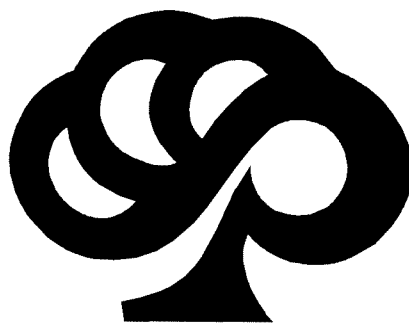


RELOCATION ASSISTANCE PROGRAM GUIDE FOR BUSINESS OWNERS AND TENANTS



Prepared by the
Pleasant Hill Redevelopment Agency

This Guide is intended to provide general information with some specifics on the Relocation Assistance Program. Further details regarding relocation assistance and benefits are set forth in the California Relocation Assistance Law (Government Code §7260 *et seq.*) and the California Relocation Assistance and Real Property Acquisition Guidelines, California Code of Regulations, Title 25, Chapter 6, prepared by the Department of Housing and Community Development. In the event of any conflict, the State Law and Guidelines shall be controlling.

April 2005

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I. INTRODUCTION

On May 2, 1983, the Pleasant Hill Redevelopment Agency adopted Resolution 257-83 covering the guidelines to be followed in carrying out the relocation of persons who move as a result of Agency acquisition of real property within the Redevelopment Project Areas.

II. POLICY OF THE AGENCY

The policy of the Agency shall be to assure that all displaced persons within the Project Areas will be treated in a fair and equitable manner and in accordance with the requirements of the law.

III. RELOCATION PROGRAM

When displacement of businesses becomes necessary, all affected owners and tenants will be contacted and interviewed by a representative of the Agency within 60 days after the Agency makes a written offer to acquire the property to determine individual relocation needs for a replacement location and for other services. Any information given by the owners and tenants will be kept confidential. No one who lawfully occupies a property in a Project Area will be required to move without at least 90 days written notice and after detailed information on the relocation program, services and payments has been given. No move should be made until notifying the Agency, as a premature move could result in a loss of eligibility for benefits.

Business owners are encouraged to contact and to cooperate with Agency staff and Relocation Advisors. The Agency's and Relocation Advisor's addresses, telephone numbers and office hours are listed below:

Pleasant Hill Redevelopment Agency
100 Gregory Lane, Pleasant Hill, CA 94523
Telephone: (925) 671-5215

Monday - Wednesday	8:30 am - 12:00 pm, 1:00 pm - 5:00 pm
Thursday	8:30 am - 12:00 pm, 1:00 pm - 6:00 pm
Friday	8:30 am - 1:00 pm

Associated Right of Way Services, Inc.
2300 Contra Costa Blvd., Suite 525, Pleasant Hill, CA 94523
Telephone (925) 691-8500

Monday - Friday 8:30 am - 5:00 pm

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The Relocation Assistance Program provides the policies for orderly, timely and efficient relocation of business occupants displaced by Agency activities. The relocation program is administered by offering assistance and making relocation payments as follows:

A. Relocation Advisory Assistance

Relocation Advisory Services are available to all business occupants who legally occupy the property at the time of displacement. A Relocation Advisor will be assigned to assist each business throughout the relocation process, and will be the principal contact in all relocation matters. Referrals and information on the availability, lease rates and purchase prices of replacement sites will be made available. You will be given assistance in locating and securing replacement sites, however, the final choice is up to you. You are encouraged to look for replacement sites on your own, but if you do, be sure to notify your Relocation Advisor prior to making a commitment to rent or purchase.

Information will also be supplied regarding other governmental agencies' programs which may offer assistance to affected businesses, including consultation with the Small Business Administration. Your Relocation Advisor may provide information relative to zoning ordinances and other municipal codes, and will assist in completing and submitting claim forms for relocation payments.

B. Relocation Payments

Relocation payments are available to eligible businesses and non-profit organizations. To qualify for these payments, an owner or tenant must have legally occupied the property on which the business owner conducted a business at the time the Agency makes its first written offer to purchase the property. **Relocation payments to businesses and non-profit organizations consist entirely of moving costs and related moving costs.** Relocation moving payments do not cover such costs as down time, overtime, loss of business goodwill, loss of profits, loss of employees, or other similar items. Generally, claims are submitted and moving payments are made after the move is completed and the premises are left clean and orderly. An eligible business occupant may elect one of the two types of relocation moving payments as outlined below:

1. Actual Reasonable Moving and Related Expenses. You may choose to be reimbursed for actual moving and related expenses which include:

a. Moving Expenses. Each business owner will be provided a complete

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moving service to a new location and will have the option of having either a commercial move or conducting a self- move. The Agency must be given a written inventory listing of the personal property items used in the business to be moved at least 30 days in advance of the move. Also, no later than 15 days prior to moving, written notice must be given to the Agency of the date of the move and the type of move requested. Relocation Advisors must be allowed to make reasonable and timely inspections of the personal property at both the displacement and replacement sites, and to monitor the move.

The business owner will be required to obtain a minimum of two competitive bids from a list of qualified, approved professional moving carriers. The Agency makes direct payment to the professional moving carrier with the lowest bid, or if a self-move is elected payment can be made to the business owner in an amount not to exceed the lower of the two bids. To assist in filing a claim, the following is a list of expenses which are generally included:

- 1) Transportation of personal property from the acquired site to a replacement site (limited to a distance of 50 miles)
- 2) Packing, crating, unpacking and uncrating of personal property to be moved.
- 3) Removal and reinstallation of appliances, machinery and equipment, including utility connection charges.
- 4) Re-lettering of trucks, signs and similar items such as re-printing of business cards and stationery made obsolete by the move.
- 5) Insurance of property in connection with the move, and reasonable replacement of property lost or damaged where insurance is unavailable.
- 6) Storage of property for a period generally not to exceed 12 months, when the Agency determines it to be necessary.
- 7) Any re-application fee for a professional license, permit or certification required by a business owner for the replacement location.
- 8) Other moving and related expenditures that the Agency determines are reasonable by a business owner.

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The following is a list of items which would not be eligible in a moving expense claim:

- 1) Interest on loans to cover moving expenses.
- 2) Loss of business goodwill or loss of profits.
- 3) Loss of trained employees.
- 4) Personal injury.
- 5) Preparation of claim for moving and related expenses.
- 6) Other items the Agency determines are not reasonable and necessary.

- b. Payments Related to Personal Property Not Moved. A business owner may receive a payment for actual direct loss of tangible personal property which is not relocated. Payment is determined on the basis of the value of the property minus any proceeds from the sale of the item, or the cost to move the item, whichever is less. Appropriate documentation to support a claim, such as reasonable advertising costs, auction records, or other supporting evidence, will be required.

A business owner may receive a payment for personal property which is not relocated, but rather is replaced with substitute equipment at the replacement site. Payment is determined on the basis of the cost of the substitute item minus any proceeds from the sale of the replaced item, or the cost to move the replaced item, whichever is less. Appropriate documentation to support a claim, such as proof of cost of substitute item installed, reasonable advertising costs, auction records, receipts from sale proceeds, or other supporting evidence will be required.

When personal property is abandoned with no effort made by business owner to dispose of such property, the business owner is not entitled to claim moving expenses or losses for the abandoned item.

- c. Searching Costs for a Replacement Location. A business owner may file for reimbursement of costs to search for a replacement location, not to exceed \$1,000. Such a claim must be supported by accurate records of dates, times, locations, expenses, receipts, diaries, and similar evidence, and may include the following expenses:

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- 1) Transportation within a radius of 50 miles from the city limit boundaries.
 - 2) Meals and lodging while away from home, when receipts are presented as documentation.
 - 3) Reasonable time spent in searching, based on the individual's average hourly wage rate.
 - 4) Reasonable fees paid to real estate agents or brokers to locate the replacement site, excluding any fees or commissions related to the purchase of replacement site.
- d. Re-establishment Costs for a Business. A business owner may file for reimbursement of actual and reasonable costs necessary to relocate and re-establish a business at its new site, not to exceed \$10,000. Such a claim must be supported by accurate records of dates, times, expenses, fees, receipts, and similar evidence, and may include the following expenses:
- 1) Repairs, improvements or modifications to the replacement site as required by law, code or ordinance.
 - 2) Construction and installation costs for exterior signing to advertise the business.
 - 3) Provision of utilities from right-of-way to improvements at replacement site.
 - 4) Advertisement of replacement location.
 - 5) Licenses, fees and permits when not paid as part of moving expenses.
 - 6) Estimated increased costs of operation during the first two years at the replacement site.

OR

Rather than receiving payments as outlined in "Actual Reasonable Moving and Related Expenses" above, a business owner may elect to receive:

2. A Fixed Payment In-Lieu of Actual Moving and Related Expenses. A fixed payment (in-lieu of actual moving and related expenses) may be made and is computed on the basis of the average annual net earnings of the business owner

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for the two years immediately preceding displacement, and shall be in an amount of not less than \$1,000 or more than \$20,000. To be eligible to receive an in-lieu payment, the Agency must determine the following:

- a. That the business cannot be relocated without a substantial loss of existing patronage. The term “existing patronage” includes membership, persons, community and/or clientele served or affected by the activities of the business.
- b. That the business is not part of a commercial enterprise having no more than three other establishments, which are not being acquired for the project, and which are engaged in the same or similar activity.
- c. The business is not operated solely for the purpose of renting the site to others.
- d. That during the two taxable years prior to displacement, the business owner’s business must have:
 - 1) Had an average annual gross receipts of at least \$5,000 or:
 - 2) Had an average annual net earnings of at least \$1,000, or:
 - 3) Contributed to at least one-third of the average gross income of the business owner.

To establish average annual net earnings, business owner must submit certified copies of income tax returns for two years immediately preceding the taxable year in which the business is displaced.

IV. GRIEVANCE PROCEDURE

If a business owner believes that a claim has been unfairly administered, the claimant may request review by the Administrator of the Agency. Review may also be brought before the Relocation Appeals Board if the claimant wishes to forego review by the Administrator or is unsatisfied with the Administrator's determination. The Relocation Appeals Board, after holding a hearing, will make a final determination. If still unsatisfied, the claimant may then seek judicial review. Any appeal must be filed within 18 months: For tenants, 18 months following the date of displacement; for owners, 18 months following the date final compensation is received or the date of displacement, whichever is later.

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V. EVICTIION POLICY

In certain circumstances, the Agency may rent an acquired property to an owner or tenant who occupied the property at the time of the Agency acquisition until the property is required for redevelopment. If eviction of an owner or tenant should become necessary for any legal circumstance, it will in no way affect a relocation entitlement, except that any rental agreement between such occupant and the Agency will provide that failure to pay necessary rental payments may reduce the relocation payment.