems. Withdrawal of your share of the money will not affect your right to seek additional compensation for your property).

Will I Have to Pay Rent to the Displacing Agency Before I Move?

You may be required to pay a fair rent to the Displacing Agency for the period between the acquisition of your property and the date that you move. Your rent and the terms of your tenancy will be generally the same as in the prior arrangement.

How Will I Find a Replacement Location?

Your relocation representative will provide you with current and continuing information on available replacement locations that meet your needs. You will also be provided with the names of local real estate agents and brokers who can assist you in finding the type of replacement location you require. However, you are urged to take an active role in identifying, and relocating to, a location of your choice.

No one knows your needs better than you do. You will want a facility that provides sufficient space for your planned activities. You will also want to ensure that there are no zoning or other requirements which will unduly restrict your planned operations. Your relocation representative will explain which kind of moving costs are eligible for reimbursement and which are not eligible. That will enable you to carry out your move in the most advantageous manner.

What Other Assistance Will Be Available to Help Me?

In addition to help in finding a suitable replacement location, your relocation representative will help you secure the services of outside specialists, as necessary, to plan the move, as well as provide assistance during the actual move and in the reinstallation of machinery and/or other personal property. The range of services depends on the needs of the business being displaced. You should ask the Displacing Agency's relocation representative to tell you about the specific services that will be available to you.

I Have a Replacement Location and Want to Move. What Should I Do?

Before you make any arrangements to move, notify the Displacing Agency's relocation representative, in writing, of your intention to move. This should be done at least 30 days before the date you begin your move. The Displacing Agency will discuss the move with you and advise you of the relocation payment(s) for which you may be eligible, the requirements to be met, and how to obtain a payment.

I Plan to Discontinue My Business Rather than Move. What Should I Do?

If you have decided to discontinue your business rather than reestablish it, you may still be eligible to receive a payment. Contact the Displacing Agency's relocation representative and discuss your decision to discontinue your business. You will be informed of the payment, if any, for which you may be eligible, the requirements to be met, and how to obtain your payment.

What Kinds of Payments for Moving Expenses Will I Receive?

Every business is eligible for a relocation payment to cover the reasonable cost of moving. Assuming you meet certain eligibility criteria, you may choose one of the following options:

Option A: A Payment for Actual Reasonable Moving and Related Expenses; or

Option B: A Fixed Payment In Lieu of Moving and Related Expenses

These payment options are described below:

Option A: Payment for Actual Reasonable Moving and Related Expenses

If you choose a Payment For Actual Reasonable Moving And Related Expenses, you may claim the cost of:

1. Transportation of personal property. Transportation costs for a distance beyond 50 miles are not eligible, unless the Displacing Agency determines that relocation beyond 50 miles is justified.
2. Packing, crating, unpacking, and uncrating of the personal property.
3. Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, and certain substitute personal property. This includes connection to utilities available within the building. It also includes modifications to the personal

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- property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property.
4. Storage of the personal property determined to be necessary by the Displacing Agency, not to exceed 12 months, unless the Displacing Agency determines that a longer period is warranted.
 5. Insurance for the replacement value of the personal property in connection with the move and necessary storage.
 6. The replacement value of property lost, stolen or damaged in the process of moving (not through fault or negligence of the displaced person, his or her agent or employee), where insurance covering such loss, theft or damage is not reasonably available.
 7. Any license, permit, fees or certification required of your business at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, fees or certification.
 8. Reasonable and preauthorized professional services, the Displacing Agency determines to be necessary for (i) planning the move of the personal property, (ii) moving the personal property, and (iii) installing the relocated personal property at the replacement location.
 9. Re-lettering signs and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move.
 10. Actual direct loss of tangible personal property incurred as a result of moving or discontinuing your business. The payment will consist of the lesser of:
 - (i) The fair market value in place of the item, as is for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, you must make a good faith effort to sell the personal property, unless the Displacing Agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value will be based on the cost of the goods to the business, not the potential selling price.); or
 - (ii) The estimated cost of moving the item as is, but with no allowance for storage; or for reconnecting a piece of equipment if the equipment is in storage or not being used at the acquired site. (If you elect to discontinue your business, the estimated cost will be based on a moving distance of 50 miles.)
 11. Purchase of substitute personal property. If an item of personal property which is used as part of your business is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, you will be entitled to payment for the lesser of:
 - (i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or
 - (ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the Displacing Agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.
 12. The reasonable cost incurred in attempting to sell an item that is not to be relocated.

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13. Searching for a replacement location. Your business is entitled to reimbursement for actual expenses, not to exceed \$2,500 as the Displacing Agency determines to be reasonable, which are incurred in searching for a replacement location including:
 - i) Transportation
 - ii) Meals and lodging away from home.
 - iii) Time spent searching, based on reasonable salary or earnings.
 - iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.
 - v) Time spent in obtaining permits and attending zoning hearings; and
 - vi) Time spent negotiating the purchase of a replacement site based on a reasonable salary or earnings.
 14. When the personal property to be moved is of low value and high bulk, and the cost of moving the property would be disproportionate to its value in the judgment of the Displacing Agency, the allowable moving cost payment shall not exceed the lesser of: the amount which would be received if the property were sold at the site or the replacement cost of a comparable quantity delivered to the new business location.
 15. Other related moving expenses as the Displacing Agency determines to be reasonable and necessary, including:
 - i) Connection to available nearby utilities from the right-of-way to improvements at the replacement site;
 - ii) Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for your business operation, including but not limited to soil testing, feasibility and marketing studies (excluding any fees or commissions directly related to the purchase or lease of such site). At the Displacing Agency's discretion, a reasonable pre-approved hourly rate may be established
 - iii) Impact fees or one-time assessments for anticipated heavy utility usage, as determined by the Displacing Agency.

The Displacing Agency's relocation representative will explain all eligible moving costs, as well as, those which are not eligible. You must be able to account for all costs that you incur, so keep all your receipts. The Displacing Agency will inform you of the documentation needed to support your claim.

You may minimize the amount of documentation needed to support your claim, if you elect to "self-move" your property. Payment for a self-move is based on the amount of an acceptable low bid or estimate obtained by the Displacing Agency. If you self-move, you may move your personal property using your own employees and equipment or a commercial mover. If you and the Displacing Agency cannot agree on an acceptable amount to cover the cost of the self-move, you will have to submit full documentation in support of your claim.

You may elect to pay your moving costs yourself and be reimbursed by the Displacing Agency or, if you prefer, you may have the Displacing Agency pay the mover directly. In either case, let the Displacing Agency's relocation representative know before you move. The Displacing Agency representative can help you select a reliable and reputable mover.

When a payment for "actual direct loss of personal property" or "substitute personal property" is made for an item, the estimated cost of moving the item may be based on the lowest acceptable bid or estimate obtained by the Displacing Agency. If not sold or traded-in, the item must remain at the old

location and ownership of the item must be transferred to the Displacing Agency before you may receive the payment.

In addition to the reimbursable expenses described above, a small business, farm or non-profit organization may be eligible to receive a payment of up to \$25,000 for expenses actually incurred in relocating and reestablishing its operation at a replacement site. Eligible expenses must be reasonable and necessary, as determined by the Displacing Agency. They may include but are not limited to the following:

1. Repairs or improvements to the replacement real property as required by federal, state or local law, code or ordinance.
2. Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
3. Construction and Installation costs for exterior signage to advertise the business.
4. Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, paneling or carpeting.
5. Advertising of replacement location.
6. Estimated increased costs of operation during the first 2 years at the replacement site, for such items as:
 - a. Lease or rental charges
 - b. Personal or real property taxes
 - c. Insurance premiums, and
 - d. Utility charges (excluding Impact fees)
7. Other items that the Displacing Agency considers essential to the reestablishment of the business.

The following is a non-exclusive listing of reestablishment expenditures not considered to be reasonable, necessary or otherwise eligible:

- Purchase of capital assets, such as, office furniture, filing cabinets, and machinery or trade fixtures.
- Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.
- Interest costs associated with any relocation expense or the purchase of replacement property.
- Payment to a part-time business in the home which does not contribute materially to the household income.

Option B: Fixed Payment In Lieu of a Payment for Actual Reasonable Moving and Related Expenses

A displaced business, non-profit organization or farm may be eligible to choose a fixed payment in lieu of the payments for actual moving and related expenses and actual reasonable reestablishment expenses. The payment may not be less than \$1,000.00 or more than \$40,000.00. For a business or farm, the payment is based on the average annual net earnings before Federal, State and local income taxes during the 2 taxable years immediately prior to the taxable year in which it was displaced. For a non-profit organization, the payment is based on the average of 2 years annual gross revenues less administrative expenses.

In order to qualify for this payment, the Displacing Agency must determine that:

1. The business owns or rents personal property which must be moved in connection with the displacement and for which an expense would be incurred in such move, and the business vacates or relocates from its displacement site.
2. The business cannot be relocated without a substantial loss of existing patronage (clientele or net earnings).
3. The business is not a part of a commercial enterprise having more than three other entities which are not being acquired by the Displacing Agency, and which are engaged in the same or similar business activities.
4. The business is not operated at the displacement dwelling/site solely for the purpose of renting such dwelling/site to others.
5. The business contributed materially to the income of the displaced person during the two (2) taxable years prior to displacement.

If the business or farm was not in operation for the full two years prior to displacement, the net earnings are based on the actual period of operation at the acquired site projected to an annual rate. Average net earnings may be based on a different period of time when the Displacing Agency determines it to be more equitable. Net earnings include any compensation paid to the owners of the business, a spouse or dependents. Proof of net earnings must be furnished to the Displacing Agency through income tax returns, certified financial statements, or other reasonable evidence which the Displacing Agency determines is satisfactory.

For a qualified non-profit organization, gross earnings may include membership fees, class fees, cash donations, tithes and receipts from sales or other forms of fund collection that enables the non-profit organization to operate. Administrative expenses are those for administrative support such as rent, utilities, salaries, advertising and other like items as well as fund raising expenses. Operating expenses for carrying out the purposes of the non-profit organization are not included in administrative expenses. The monetary receipts and expense amounts may be verified with certified financial statements or financial documents required by public agencies.

The Displacing Agency will inform you as to your eligibility for this payment option and the documentation you must submit to support your claim. Remember, when you elect to take this payment option you are not entitled to reimbursement for any other moving expenses, i.e. Option A described above.

How do I Receive a Relocation Payment?

You must file a claim for a relocation payment. The Displacing Agency's relocation representative will provide you with the required claim forms, assist you in completing them, and explain the type of documentation that you must submit in order to receive your relocation payments. If you must pay any relocation expenses before you move (e.g., because you must provide a security deposit if you lease your new location), discuss your financial needs with the Displacing Agency. You may be able to obtain an advance payment. An advance payment may be placed in "escrow" to ensure that the move will be completed on a timely basis.

If you are a tenant, you must file your claim within 18 months after the date you move. If you own the property, you must file within 18 months after the date you move, or the date you receive the final acquisition payment, whichever is later. However, it is to your advantage to file as soon as possible

after you move. The sooner you submit your claim, the sooner it can be processed and paid. If you are unable to file your claim within 18 months, the Displacing Agency may extend this period.

You will be paid promptly after you file an acceptable claim. If there is any question regarding your right to a relocation payment or the amount of the payment, you will be notified, in writing, of the problem and the action you may take to resolve the matter.

Non-Discrimination

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

Appeals

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

Tax Status of Relocation Benefits

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

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Lawful Presence Requirement

Pursuant to the Public Law 105-117, in order to be eligible to receive non-residential relocation benefits in federally-funded projects, in the case of an unincorporated business, each owner must be either a citizen or national of the United States, or an alien who is lawfully present in the United States. The owner of a sole proprietorship and all owners of a partnership must provide information regarding their lawful presence in the United States, and a for-profit or a non-profit corporation must certify that it is authorized to conduct business within the United States. Owners of sole proprietorships or partnerships, who are not lawfully present in the United States, or who decline to provide this information, are not eligible for relocation assistance, unless such ineligibility would result in an exceptional and extremely unusual hardship to the alien's spouse, parent, or child, any of whom is a citizen or an alien admitted for permanent residence. Exceptional and extremely unusual hardship is

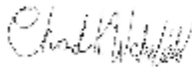
defined as significant and demonstrable adverse impact on the health or safety, continued existence of the family unit, and any other impact determined by the Displacing Agency to negatively affect the alien's spouse, parent or child. Relocation benefits will be prorated to reflect the number of owners with certified lawful presence in the United States.

Additional Information

If you have further questions after reading this brochure, please contact the Displacing Agency's relocation representative at Overland, Pacific & Cutler.

Joe La Bonte
Overland, Pacific & Cutler, Inc.
7901 Oakport Street, Suite 4800, Oakland, CA 94621
Phone 1-800-400-7356

Sincerely,



Chad Wakefield
Project Manager
Overland, Pacific & Cutler, Inc.

ACKNOWLEDGMENT

I was personally contacted by the Relocation Consultant for the Displacing Agency. I have been given a copy of this notice and I have had the available services and entitlements explained to me. I have been advised that the Relocation Consultant will be available to assist me if any questions arise or assistance is needed.

Signature:

Date:

Exhibit D

Public Comments and Response

As a requirement for Citizen participation, a general notice was posted concerning the availability of the Plan for public review and comment 30 days prior to its proposed approval by the Santa Clara Valley Water District Board. Copies of the Plan were posted and made available for public review at www.valleywater.org under Newsroom/Public Review Documents, SCVWD Headquarters Building, Front Desk and Morgan Hill City Hall, Front Desk. Copies of the Plan were also provided to all potential displacees on or before March 16, 2017.

To date, District staff have received no comments from the public regarding the Plan.