

The 10-Minute Manager is an overview of the much more detailed Relocation Assistance Handbook, and will help you determine when and if you need to refer to the Handbook.

Relocation Assistance Program THE 10-MINUTE MANAGER



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401 Golden Shore
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Version 1
July 2009

August 12, 2009

RELOCATION ASSISTANCE PROGRAM (RAP) BOOKLET

THE 10-MINUTE MANAGER

WHAT IS THE 10-MINUTE MANAGER?

The 10-Minute Manager is an overview of the much more detailed Relocation Assistance Handbook http://www.calstate.edu/cpdc/LUPER/rap_handbook.shtml and will help you determine when and if you need to refer to the Handbook. Both this Booklet and the Handbook serve as resource tools for conducting the implementation and resolution of legally required relocation assistance issues. The main goal of these two resources is to ensure consistency in the implementation of relocation activities; and therefore should be provided to appropriate CSU campus, auxiliary, and foundation staff who carry out relocation activities, and also relocation consultants contracted by a campus to implement relocation activities. **If you don't do anything else, read *The 10-Minute Manager*.**

CAVEAT!! The CSU Board of Trustees adopted the Department of California Housing and Community Development State Guidelines as its official relocation assistance policy. The purpose of *The 10-Minute Manager* and the RAP handbook is to guide you through the implementation of the relocation assistance law as it applies to CSU. It is **not** a substitute for The Relocation Assistance Law and the State Guidelines. You can find these documents at the following websites:

CALIFORNIA RELOCATION ASSISTANCE LAW:

<http://www.leginfo.ca.gov/cgi-bin/waisgate?WAISdocID=9553231887+0+0+0&WAIAction=retrieve>

STATE GUIDELINES: <http://ccr.oal.ca.gov/linkedslice/default.asp?sp=ccr-1000&action=welcome> Search for Title 25, Division 1, Chapter 6, Subchapter 1.

A FEW WORDS ABOUT THE RELOCATION ASSISTANCE LAW AND THE GUIDELINES

➤ **The Act = Law + Guidelines**

The relocation statute in combination with the state guidelines is commonly referred to as The Act. The California Relocation Assistance Law, California Government Code Section 7260 *et seq.*, ("Relocation Assistance Law") regulates and governs programs and projects funded without federal financial assistance. The

relocation statute is intended for the benefit of displaced persons in order to ensure that they receive fair and equitable treatment, and do not suffer disproportionately as a result of programs designed for the benefit of the public as a whole.

In the acquisition of real property by a public entity, the Relocation Assistance Law ensures consistent and fair treatment for tenants and property owners. It encourages acquisition by agreement with owners and tenants, rather than condemnation, in order to avoid litigation, relieve congestion in courts, and promote confidence in public land acquisition.

To help public agencies implement the statute, the State Department of Housing and Community Development (HCD) prepared state Relocation Assistance and Real Property Acquisition Guidelines ("The Guidelines"), which are published in the California Code of Regulations, Title 25, California Code of Regulations Ch.6. Art. 1, Section 6000 *et seq.* The Guidelines are intended to establish only minimum requirements for relocation assistance and payments. They shall not be construed to limit any other authority or obligation that a public entity may have to provide additional assistance and payments.

A FEW WORDS ABOUT THE ACT AND CSU

➤ **CSU Adopts Guidelines**

CSU adopted the state Guidelines developed by the state Housing and Community Development department, and this Booklet and the Handbook are crafted to meet the specific needs of CSU campuses and the CSU Board of Trustees.

➤ **SUAM Procedures**

The procedures established in the CSU Relocation Assistance Handbook represent the official CSU procedures for Act compliance; therefore a general summary of the procedures is contained in the State University Administrative Manual (SUAM), beginning with Section 9021, published on the CSU website <http://www.calstate.edu/cpdc/Suam/SUAM9015-9021.pdf>. Section 9021 incorporates the Handbook by reference into SUAM procedures and the Handbook

appears as an appendix item.

➤ **Contact CPDC**

When it is first determined that relocation assistance may be an element of your project, confer with your Capital Planning, Design and Construction (CPDC) Land Use Manager and/or Facilities Planner at the Chancellor’s Office (CO). If it is determined that relocation assistance applies, campus representatives should meet with the CPDC Land Development Review Committee (LDRC) to review the project.

HOW DO I KNOW IF MY PROJECT TRIGGERS RELOCATION ASSISTANCE?

Unlike CEQA, relocation assistance will apply to very few of your projects. However, when it does apply, you must adhere to The Act.

FIRST STEP: Determine whether the project under consideration is subject to The Act.

➤ **1. Does the project include property acquisition or renovation?**

No: Your project is not subject to relocation assistance.

Yes: Go to the next question.

➤ **2. Is the project funded with “state money”* or intended for CSU use?**

No: Your project is not subject to relocation assistance.

Yes: Go to the next question.

*This includes projects funded with Systemwide Revenue Bonds, e.g. housing projects.

➤ **3. Is the property occupied by residents or any kind of business (including a billboard)?**

No: Your project is not subject to relocation assistance.

Yes: Your project is subject to The Act. At the very least you must send out a General Information Notice to every occupant and non-occupant owner.

➤ **4. What about foundation or auxiliary projects?**

If you answered yes to questions 1, 2, and 3, it doesn't matter whether it's a campus, auxiliary, or foundation project; you are required to follow the relocation procedures. Foundations and auxiliaries are considered "agents of the state" when it comes to The Relocation Assistance Law.

SECOND STEP: If your project is subject to The Act, determine if your project will be "displacing" anyone, and/or causing any persons to move temporarily. Who is a displaced person and who is *not* a displaced person? (For more detailed definitions, see "Displaced Person" in *Chapter 2: Terminology*.)

➤ **Displaced Person (Displacee)**

Generally, a displaced person is an individual, family, partnership, association, corporation or organization that *permanently* moves from their home, business, or farm, or moves their personal property as a direct result of acquisition, demolition or rehabilitation for a state-funded or state-use project. Displaced persons are eligible for relocation assistance and payments.

➤ **Person Not Displaced**

Generally, persons not displaced are not eligible for relocation assistance. A person who is allowed to remain on the property or moves from their property for reasons other than the acquisition, demolition, or rehabilitation of the state-funded or state-use project is not considered displaced.

➤ **Person to be Temporarily Moved**

Renovation projects may require persons to be temporarily moved. Persons who are required to temporarily move from their home, business, or farms are not considered displaced but may be eligible for specific temporary relocation assistance and benefits.

MY PROJECT IS SUBJECT TO THE ACT---NOW WHAT?

Relocation issues are a critical part of any project financed, in whole or in part, with state or CSU funds. The laws and regulations adopted by the state underscore the importance of seriously evaluating relocation issues and providing appropriate and timely relocation assistance.

Contact your Facilities Planner or Land Use Manager at the Chancellor's Office and schedule a meeting with the Land Development Review Committee (LDRC). In

order to promote CSU's goals of consistency and accuracy in relocation activities, be prepared to address several key areas.

- **Personnel** Identify key personnel responsible for relocation issues. You may want to consider hiring an experienced, professional consultant.

- **Funds & Scheduling** Plan for adequate time and funds to carry out the relocation program. In some projects, permanent displacement or temporary relocation may be necessary. It is important that the project include a realistic estimate of these costs so that they may be considered within your project's 2-7 funding analysis. It is also important to estimate the time implications of providing relocation assistance. In addition to the time required to provide relocation advisory services throughout the typical relocation process, no person shall be required to move without the required minimum 90 days advance written notice. The 90-day Notice is a key requirement to displacement under The Guidelines and the schedule should work backwards from that reference point.

- **Early Planning** Ensure that relocation issues are integrated early in the process. Planning can "make" or "break" your project. A well-planned project may be completed on schedule within budget; whereas, a poorly planned project may result in delays, funding shortfalls, bad publicity and possible adverse legal action. Recognize early the anticipated needs of those affected by the project and create a plan of action for managing displacee issues.

- **Documentation** Develop tools to promote consistency in the implementation and documentation of relocation activities.

- **Community Outreach** In the development of any activity involving property acquisition and/or renovation, adopt a comprehensive community outreach strategy that engages community stakeholders in a timely and sensitive manner.

WHAT RELOCATION SERVICES AND PAYMENTS DOES MY PROJECT REQUIRE?

In general, your obligations include:

- Providing notices to residents and owners;
- Preparing a relocation plan;
- Providing relocation advisory services;
- Payment of moving expenses;
- Payment of certain costs involved with replacement housing; and
- Payment of reestablishment expenses for businesses/farms/nonprofits.

There are several variables that dictate the extent of these relocation obligations. If your project results in the displacement of:

- **10 or Less Businesses/Farms and/or Nonprofits** A formal Relocation Plan is not required; however you are still required to provide relocation advisory services, and displacees may be entitled to moving and reestablishment payments. Report to CPDC/LDRC details of the procedure, costs, and schedule of the relocation assistance planned for each business.
- **15 or Less Households (Residential Displacees)** A formal Relocation Plan is not required, however a Summary Relocation Plan Exhibit A http://www.calstate.edu/cpdc/LUPER/rap_handbook.shtml must be completed and advisory services provided.
- **More Than 15 Households Displaced** A formal Relocation Plan, as well as all other services, is required.

Except perhaps for the simplest cases, LDRC will probably recommend that you hire a relocation consultant to develop and manage your Relocation Plan.

REQUIRED RELOCATION NOTICES

Specific notices need to be issued to eligible persons. These notices provide important information about the project, the affected persons' resulting rights and protections, and their eligibility for relocation assistance and payments. There are specific requirements related to the issuance of the notices and **it is critical that the appropriate notice is issued to affected persons at the appropriate time.** Samples

of the various notices can be found in the Appendix.
<http://www.calstate.edu/cpdc/documents/WEB List of Appendix.pdf>

- **General Information Notice (GIN)** At the earliest possible date, typically within 60 days of the initial written offer to acquire the property, the GIN informs affected persons of the potential or proposed acquisition and/or the project, and that they **may** be displaced by the project.
- **Notice of Relocation Eligibility (NOE)** If it's determined that the acquisition and/or project is displacing tenants, owners, or businesses, then within 60 days following the "initiation of negotiations" but no later than the close of escrow on the property, the NOE informs occupants about the availability of relocation assistance and benefits, establishes the eligibility criteria for relocation assistance and payments, and describes the procedures for applying and obtaining assistance. In addition, it informs residential displaced persons of the availability of comparable replacement dwellings.
- **90-Day Notice to Vacate:** Informs displaced persons of the earliest date by which they will be required to move. This Notice may not be issued to a residential person unless a comparable replacement dwelling is available, offered, and the displaced person is informed of its location and has sufficient time to lease or purchase the replacement property.

THE RELOCATION PLAN

For both summary relocation plans and formal relocation plans,, as soon as possible following the initiation of negotiations, and prior to proceeding with any phase of a project or other activity that will directly result in displacement,

- Prepare a detailed written Relocation Plan and submit it to CPDC for review.
- **Relocation Plans require a 30-day review period for public comment.** After CPDC reviews the plan, provide General Notice of the plan to each occupant of the property 30 days prior to the final submission of the plan to CPDC. All public comments must be included and addressed in the final plan.

- Submit final plan to CPDC for adoption.
- If the implementation of the relocation program is delayed for more than one year, the plan must be updated prior to displacement.

WHAT ARE RELOCATION ADVISORY SERVICES?

As required by The Guidelines, relocation advisory services are required for residential (households) and nonresidential (businesses, farms, nonprofits) displaced persons, and are considered essential to a successful relocation program.

Basic relocation advisory services include the following steps:

- Determine relocation assistance needs and preferences, if any, of displaced persons, and make timely recommendations based upon those needs.
- Provide current and continuing information on the availability, sales prices, and rentals of replacement dwellings and suitable replacement sites.
- Supply eligible persons information concerning other government housing programs, and government programs that may help with applying for assistance.
- Provide other advisory services to displaced persons in order to minimize hardships.
- Fully inform eligible persons of the availability, eligibility requirements, and procedures for applying for relocation benefits and assistance.
- Assist each eligible displaced person to complete applications for payments and benefits.
- Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, ancestry, national origin, sex, sexual orientation, marital status, or other arbitrary circumstances. The relocation process shall satisfy the requirements of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the Unruh Civil Rights Act and the California Fair Housing Law.
- Inform all persons who are expected to be displaced about the eviction policies to be pursued in carrying out the project.
- Notice of Denial of Claim. If CSU disapproves all or part of a payment claimed, or refuses to consider the claim on its merits because of untimely filing; it shall promptly notify the claimant in writing of its

determination, the basis for its determination, and the procedures for appealing that determination.

- Provide counseling and other assistance to minimize hardship in adjusting to relocation and other required appropriate assistance.

RELOCATION PAYMENTS

➤ For Residential Tenants or Owners

In addition to relocation advisory services, residential displacees may be eligible for other relocation assistance, including moving expenses payments and replacement housing payments for the increased costs of renting or purchasing a comparable replacement dwelling.

Moving Expenses. The Guidelines provide payment for actual reasonable moving costs and related expenses, or payment based upon a Fixed Moving Schedule.

Replacement Housing Payments. Replacement Housing Payments are provided based upon a displaced person's occupancy status and length of occupancy. Tenant occupants may be eligible for a Rental Assistance payment to supplement the costs of leasing a comparable replacement dwelling, or Down Payment Assistance to purchase a replacement dwelling, not to exceed \$5,250. Homeowner occupants may be eligible for a Purchase Price Differential payment, Mortgage Interest Differential, or Incidental payments, to supplement the costs of purchasing a replacement dwelling.

➤ For Nonresidential Displaced Persons

Persons whose businesses, farms, or nonprofit organizations are displaced may be eligible for either:

Payment for actual, reasonable moving costs and related expenses, **and**, if eligible, payment for actual, reasonable reestablishment expenses not to exceed \$10,000;

OR

If eligible, a fixed payment "in lieu of" moving and related expenses of not less than \$1,000 nor more than \$20,000.

SUMMARY CHART: RELOCATION RESPONSIBILITIES BY DISPLACEE TYPE

Responsibilities		10 or < Nonresidential	15 or < Households	>15 Households and/or Nonresidential
Notices	GIN	X	X	X
	NOE	X	X	X
	90-Day	X	X	X
Relocation Plan	Public Review			X
	No Public Review	X	Summary Relocation Plan	
Advisory Services		X	X	X
Payments	Moving	X	X	X
	Replacement Housing		X	X
	Business Reestablishment	X		

WHAT IS HOUSING OF LAST RESORT?

No displaced person will be required to move from his/her dwelling because of the action of a CSU project unless comparable replacement housing within a displaced person's financial means is made available prior to displacement. You may not proceed with any phase of a project or other activity until this is accomplished.

This is an unlikely scenario for any of CSU's projects. However, if this is your situation, Article 4, Section 6139 of the State Guidelines provides for "housing of last resort", where exceptions to the maximum monetary limits may be exercised, or comparable replacement housing is provided through the rehabilitation or construction of housing. If you confront this situation, please contact the Chancellor's office for guidance on how to proceed on this issue.

WHAT IS THE RELOCATION GRIEVANCE PROCEDURE?

CSU has adopted and will maintain a grievance procedure (see Chapter 8 of the handbook) that fully complies with the intent of The Guidelines' grievance

regulations. Any displacee may appeal determinations on eligibility, amount of payments, and failure by CSU to provide comparable replacement housing.

WHEN IS RELOCATION ASSISTANCE TERMINATED?

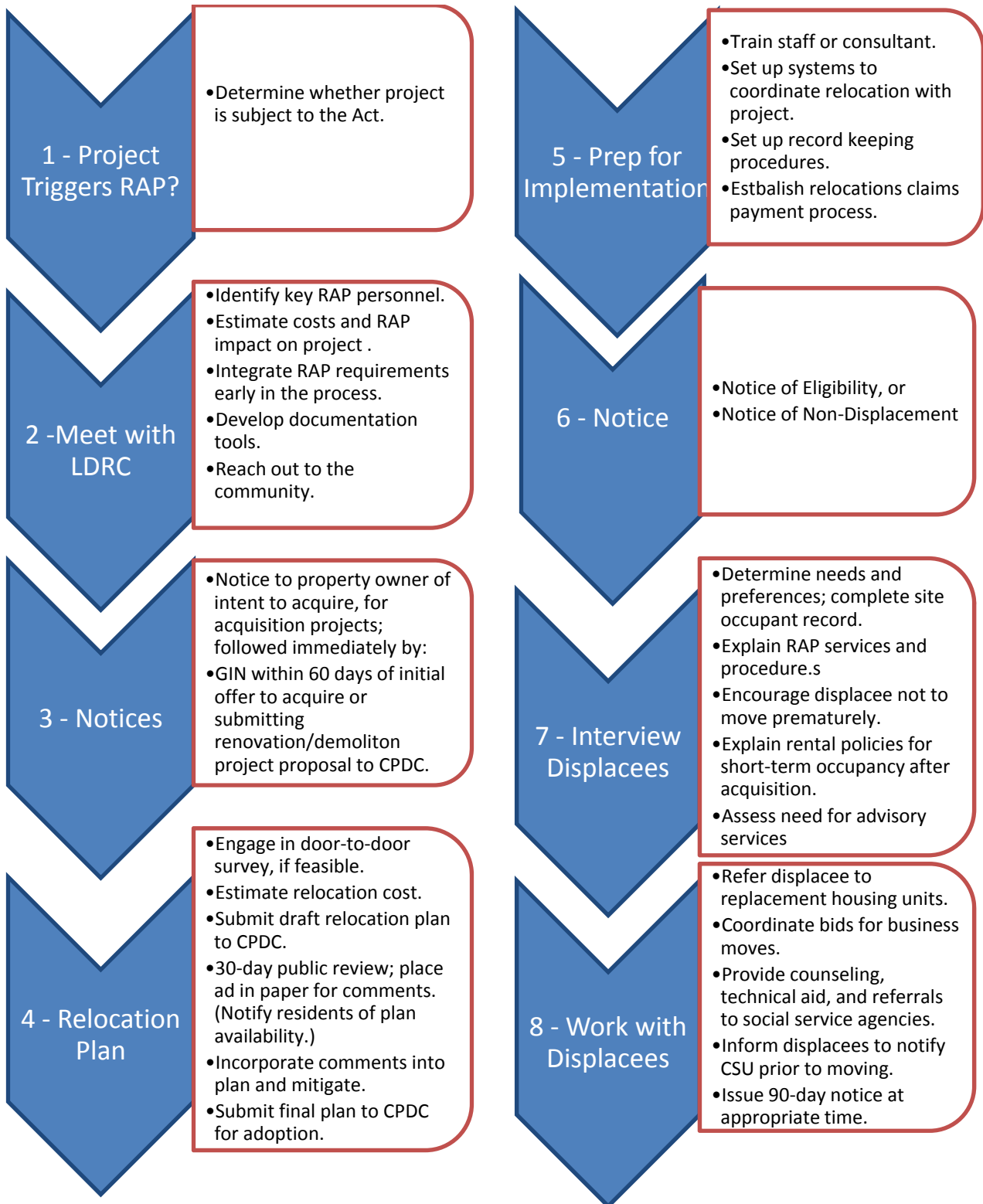
A public entity's relocation obligations cease under the following circumstances:

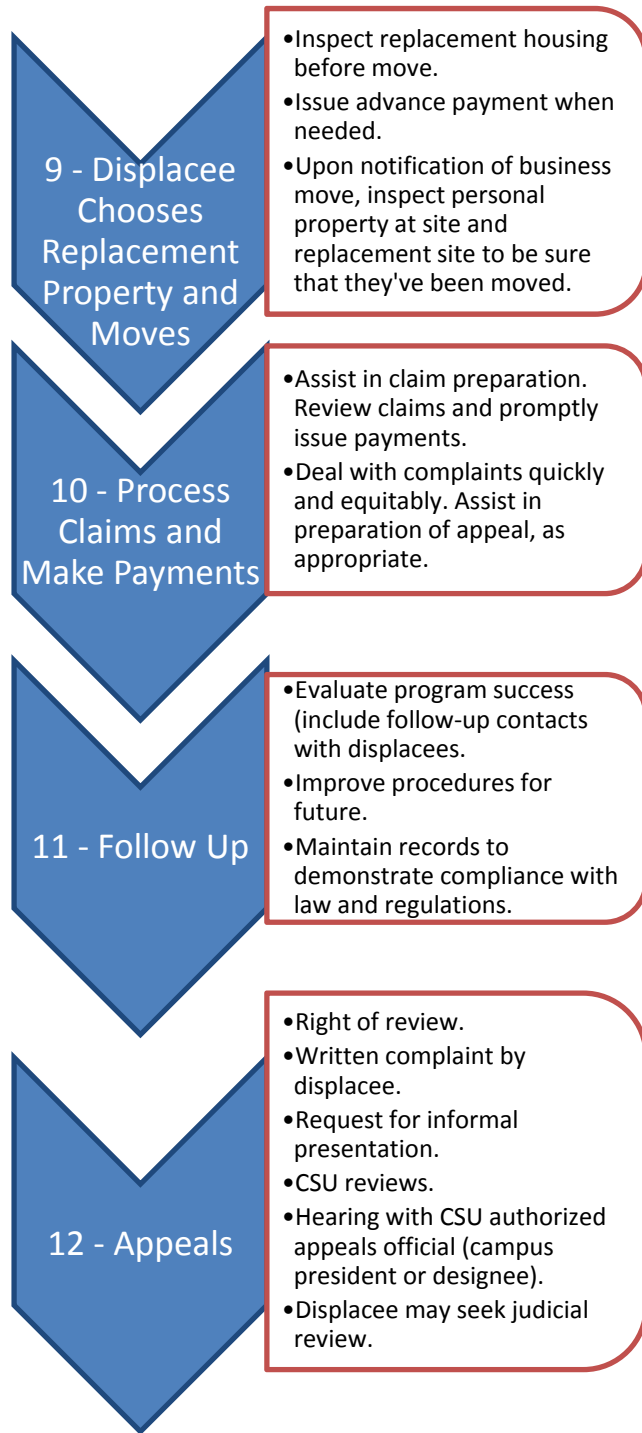
- A displaced person moves to a comparable replacement dwelling and receives all payments to which entitled.
- The displaced person moves to substandard housing, refuses reasonable offers of additional assistance to move to a decent, safe and sanitary replacement dwelling and receives all payment to which entitled.
- All reasonable efforts to trace a person who has vacated the displacement dwelling without prior notification to CSU of their replacement address have failed.
- The nonresidential displaced person has received all assistance and payment to which it is entitled and has successfully relocated or has discontinued business operations.
- A person displaced from his dwelling, business, nonprofit organization or farm refuses reasonable offers of assistance, payments and comparable replacement housing.

PRIORITY OF FEDERAL LAW

If a public entity undertakes a project with federal financial assistance and consequently must provide relocation assistance and benefits as required by federal law (49CFR Part 24-Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs), the provisions of the Relocation Assistance Law (Act) and Guidelines shall not apply. However, if an obligation to provide relocation assistance and benefits is not imposed by federal law, the provisions of The Act and Guidelines shall apply.

FLOWCHART: TYPICAL CSU RELOCATION PROCESS





FOR MORE DETAILS

Refer to the *RELOCATION ASSISTANCE HANDBOOK* http://www.calstate.edu/cpdc/LUPER/rap_handbook.shtml, which contains the following subject matter:

HANDBOOK TABLE OF CONTENTS

Chapter 1: RAP Overview (10-Minute Manager Booklet)

Chapter 2: RAP Project Planning

Project Planning
Requirements of Relocation Plan

Chapter 3: Relocation Notices

Chapter 4: Information Program and Advisory Services

Information Program Documentation
Advisory Services Required

Chapter 5: Relocation Benefits

Moving Expenses
Replacement Housing
Business Reestablishment

Chapter 6: Monitoring, Record Keeping, & Evaluation

Chapter 7: Community Outreach

Chapter 8: Grievance Procedures

Chapter 9: Terminology