

# **BERKELEY SCATTERED PUBLIC HOUSING SITES REPOSITIONING**

## **DRAFT RELOCATION PLAN For Public Review Revised April 4, 2011**

**PREPARED FOR**

**BERKELEY HOUSING AUTHORITY  
BERKELEY, CA**

**By**



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## **EXECUTIVE SUMMARY**

The Berkeley Housing Authority (BHA) owns and operates 75 units of low-income housing on 15 sites scattered throughout Berkeley. Sixty-one of the 75 units are public housing units financed with federal funds for both the construction and the ongoing rental subsidy available to the tenants. The remaining 14 units are financed by the State of California.

The Department of Housing and Urban Development (HUD) required BHA to improve management performance and develop a plan, including financing, to make substantial required improvements or cease ownership and operation of the units. Due to insufficient revenues, BHA is unable to continue to operate the public housing units. In December 2009, BHA submitted an Inventory Removal Application to HUD to reposition the 61 units of federal Low Income Public Housing (LIPH) under the Section 8 program. On December 22, 2010, HUD gave BHA approval to sell or transfer the 13 LIPH buildings containing 61 dwelling units located at scattered sites.

BHA proposes to transfer the properties to an affordable housing organization to rehabilitate and operate the housing as permanent affordable rental housing, covenant-restricted for a period of at least 55 years up to a period of 99 years. BHA will publish a Request for Proposals for the selection of this organization (also referred to as the Developer in this plan).

Overland, Pacific & Cutler, Inc. (OPC) has prepared this initial Relocation Plan. This Plan has been prepared to evaluate the present circumstances and replacement housing requirements of the Project occupants.

For the purposes of this Plan's initial preparation, interviews with project tenants were conducted in August and September 2010. All residents were reached out to and interviews were attempted to be scheduled with all residents. In addition, OPC has been available to answer questions regarding the proposed project and the potential relocation since November 2009.

This Plan sets forth policies and procedures necessary to conform to statutes and regulations for residential displacements, including the Uniform Relocation Act (42 U.S.C. § 4601 *et seq.*), its implementing regulations including the HOME Final Rule, the California Relocation Assistance

Law (Govt. Code § 7260 et seq., the "CRAL"), and the California Relocation Assistance and Real Properties Acquisition Guidelines (25 Cal. Code Regs. § 6000 et seq., the "Guidelines"). These guidelines provide that households who relocate, permanently or temporarily, due to activity carried out or sponsored by a public agency, may receive certain re-housing benefits including compensation for the costs of moving and other financial assistance required to establish tenancy in replacement housing or to ensure that all out pockets costs are compensated for should they need to move temporarily to accommodate renovations to their home. This Plan explains the relocation benefits available to BHA residents that may move either permanently or temporarily as a result of the change from the Public Housing program to the Section 8 program and the potential use of public funds to rehabilitate the BHA housing. In addition this plan accounts for the City of Berkeley's Rent Stabilization and Eviction for Good Cause Ordinance. Lastly, HUD Handbook 1378 applies to this project.

Of the total 75 residential dwelling units, nine units are currently vacant based on the rent roll dated January 2011 provided to OPC by BHA. There are approximately 254 occupants residing at the properties. There are a total of 66 households.

Based upon current information about resident household composition, income, and reasonable accommodation needs, which at this time must be considered preliminary and must be verified prior to any displacement, 24 to 30 households are likely to be ineligible to continue using Section 8 assistance to reside in the renovated project, based on their household size or income. Under the programmatic rules of the Section 8 program and the Uniform Relocation Act, these households may need to be permanently relocated in order for the rehabilitation project to conform to program rules. The remaining households would be temporarily relocated, ideally within vacant BHA units also called "on-site," during renovations.

The City of Berkeley has a local ordinance, the Rent Stabilization and Eviction for Good Cause Ordinance, which governs certain matters related to rental housing in the City of Berkeley. While the ordinance does not affect all aspects of subsidized housing, the eviction controls do apply to public housing, and require that the BHA allow potentially displaced tenants the option to return to their previously occupied units. This Plan explains the relationship between the locally-permitted option that tenants have to re-occupy their previous unit and the rules of the federal

Section 8 program regarding income and household size which restrict the situations in which a continuing rental subsidy will be available.

Although in initial conversations the majority of the residents interviewed preferred to remain in Berkeley, there were many that indicated the desire to at least explore options in other areas.

A preliminary housing resource survey was conducted to identify available, comparable one-, two-, three-, and four- bedroom units in Berkeley. Critical points assessed in the evaluations were ADA accessibility, owner willingness to accept Section 8 tenancies, and variety of housing types. Based on the housing survey the median rents and deposits for units in Berkeley are within the BHA payment standard. An estimated 13 two-bedroom units and 3 one-bedroom units are needed for disabled and near-elderly senior led households. At the time of the survey, no units in affordable housing developments were identified, however, OPC focused its survey on those private market units that accept Section 8 vouchers and sufficient units were available in Berkeley to meet this need at the time of the survey.

In addition to the housing resources currently available on the rental market that were located, there is a potential for residents to seek out available units within affordable housing developments in Berkeley.

BHA will allocate 75 vouchers from the existing allocation that can be issued to families that express an interest in moving before HUD authorizes a new allocation of replacement vouchers (61 of the vouchers will be replaced with a new allocation of replacement vouchers upon approval of HUD). Residents should notify BHA of their intent to relocate, so that arrangements can be made to provide all eligible relocation assistance.

Once a developer is selected to perform the rehabilitation work and operate the housing, rehabilitation plans are firm, and relocation of residents becomes necessary, households will receive progressive noticing, if required to move temporarily or permanently.

A preliminary relocation budget was developed, including an intentionally high contingency of 30 %. It is estimated that relocation cost could reach \$365,513.

Housing referrals for relocating households will include the broadest possible range of housing

choices within the City of Berkeley. They will also include listings in diverse census tracts elsewhere in the county of Alameda when possible, as well as listings in any communities in which the relocating household indicates an interest; BHA will conduct affirmative marketing to promote participation in the Section 8 program, particularly among landlords in the City of Berkeley.

**DISCLAIMER**

***This relocation plan in itself does not trigger relocation BENEFITS. Residents should not move prior to discussions with Overland, Pacific, and Cutler or the Berkeley Housing Authority.***

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## **INTRODUCTION TO PROJECT**

The Berkeley Housing Authority (BHA) administers City-wide subsidized rental-housing units through the Section 8 Housing Choice Voucher program and the Moderate Rehabilitation SRO program.

In addition to administering affordable housing, BHA also owns and operates 75 units of low-income housing on 15 sites scattered throughout Berkeley. Of these 75 units, 61 are public housing units financed with federal funds for both the construction and the ongoing rental subsidy available to the tenants; the remaining 14 units are financed by the State of California. The units were built in the 1980s and were intended to house larger low-income families; therefore 44 of the 75 units are three-bedroom units and 31 are four-bedroom units.

In July 2009 BHA adopted a plan to convert its 75 units of scattered-site housing into privately owned and operated affordable rental housing for low-income households. BHA intends to provide Section 8 rental assistance for those current households that qualify for such assistance.

The scattered-site units have extensive repair needs which will require more than \$4.5 million in new capital investment to upgrade, modernize, and rehabilitate the units. The funds paid to BHA from the U.S. Department of Housing and Urban Development (HUD) are inadequate to cover operating costs and the significant capital investment needed, and continue to be reduced each year. As a result of a HUD evaluation of BHA public housing, HUD has required that BHA either rehabilitate the units (which it cannot afford to do) or transfer ownership of the units to another entity to rehabilitate and operate.

The BHA Board and staff developed a Preservation Plan to rehabilitate the existing housing units and preserve them as affordable rental housing serving the families of the City of Berkeley. Under the Preservation Plan the units would no longer be subsidized through HUD's Public Housing Program; instead BHA intends to continue utilizing them as a stable source of affordable housing to low income families in Berkeley with alternate, more robust financing sources.

In December 2009, BHA submitted an Inventory Removal Application to HUD to remove 61 units of Low Income Public Housing (LIPH) from the BHA inventory.

On December 22, 2010, HUD gave BHA approval to sell or transfer the 13 LIPH buildings containing 61 dwelling units located at scattered sites.

BHA will prepare a similar request to the State of California Department of Housing and Community Development (HCD) to convert its 14 scattered Rental Housing Construction Program (RHCP) units to privately owned and operated affordable housing.

The subject properties of this Relocation Plan (Plan) are the 61 HUD subsidized three- and four-bedroom units (Project). These units are attached one- and two-story townhouses on 15 dispersed sites located in residential neighborhoods of predominately detached single-family homes throughout Berkeley. They were designed to blend with the existing neighborhood housing. None of the housing developments are located in particularly distressed neighborhood areas. Most sites are within walking distance of schools, city parks, shopping and transit.

BHA proposes to transfer the properties to an affordable housing organization to rehabilitate and operate the units as permanent affordable housing, covenant-restricted for a period of at least 55 years and up to a period of 99 years. BHA will potentially hold a 99-year ground lease to maintain further control over the use of the properties for the purposes of providing affordable housing in Berkeley. BHA intends to solicit proposals from affordable housing operators in the spring of 2011.

Overland, Pacific & Cutler, Inc. (OPC), a consulting firm specializing in relocation assistance consulting services, has prepared this initial Plan. It is expected that OPC will prepare the final Plan and will implement the Plan on behalf of the BHA. In compliance with statutory requirements, this Plan has been prepared to evaluate the present circumstances and replacement housing requirements of the original Project occupants.

## OVERVIEW OF THE REHABILITATION PROJECT

BHA staff has conducted extensive study of the properties and has determined that recapitalization of the units, repairs, and overall enhancement is necessary. BHA will require that the properties are renovated to modern standards, including new flooring and carpeting, windows, fresh paint, new cabinets, counter tops, appliances, and heating units. Exterior improvements will include drainage repairs, new landscaping as well as new roofing, siding and stucco work, painting, and repaving.

The new owner(s) will develop the exact scope of work, based on the capital improvement plan that BHA generated for these units.

Preliminary estimate of the “per-unit” cost for renovation is approximately \$60,000 for a total estimated project cost of \$4,500,000 for all 75 units of affordable housing.

The project will comply with all pertinent General Plan guidelines and zoning requirements of the City of Berkeley and be compatible with adjacent land uses. No negative impact on the surrounding neighborhood is foreseen given the nature of rehabilitation of the units in place.

***Proposed Rehabilitation Funding Sources:*** The ultimate funding plan for the rehabilitation and long-term operation of the units will be developed by the selected Developer. However, it is expected that the rehabilitation project would be a candidate for funding from the City of Berkeley’s Housing Trust Fund, which includes Federal HOME funds administered by HUD. It is expected that layers of funding sources will be needed to achieve financial feasibility of the rehabilitation project. Potential use of Federal funds, including HOME funds, triggers relocation benefits under the Uniform Relocation Act (the URA) and the HOME Final Rule. This Plan provides for relocation assistance in full compliance with these rules.

***Ongoing Rental Subsidy:*** Upon conveyance to the new owner(s) the units will no longer classify as Public Housing. Housing Choice Vouchers (HCV) will be available to all existing income-eligible households. Additionally, BHA has applied for an allocation of Project Based Section 8 Vouchers

(PBV), which if awarded will be available to the new owner(s) for continued use with the units.

**HCV:** The difference between the HCV and the PBV is that the PBV is attached to a unit, whereas the HCV is assigned to a tenant or household. Each eligible household currently in BHA public housing would have the ability to apply for and receive a HCV. The HCV affords the holder of the voucher to choose where they want to live as it is portable or transferable to any part of the United States.

Holders of the voucher could elect to remain in Berkeley and rent housing in the same neighborhood they presently reside in, if housing is available; the choice of location is up to the voucher holder.

BHA will contact residents of the units in the coming months to arrange for interviews and briefings regarding the Section 8 program and to begin the application process. Questions regarding Section 8 should be directed to BHA.

**PBV:** Unlike HCV, the PBV rental subsidy is applied to a specific unit in a project. Thus the household that resides in that unit must meet the income and household occupancy standard for the unit. If the resident occupying the unit decides to move, the rental subsidy remains with the unit and not the household residing in the unit. However, after a year in a PBV unit, a household is eligible for a transferrable HCV if they relocate, and the PBV remains with the unit.

## **OVERVIEW OF THE RELOCATION PLAN, PROCESS, AND STATUTES**

***Statutory Requirements for the Plan:*** Due to the potential use of Federal funds for the rehabilitation of the project, the Federal URA provides guidance to prepare a formal Relocation Plan. Statutory requirements for this plan are per Section 6038 of the California Relocation Guidelines (Guidelines).

In accordance with the Guidelines, a draft of the Relocation Plan is required to be made available for a 30-day review and comment period by impacted parties and the public prior to submitting it to the agency's decision making body, the BHA Board, for approval.

The purpose of the Relocation Plan is to:

- (a) Describe the housing rehab project, its schedule, and its financing plan;
- (b) Identify the anticipated project impact on the occupants of properties;
- (c) Identify the availability of potential replacement sites for impacted occupants; and
- (d) Explain the Relocation Assistance Program.

This Plan is preliminary. This preliminary Plan will be circulated for public review and comment for 30 days. The public will have an opportunity to submit comments regarding the Draft Relocation Plan. Comments and responses will be incorporated into a final Relocation Plan that will be submitted to the Board for review and consideration. If substantial changes are made to the Project as contemplated in this preliminary plan or relocation activity does not commence within 12 months of the Plan's approval, this Plan will be revised and re-circulated for public comment prior to being presented to the Board for approval.

***Guiding Statutes for the Plan:*** When residents are required to relocate as a result of a City-assisted rehabilitation or housing development project, residents become eligible for relocation assistance under the State of California or URA guidelines, depending on the Project funding sources. In addition to the State and Federal guidelines the City of Berkeley also adopted its own relocation guidelines. In many cases, the State and URA provide a greater level of benefit to persons displaced by projects. A comparison of the City's relocation guidelines to that of the URA and State Guidelines is shown below.

This Plan sets forth policies and procedures necessary to conform to statutes and regulations for residential displacements, including the URA and its implementing regulations, the CRAL and Guidelines, the City of Berkeley's Rent Stabilization and Eviction for Good Cause Ordinance, and HUD Handbook 1378.

**TABLE 1: COMPARISON BETWEEN CITY, STATE AND FEDERAL GUIDELINES**

<b>BENEFIT TYPE</b>	<b>CITY OF BERKELY</b>	<b>URA</b>	<b>STATE OF CALIFORNIA</b>
<b>Dislocation Allowance</b>	\$200	Not Applicable	Not Applicable
<b>Moving Assistance</b>	Actual & Reasonable Cost or \$200 without storage/\$400 with storage	Actual & Reasonable Cost or a fixed payment based on the schedule in Appendix B of this plan	Actual & Reasonable Cost or a fixed payment based on the schedule in Appendix B of this plan
<b>Rent Differential</b>	The difference in rent and utility costs between your unit and the rent and utility costs you must pay for the period that you are out of your unit, but not more than 3 months.	The difference in rent and utility costs between your unit and the rent and utility costs you must pay for 42 months.	The difference in rent and utility costs between your unit and the rent and utility costs you must pay for 42 months.
<b>Referrals to Housing</b>	Required	Required	Required

Rent Stabilization & Eviction for Good Cause Ordinance

**Rent Stabilization and Eviction for Good Cause Ordinance:** The City of Berkeley has a rent control ordinance known as the Rent Stabilization and Eviction for Good Cause Ordinance (the "Ordinance"). The Ordinance has been in effect since 1980. Generally, Berkeley's Ordinance governs rent levels; changes to existing rent levels based on changes in space, services, number of occupants, or a rental unit's condition; security deposit interest; and good causes to evict. The Ordinance does not address many other aspects of landlord-tenant relationships, such as privacy rights and noise complaints.

The sale of properties, the expiration of a rental agreement, or a change in the federal Section 8 status of a unit does **not** constitute "good cause" for eviction.

Although the rent controls under the Ordinance do not apply to public housing, the eviction controls do apply. These rules require BHA to allow displaced tenants the option to return to their previously occupied units upon completion of rehabilitation. This Plan allows for this choice.

***Overview of Relocation Planning and Implementation:*** For the purposes of this Plan's initial preparation, interviews with Project tenants were conducted in August and September 2010. The intent of the interviews was to learn more about the individual households, share information about the upcoming activities and gain their feedback on issues related to the repositioning and relocation processes.

All residents were mailed an invitation to meet with OPC and Rosewood Associates at various senior centers in Berkeley as well as provided the option to meet in their homes or location of their choosing. Rosewood Associates serves as the BHA project manager for the disposition and Section 8 program issues.

Those residents that did not respond to the mailed invitation were contacted by telephone in attempts to arrange the interviews and as a final effort OPC and Rosewood staff went door-to-door to attempt to engage the residents and schedule appointments.

At the time of the interviews, there were 67 households residing in the BHA units. Approximately 47 households met with either OPC or Rosewood representatives and participated in this process. Most households met with OPC and Rosewood in person and some elected to conduct their interviews by phone.

OPC has been available to answer questions regarding the proposed Project and the potential relocation since November 2009. During this period, OPC received numerous phone calls from BHA residents regarding the status of the HUD Disposition application, when relocation may start, and general status update questions. Residents were assured that OPC will conduct follow-up interviews with all Project households prior to any relocation activity and that they will be kept informed of all Project developments.

The initial interviews consisted of gathering information on all household occupants including demographic information, preliminary income and employment information, housing unit information and criteria for replacement or temporary housing. Additionally, relocation representatives were answering resident questions and sought feedback regarding the process and overall Project.

Relocation implementation interviews will assist OPC in eliminating data gaps and as a means to collect updated household information and household preferences for their relocation housing options. During these relocation interviews the general relocation program will be explained including the rights of the tenants and benefits that may be available to them.

### OVERVIEW OF SECTION 8 ELIGIBILITY

**Eligibility Criteria:** With a few exceptions, eligible low-income families who meet Section 8 eligibility requirements will continue receiving a rental subsidy. Eligible families that remain in the renovated housing units will receive Project-based Section 8 (PBV) rental assistance or may elect to utilize a Section 8 Housing Choice Voucher (HCV) if units are available to do so. Section 8 eligible families that leave the Project housing will receive a HCV.

**Household Size Eligibility:** An occupancy standard table is shown below in Table 2. This table is taken from BHA's Admissions and Continued Occupancy Policy (ACOP). This table displays the minimum and maximum occupants required to reside in a unit.

**Table 2: BHA Unit Occupancy Limits**

<b>Number of Bedrooms</b>	<b>Minimum Household Members</b>	<b>Maximum Household Members</b>
3	4	6
4	6	8

Under the HUD occupancy standards for public and assisted housing, families are to be housed in units that have a minimum number of bedrooms for their family size. The BHA occupancy standard is one bedroom for the head of household and spouse, and one bedroom for every additional two people in the family. For example, a family with a single parent and two children or two parents and two children is eligible for a two-bedroom subsidy or unit.

Because the Public Housing status of the BHA units is being replaced by the Section 8 program, all households will need to be certified under the Section 8 program rules, including those applying to income and household size.

Some BHA public housing units have become over-housed (those whose households do not meet the occupancy standard for their unit), due to changes in family size, for example one or two people living in a three or four-bedroom unit. Such a family is considered “over-housed” under HUD regulations and the BHA occupancy standard. Such households no longer qualify to stay in the Project units; however, because the housing authority has no smaller units to offer them, they have been allowed to remain in the housing.

**Income Eligibility:** In order to be eligible for Section 8 rental assistance a household must be at or below 80% of area median income, adjusted for household size, as shown in Appendix A of this Plan.

Should a household meet these income eligibility standards, so long as they also meet the occupancy standard shown in Table 2 above, they would qualify to reside in a BHA unit with a PBV.

Should a household meet the income eligibility standards, but exceed the occupancy standard, they would qualify for a HCV, which could be used to relocate to new housing in Berkeley, or any other City in the country that participates in the Section 8 program or possibly to return to the same unit as described below under Eligibility to Remain in housing under the requirements of the Rent Stabilization and Eviction for Good Cause Ordinance.

Families that are not low income (over 80% of area median income) are considered “over-income” and are ineligible to receive Section 8 rental assistance. Under the Ordinance, however, these families are eligible to re-occupy their current units, after renovation, at the fair market rent, or to move to other housing with full relocation benefits.

In any case, if comparable replacement housing requires the family to pay more in rent than it paid before displacement, BHA will provide relocation rental assistance in accordance with the applicable relocation laws and guidelines.

**Eligibility to Remain in Housing per the Rent Stabilization and Eviction for Good**

**Cause Ordinance:** Under the Ordinance, over-housed families may elect to return to their renovated units. However, due to HUD occupancy rules, Section 8 eligible over-housed families will have to pay the difference between the subsidy for a smaller household size and the total unit rent. Moreover, the Section 8 program does not permit participants to spend more than 40% of their monthly adjusted income for rent. For this reason, some over-housed families will be unable to use their Section 8 assistance to remain in their former units.

BHA and OPC will work closely with over-housed families to determine benefits and locate appropriate housing in the City of Berkeley, or nearby, that match their family size and needs.

The BHA has a legal responsibility to relocate over-income families that wish to move. The BHA and OPC, its relocation consultant, will work closely with over-income families to determine benefits and locate appropriate housing in the City of Berkeley, or nearby, that match their family size and needs.

***Overview of Displacement:*** In cases where the BHA is not able to offer the resident an affordable unit or they otherwise do not qualify to remain at the Project properties and they are involuntarily relocated from the properties permanently, the resident is deemed to be a displaced person.

As a displaced person the resident and or household will be fully compensated pursuant to Federal and/or State relocation regulations. Permanent Displacees will receive benefits under the URA including moving assistance, relocation rental assistance, and advisory services including the assistance to search for and inspect replacement housing options that they choose. A resident must have been a tenant in a BHA unit a minimum of 90 Days prior to the Initiation of Negotiation (ION); this is referred to as a 90 Day Occupant. The ION date has not been determined; however, it is assumed that most if not all residents qualify as 90 Day Occupants as there have not been new residents who have taken tenancy in the units since the BHA submitted its application to HUD. It should be noted that benefits, as discussed later in this plan are calculated and paid to the household and any division of monetary benefits is the decision of the household. However, such division of benefits does not apply to Section 8 vouchers; only one voucher is available to each household.

The residents who qualify and elect to remain at the Project properties will likely experience some degree of temporary displacement. Temporary displacees will also receive benefits under the URA as well as HUD Handbook 1378 including temporary housing, moving assistance to temporary housing, and advisory services during the process. Temporary displacement will be minimized to the greatest extent possible, and where possible it will be avoided so long as the health, safety, and welfare of the residents are not harmed by renovations to the unit.

The definitive number of displacements of current tenants will not be determined with any specificity until complete eligibility interviews are conducted by OPC and income certification is completed. "Re-certification" of tenants will be conducted within the time-frame specified by the requirements of the funding source procedures. Upon completion of this re-certification process all over-income and over-housed households will be identified and will receive the applicable relocation advisory services and the appropriate notification for permanent displacement.

No mandatory permanent or temporary displacement activities will take place prior to the required review and approval of this Plan unless circumstances arise requiring immediate displacement including 1) a major disaster; 2) a presidential declared national emergency; 3) other emergencies that constitute a substantial danger to the health or safety of the occupants or the public.

## GENERAL DEMOGRAPHIC AND HOUSING CHARACTERISTICS

### THE CITY

#### **Geography**

Located in the East Bay portion of the San Francisco Bay Area in northern California, the City of Berkeley, Alameda County, California, is approximately 15 miles northeast from San Francisco.

#### **Population**

Per the United States Census Bureau (American Community Survey), in 2009 the population of the city of Berkeley was 102,804 persons, comprising 40,079 occupied households.

Of these 40,079 total occupied households, 18.8% have children under the age of 18 years living with them; 32.5% are married couples living together; 8.4% are solely female-led households with no husband/partner present; and, 55.8% are non-family households. Of all households, 38% are made up of single individuals and 11.2% of the total population is 65 years of age or over.

#### **Race and Ethnicity**

Based upon the categories found in the same U.S. Census data, and based on the total population of the city (i.e., 102,804), self-described in descending order: 63.6% persons are 'White'; 17.5% persons are 'Asian'; 10.1% persons are 'Black or African American'; 4.4% persons are of 'Two or More Races'; 3.8% persons are of 'Some Other Race'; 0.3% persons are 'Native Hawaiian and Other Pacific Islander'; 0.2% persons are 'American Indian and Alaska Native'. Of the total population, 10.4% of persons identify themselves as 'Hispanic or Latino of Any Race.

#### **Income**

By the U.S. Census data (American Community Survey) for 2009, the median, annual, non-family

household income in the City of Berkeley was \$59,097, and the annual median income for a family was \$95,912. With a per-capita annual income for the city of \$36,798, 18.5% of individuals and 6.3% of *families* are living below the poverty line.

## **The Project**

### **Population**

For the purposes of this Plan's initial preparation, preliminary on-site interviews with Project tenants were conducted in late 2010. Of the total 75 residential dwelling units, nine units are currently vacant based on the rent roll dated January 2011 provided to OPC by the BHA property management.

There are 66 households comprised of 254 individuals residing at the Project properties. Based on information gathered from the residents and the BHA properties management staff, there are nine persons over the age of 62 residing in the BHA units. There are six households that are identified as senior households (head of household or spouse 62 years of age or older). Of those six households, five presently do not meet the occupancy standard for the unit they reside in or are over-housed. There are 100 children under the age of 18 residing in the BHA units. The tables below show the age composition of the residents.

**Table 3: Age Composition**

<b>Age</b>	<b>#</b>	<b>%</b>
OVER 62	9	4%
18-61	145	57%
UNDER 18	100	40%
<b>TOTAL</b>	<b>254</b>	<b>100%</b>

**Table 4: Senior Head of Households**

<b>Head of Household Type</b>	<b>#/%</b>
<b>Senior HHH #</b>	6
<b>Senior HHH %</b>	9%

There are an estimated 50 persons who reported having a disability and 16 households are led by a disabled person. Of those 16 households, 7 households presently do not meet the occupancy standard for the unit they reside in (some households may be able to be downsized to three-bedroom units).

**Table 5: Disabled Households**

<b>DEMOGRAPHIC</b>	<b>Total Disabled</b>	<b>% Disabled</b>
<b>Residents Disabled</b>	49	19%
<b>Heads of Household Disabled</b>	16	24%

In the event senior led, disabled, and special needs households are permanently displaced, proximity to health care and other therapeutic and counseling providers will be a consideration in locating suitable, replacement housing. In addition, in home features and amenities the household may need will be prioritized and considered when locating suitable replacement housing.

### **Race and Ethnicity**

Utilizing information provided by the residents and the BHA's property management the race and ethnicity distribution is presented in Table 6.

**Table 6: Initial Race and Ethnicity Distribution**

<b>Race</b>	<b>%</b>
Black	81.66%
White	10.04%
Asian	6.55%
Hispanic	0.44%
Native Hawaiian	1.31%
<b>Total</b>	<b>100%</b>

Relocation services will be provided in the primary household language. Based on the known information to-date English is a primary household language in most households. Some households identified Spanish as their primary household language. Should additional languages be identified during relocation implementation, translation services will be provided.

## Income

There are 66 households affected by this Project. Of the 66 households, preliminary income information is available for 47 households. Income documentation will be collected from all households once they are interviewed for their eligibility.

Income for the calculation of relocation rental assistance benefits is relative to the HUD-derived income categories for households, as adopted June 17, 2010, by HCD, for the County of Alameda (See: **Appendix A**) and based on the income information available.

## Housing Location Preferences

In August and September 2010 consultants for BHA, including OPC and Rosewood Associates, conducted interviews with residents after a three week outreach period to schedule interviews and answer preliminary questions. At the time there were 67 households, but as of the date this Plan was written one of those households had elected to move. An overview of the information collected regarding resident relocation preferences at the time of interview is shown in Table 7 below.

**Table 7: Resident Feedback**

<b>Data Description</b>	<b>#</b>	<b>%</b>	<b>Note</b>
Total Households at the Time Interviews Conducted	67	100%	Based on Total Households
Households Interviewed	47	70%	Based on Total Households
Households Not Interviewed	20	30%	Based on Total Households
HH's Indicating They Would Choose to Return	31	66%	% Based on # Interviewed
HH's Indicating They Would Choose to Move	8	17%	% Based on # Interviewed
HH's Unsure of Which Option they Would Choose	4	9%	% Based on # Interviewed
HH's Not Stating Preference/Providing Information	4	9%	% Based on # Interviewed
HH's Desiring to Stay in Berkeley	36	77%	% Based on # Interviewed
HH's Desiring to Leave Berkeley	5	11%	% Based on # Interviewed
HH's Providing Secondary Location Choices	7	15%	% Based on # Interviewed

Although the majority of the residents interviewed preferred to remain in Berkeley, there were some that indicated the desire to at least explore housing options in other areas. A list of those locations is shown below.

Oakland – 2 HHs - (Alameda County)  
Oakley (Contra Costa County)  
Merced (Merced County)  
Concord – 2 HHs - (Contra Costa County)  
El Cerrito – 3 HHs - (Contra Costa County)  
Albany (Alameda County)  
Walnut Creek (Contra Costa County)  
Dublin (Alameda County)  
Pleasanton (Alameda County)  
Pittsburgh (Contra Costa County)  
Antioch (Contra Costa County)  
Hercules (Contra Costa County)  
San Pablo (Contra Costa County)  
San Leandro (Alameda County)

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## **RELOCATION PLAN**

### ***OVERVIEW OF THE RELOCATION PROGRAM***

Relocation assistance will conform to federal and/or state regulations governing special assistance for households that include persons with disabilities. BHA and its relocation consultants will provide reasonable accommodations as necessary to serve persons with disabilities, and will provide individualized assistance and counseling, so that such households can find suitable, accessible housing that meets their household needs.

Housing referrals provided to relocating households will include the broadest possible range of housing choices within the City of Berkeley. They will also include listings in diverse census tracts elsewhere in the county of Alameda when possible, as well as listings in any communities in which the relocating household indicates an interest. BHA will conduct affirmative marketing to promote participation in the Section 8 program, particularly among landlords in the City of Berkeley.

### **Households Eligible for the Section 8 Program**

All relocating Project residents whose incomes are below the eligibility limit for the Section 8 program, and who otherwise meet the Section 8 program's requirements, will be eligible to receive tenant-based Section 8 vouchers through BHA. The Section 8 voucher program provides for a household to continue paying 30% of the household's adjusted income—with some program-specific exceptions—for the household's monthly rental housing costs. Each household will need to meet with a BHA eligibility worker to discuss the Section 8 program's requirements and to enroll in the Section 8 program.

BHA may subsidize rent through the Section 8 program only up to a maximum "payment standard" for each city or county area that BHA serves. "Payment standards" for the Section 8 program in other jurisdictions may be lower, depending on the rental market in those jurisdictions. If a Project household is considering moving to communities that BHA does not serve, BHA staff members can explain how to determine the payment standards in those communities.

Households considering moves to communities with much lower prevailing rents than the Bay Area should bear in mind that if the new community's "payment standard" is less than 30% of that household's income, the household will not be able to use Section 8 assistance in the new community (because no such assistance will be necessary to make a home in that community affordable to that household).

In addition, HUD regulations do not let housing authorities subsidize rent any higher than what is "reasonable," and "reasonable" rent for any particular home may be lower than the "payment standard" for the city where the home is. Regulations require BHA to consider the type of home or apartment, its condition and amenities, and its location in determining rent reasonableness. Thus, the rent that is approved in one community may not necessarily be approved in another. BHA staff will explain this issue in more detail when issuing Section 8 vouchers.

Any BHA household eligible for the Section 8 program may elect to accept a Section 8 voucher and move from the Project property. If a household is unable to find suitable, comparable replacement housing within the Section 8 "payment standard" for the jurisdiction to which it moves, the household may be eligible for a relocation rental assistance payment to address this differential, as described below. In addition, such households should consider signing up for open waiting lists for affordable housing resources in communities in which they might wish to live, so that they can consider moving to those affordable rental units if and when they become available. OPC will provide information about these resources.

### **Households Ineligible for the Section 8 Program**

Some households may be ineligible for the Section 8 Housing Choice Voucher program. OPC will assist these households in searching for comparable replacement housing. In addition, if necessary to make replacement housing affordable, relocation rental assistance payments will be available in accordance with state and federal law, as described later in this Plan.

## **Projected Displacement**

Given the nature of the forthcoming changes to the properties, temporary relocation will likely be necessary at a future date for the rehabilitation of the units. In addition, households who elect to move from the Project property to new housing or move to ensure their housing is within their financial means will be relocating permanently.

Based upon the information available, which at this time must be considered preliminary, and must be verified prior to any displacement, 24 to 30 households may be ineligible to use Project Based Section 8 assistance to continue residing in the renovated Project, because their household size may not make them eligible for enough assistance through the Section 8 program to enable them to afford the rent on their former units after renovation. These households would likely qualify for a HCV. An additional three households are “over-income” (incomes greater than 80% of area median income) for the Section 8 program.

The remaining households who would likely qualify for the PBV program would be temporarily displaced during the renovations if they elected to remain as tenants in Project units. If these households elected permanent displacement, they would receive a HCV, relocation moving assistance, and relocation advisory services; they would not receive relocation rental assistance.

## **Permanent Displacements**

Households that are eligible for the Section 8 program but are over-housed may opt to use HCVs to move from the Project properties. Of these households, those that cannot afford their former BHA units even with Section 8 assistance, because their share of rent would be more than 40% of their household income, will need to find comparable, permanent replacement housing. If any over-housed household that is eligible for the Section 8 program can afford its former BHA unit with Section 8 assistance, by paying between 30% and 40% of its income for rent, that household may choose whether to move or to stay. Likewise, any household that is over-housed and is also over the income standard for the Section 8 program may elect to remain in a BHA unit if the household can afford the new rent.

Over-housed households who move will be eligible for permanent relocation benefits, including assistance in locating comparable replacement housing and moving assistance. In addition, if a household must pay more in rent for comparable replacement housing than it paid to BHA, relocation assistance payments will cover the difference for 42 months.

Should an over-housed household elect to stay in its BHA unit per the Ordinance, the household would receive temporary relocation benefits, but no permanent benefits such as rental assistance.

Households that are eligible for the Section 8 program and are not over-housed may accept HCVs to move. These households need not move, however. Because these households will be able to return to their former homes within 12 months, at the same household share of rent, BHA will make moving assistance and advisory assistance but not relocation rental assistance payments available to these households.

Households that are over the income standard for the Section 8 program and are not over-housed may choose whether to relocate temporarily and return to their former homes, or to relocate permanently. If the Project results in these households paying more in rent for comparable replacement housing than they paid to BHA, relocation assistance payments will be available to them to cover the difference for 42 months.

If all over-housed and over income households opted to move from the properties, the distribution of the required replacement housing units needed for these potential permanent displacements is shown in Table 8.

### **Temporary Displacements**

Households that are able to remain in the Project, and elect to do so, will possibly be temporarily displaced to permit rehabilitation to their units in a safe and expeditious manner.

If it is determined that units will need to be vacated in order for rehabilitation to occur safely, the use of presently vacant units for temporary housing is the preferred and suggested methodology.

Under this methodology, “buildings” would be rehabilitated one at a time through a well organized phasing plan.

If there are an insufficient number of vacant units to support the preferred methodology, a combination of BHA units and non-BHA units will be used for temporary housing accommodations. Units available for temporary housing may include units within the selected BHA’s inventory, units available elsewhere in the Berkeley rental market, and possibly extended stay efficiency hotels.

Additional forms of temporary housing may include tenants arranging for housing with a friend or family member with compensation.

All temporary housing resources will be analyzed for their feasibility as the rehabilitation plans are solidified. Temporary displacements will likely involve up to two moves for each household - one move out of the current unit during the rehabilitation phase and one move back into their original unit or another comparable unit on site post rehabilitation.

All households who are qualified to remain at the Project properties will be offered the opportunity to move directly into a rehabilitated unit should a rehabilitated unit be available versus moving temporarily.

All households to be temporarily displaced will receive moving assistance. During their temporary move from their current units, displacee housing costs will be limited to their current rent plus utilities. Should there be additional out of pocket costs, BHA or the developer it selects either will pay those costs directly or will reimburse the tenant.

Residents temporarily displaced will be offered the right to return to their original unit or to a comparable unit in the same building or complex if their original unit is not otherwise available. Some rehabilitation work may be able to be accomplished without the residents needing to vacate the unit. The duration of the rehabilitation and the phasing is not yet determined, however, should

a resident be temporarily away from their unit for a period longer than 12 months they will be eligible to receive permanent relocation benefits, which may include relocation rental assistance.

## ***HOUSING AND SOCIAL SERVICES RESOURCES***

### **Housing Survey**

Based on the tenant information gathered up to February 1, 2011, there may be 32 potentially permanently displaced households. Table 8 below shows the replacement housing units needed by bedroom size compared to the number of units identified.

The resource survey was conducted to identify available, comparable studio, one-, two-, three-, and four- bedroom units in Berkeley. Critical points assessed in the evaluations were ADA accessibility, acceptance of Section 8, and variety of housing types; these data are found in the tables shown on the following pages.

The resource survey lasted a period of four weeks and multiple resources were utilized including the BHA Section 8 rental listings, GoSection8.com and Craigslist.

As previously stated in this Plan, during the interviews conducted by OPC in the summer of 2010, there were households that indicated a desire to relocate to destinations in Contra Costa County, other locations in Alameda County like the City of Alameda and Oakland. During the housing resource survey approximately 27 units in Oakland (many more may be available through the Oakland Housing Authority), five units in the Concord area and five units in the Walnut Creek area were located that will accept Section 8. These resources are highly fluid and change continuously. OPC will monitor Section 8 housing resources once relocation activity commences to ensure residents have the best and most current information.

**Table 8: Replacement Unit Need v. Available**

Unit Size	Maximum Replacement Units Needed	Available in BHA Inventory	Available on Market
Studio	0	0	21
1 BR	2	0	32
2 BR	30	0	38
3 BR	25	44	13
4BR	9	31	13
	<b>66</b>	<b>75</b>	<b>117</b>

**Table 9: Disabled Senior Led HH Replacement Unit Needs**

Unit Size Needed	# Needed
1 BR	0
2 BR	2

**Table 10: Senior Led HH Replacement Unit Needs**

Unit Size Needed	# Needed
1 BR	0
2 BR	3

**Table 11: Disabled Head of Household Replacement Unit Needs**

Unit Size Needed	# Needed
1 BR	3
2 BR	8

**Table 12: Characteristics of Replacement Units Located**

Unit Size	Apartment Building	1 to 4 Unit Structure	Accepting Section 8	Confirmed ADA Accessible
Studio	18	3	1	0
1 BR	27	5	9	2
2 BR	34	4	14	2
3 BR	4	9	4	1
4BR	2	11	2	1

Based on the housing survey the median rents and deposits for units in Berkeley shown below are within the BHA payment standard as shown in Table 13.

**Table 13: Median Rent and Deposit by Unit Type**

Unit Size	Median Rent	Median Deposit
Studio	\$1,000	\$1,125
1 Bedroom	\$1,200	\$1,225
2 Bedroom	\$1,500	\$1,400
3 Bedroom	\$2,200	\$3,000
4 Bedroom	\$2,543	\$3,500

**Table 14: BHA Payment Standard**

Unit Type	Payment Standard
Studio	\$1,071
1 BR	\$1,294
2 BR	\$1,532
3 BR	\$2,078
4 BR	\$2,573

*Effective as of December 1, 2010*

### **Affordable Housing Resources**

In the relocation process, the displacee may choose where to relocate. Referrals to replacement housing will be based on the choices expressed by the residents and not as directed by other parties involved in the process such as BHA. Referrals will include listings in non-racially, non-ethnically and non-poverty impacted census tracts elsewhere in the county of Alameda.

OPC will assist displacees, however, in selecting replacement housing that is decent, safe, and sanitary (DS&S), so as to be eligible for the Section 8 subsidy and for relocation assistance payments if appropriate. A definition of DS&S is shown in the Glossary of this plan.

During the relocation implementation OPC will monitor all appropriate resources for replacement housing including affordable housing developers and non-profit organizations and their respective property managers, housing authorities, and housing search websites.

BHA will conduct affirmative marketing to promote participation in the Section 8 program. OPC will cooperate with BHA's efforts to conduct outreach to property owners who are not current participants in the Section 8 program and will refer landlords who are interested in participating in the program to BHA.

In addition to the housing resources currently available on the rental market that were identified in the OPC survey, there is a potential for residents to seek out available units within affordable housing communities in Berkeley and other areas. A listing of these developments is shown in Appendix D along with information for properties in the Greater Bay Area.

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Below is a sample list of those communities with availability or open wait list.

<b>Provider</b>	<b>Properties Name</b>	<b>Address</b>	<b>Total Units</b>	<b>Wait List</b>
<b>Bridge Housing</b>				
510-601.8235 www.bridgehousing.com	Emeryvilla Apartments	4320 San Pablo Ave. Emeryville, CA 94608	50 Senior (62+), income restricted	Open
<b>EAH Housing</b>				
510-654-9540 www.eahhousing.org	Bridgescourt Apartments	1325 40th St. Emeryville, CA 94608	92 affordable/128 conventional apts	Open
<b>Christian Church Homes of No. California</b>				
510-632-6712 www.cchnc.org	Strawberry Creek Lodge	1320 Addison St. Berkeley, CA 94702		Open
	Avalon Senior Housing	3850 San Pablo Ave. Emeryville, CA 94608	67 units for Seniors 62+	Open
<b>Satellite Housing</b>				
510-981-9802	Helios Corner	1531 University Ave. Berkeley, CA 94709	80 units for Seniors 62+	Open
510-704-1093	Lawrence Moore Manor	1909 Cedar St, Berkeley, CA 94709	46 units for Seniors 62+	Open
510-704-9886	Stuart Pratt Manor	2020 Durant Ave. Berkeley, CA 94704	46 units for Seniors 62+	Open for Studios Only
<b>Resources for Community Development</b>				
510-665-8436	Triangle Court Apartment	1055 45th Street, Emeryville, CA 94608	20 units; Section Accepted	Open

### **Social Service Resources**

In addition to providing information regarding housing, it is important to provide potential displacees with referrals to social services. Appendix E of this Plan displays a sample listing of service agencies that residents can reach out to for assistance. Should a resident request services not indicated in the list, OPC will assist the resident as much as possible to reasonably locate such services.

## ***CONCURRENT RESIDENTIAL DISPLACEMENT***

There are no projects now, or planned in the immediate future within the City of Berkeley, which could negatively impact BHA efforts and ability to relocate permanently displaced households. In addition, impact upon the overall Berkeley housing market will be minimal.

## ***PROGRAM ASSURANCES AND STANDARDS***

There shall be adequate funds budgeted to relocate all households, whether moving temporarily on-site or permanently for those households determined to be over-housed or otherwise ineligible to continue to reside within the rehabilitated Project.

Services will be provided to ensure that displacement does not result in different, or separate treatment of households based on race, nationality, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Unruh Act, as well as any otherwise arbitrary, or unlawful discrimination.

The relocation program sets forth policies and procedures necessary to conform to statutes and regulations for residential displacements, including the URA and its implementing regulations, the CRAL and Guidelines, the City of Berkeley's Rent Stabilization and Eviction for Good Cause Ordinance, and HUD Handbook 1378.

The BHA and the Developer anticipate entering into a binding Regulatory agreement that will require compliance with the regulations applicable to the funding approved for the Project, ensuring the mandated longevity of certain affordability requirements. Should the funding sources utilized in this Project to assist in preserving this long-term affordability have additional relocation requirements, those requirements will also be incorporated into the final relocation plan and the plan's implementation.

Households which may be temporarily or permanently displaced will receive a minimum of a 90-day notice prior to their need to move, followed by a 30-day notice and a seven -day notice.

## **RELOCATION ASSISTANCE PROGRAM**

The Relocation Program is designed to minimize hardship to displaced persons, 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.

BHA has retained OPC, a multi-lingual consulting firm, to administer the Relocation Program. BHA staff will monitor the performance of OPC and the BHA is responsible for approving or disapproving recommendations concerning eligibility and benefit determinations and interpretations of BHA's policy.

The relocation program consists of two principal constituents: Advisory Assistance and Financial Assistance.

### **1. ADVISORY ASSISTANCE**

A comprehensive relocation assistance program, with technical and advisory assistance, will be provided to households being displaced. Close contact will be maintained with each household. Eligible individuals, who will need to move from existing homes, will receive advisory assistance. Advisory assistance services are intended to:

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

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

1. Distribute appropriate written information concerning the relocation program;
2. Inform eligible Project occupants of the nature of, and procedures for, obtaining available relocation assistance and benefits. (See **Appendix C**)
3. Determine the needs of each residential displacee eligible for assistance;
4. Provide residential displacees with at least one, and preferably three, referrals to comparable replacement housing within a reasonable time prior to displacement. Generally, a comparable replacement dwelling must satisfy the following criteria:

*(a) The unit is decent, safe and sanitary - electrical, plumbing and heating systems in good repair - no major, observable hazards or defects. The unit is adequate in size and is comparable to the acquired dwelling with respect to number of rooms, habitable living space and type and quality of construction, but not lesser in rooms or living space as necessary to accommodate the displaced person. The unit is functionally equivalent, including principle features.*

*(b) The unit is located in an area not subjected to unreasonable adverse environmental conditions from either natural, or man-made sources, and not generally less desirable with respect to public utilities, transportation, public and commercial facilities, including schools and municipal services and reasonably accessible to the displaced person's place of employment.*

*(c) The unit is available both on the private market and to all persons regardless of race, nationality, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Unruh Act, as well as any otherwise arbitrary, or unlawful discrimination. (d) The monthly rental rate is within the financial means of the displaced residential tenant*

5. Maintain an updated database of available housing resources, and distribute referral information to displacees for the duration of the Project;
6. Provide transportation to residential displacees, if necessary, to inspect replacement sites within the local area;
7. Offer special assistance to help elderly or disabled tenants find housing near friends, relatives, medical facilities, and services and convenient transportation;
8. Supply information concerning federal and state programs and other governmental programs providing assistance to displaced persons;
9. Assist each eligible residential occupant in the preparation and submission of relocation assistance claims;
10. Provide additional reasonable services necessary to successfully relocate residents;
11. Make benefit determinations and payments in accordance with applicable law;
12. Assure that no occupant is required to move without a minimum of 90 days written

notice to vacate;

13. Inform all persons subject to displacement of BHA's and the BHA's policies with regard to eviction and properties management;
14. Establish and maintain a formal grievance procedure for use by displaced persons seeking administrative review of the BHA's decision with respect to relocation assistance; and
15. Provide assistance that does not result in different or separate treatment due to race, nationality, color, religion, national origin, sex, marital status, familial status, disability or any other basis protected by the federal Fair Housing Amendments Act, the Americans with Disabilities Act, Title VI of the Civil Rights Act of 1964, Title VII of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, the California Fair Employment & Housing Act, and the Unruh Act, as well as any otherwise arbitrary, or unlawful discrimination.

A representative from OPC is available to assist any displaced household having questions in regard to relocation and/or assistance in relocating. Relocation staff may be contacted by calling **510.638.3081** during the hours of 9:00 a.m. to 6:00 p.m., Monday through Friday.

**The OPC relocation offices are located at:**

**7901 Oakport Street, Suite 4800  
Oakland, CA 94621-2089**

## **2. RELOCATION BENEFIT CATEGORIES**

Benefits will be provided in accordance with the URA, the CRAL, the Guidelines, and all other applicable regulations and requirements. Benefits will either be paid directly by the BHA for any temporary on-site displacements, or upon submission of required claim forms and documentation, in accordance with approved procedures, for permanently displaced tenants. Appropriate benefits for all eligible households as required by the above laws and requirements will be provided.

Specific eligibility requirements and benefit plans will be detailed on an individual basis with all displaced households. In the course of personal interviews and follow-up visits, each displaced

household 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 BHA's or the Developer's administrative procedures. BHA will process advance payment requests to mitigate hardships for residential tenants who do not have access to sufficient funds to pay move-in costs such as first month's rent and/or security deposits. Approved requests will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

To the extent that federal HOME funds become applicable to the Project, the provisions of the federal Housing and Community Development Act of 1974, sub-Section 104(d), may have applied to any 'lower income' (i.e., at, or below 80% of median income, by household size), permanently displaced person, if in implementing the rehabilitation project were plans for:

- the demolition of any dwelling unit; or
- The "conversion" of any low/moderate-income dwelling unit to a use other than a low/moderate-income dwelling in connection with an assisted activity.

'The term "low/moderate-income dwelling" unit means a dwelling unit with a market rent (including average utility costs) that does not exceed the applicable Fair Market Rent (FMR) for Section 8 existing housing established under 24 CFR Part 888.' (HUD Handbook 1378, Chapter 7, Section 7-9).

However, because neither demolition nor the conversion of any low/moderate unit is proposed as part of the Project, Section 104(d) guidelines are not expected to apply to this Project. (In the unanticipated event of demolition or conversion of any low/moderate-income dwelling units, eligibility and Relocation Rental Assistance Payments will be recalculated based on Section 104(d) guidelines.)

## 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. Moving expenses will be based on one of the following options:

1. **Fixed Payment** – A fixed payment for moving expenses based on the number of rooms containing furniture or other personal properties to be moved. The fixed payment is a one-time, all inclusive allowance that does not require back-up documentation.

The fixed moving payment will be based upon the most recent Federal Highway Administration (FHWA) schedule adopted and maintained by the California Department of Transportation, as indicated in **Appendix B**.

- OR -

2. **Actual Reasonable Moving Expense Payments** – The displaced tenants may elect to have a licensed, professional mover perform the move; if so, the BHA will pay for the *actual* cost of the move as follows.

The payment will be made *directly* to the mover *or* as reimbursement to the displaced tenant, and may include:

- (a) Transportation of the displaced person and personal properties. Transportation costs for a distance beyond 50 miles are not eligible, unless the BHA determines that relocation beyond 50 miles is justified.
- (b) Packing, crating, unpacking, and uncrating of the personal properties.

- (c) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal properties.
- (d) Storage of the personal properties for a period not to exceed 12 months, *unless* the BHA determines that a longer period is necessary.
- (e) Insurance for the replacement value of the properties in connection with the move and necessary storage.
- (f) The replacement value of properties lost, stolen, or damaged in the process of moving (though not through the 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.
- (g) Other moving-related expenses that are *not* listed as ineligible under § 24.301(h), as the BHA determines to be reasonable and necessary.

### **Temporary Relocation**

Those households that may be required to move temporarily to accomplish the rehabilitation activities will have their residential moving payments paid directly to professional movers by BHA. During their temporary move, the tenants' housing costs in on-site temporary units will be limited to their current rent plus utilities. Due to the temporary nature of such moves, accommodation will also be made for storage of personal property, *if necessary*.

If tenants are required to move *off-site* temporarily, all reasonable out-of-pocket expenses will be paid, including, but not limited to, increased housing costs and moving costs. OPC staff will also assist the tenants with identifying off-site DS&S temporary housing.

## **Relocation Rental or Down Payment Assistance**

Permanently displaced households may be eligible for Relocation Rental Assistance for up to 42 months, if needed. A household may receive this assistance only if, without such assistance the household cannot lease a comparable home or apartment at a lower cost. If the household does not need such a rent, they will not receive it.

For households participating in the Section 8 program, relocation rental assistance payments may be available if a household cannot find a comparable replacement home at a reasonable rent that is within the Section 8 payment standard for the jurisdiction. Although housing authorities can approve rents above their Section 8 payment standards, with the tenant paying the difference, they cannot approve rents so high that the household's share of monthly rent, plus utilities, exceeds forty percent (40%) of adjusted monthly income. The relocation rental assistance payment from BHA would, if approved, cover the difference between 30% of adjusted household income and the household's total share of rent and utilities.

For example, if a household desires to move to an area served by BHA, where a sufficient number of dwellings of appropriate size are available, with utilities, for monthly rents that are within BHA's Section 8 payment standard for that area, there will be no need to provide additional rental assistance.

Alternatively, for example, if a household has identified a replacement home in the BHA's jurisdiction that rents for \$100 more, including utilities, than BHA's Section 8 payment standard for homes of that size; and if the rent is reasonable despite being above the payment standard; and if BHA agrees that the household cannot find suitable, comparable replacement housing for less; and if the household's share of monthly rent and utilities will not exceed 40% of the household's income; then the household will qualify for a relocation rental assistance payment of \$100 per month for 42 months.

For households not eligible for the Section 8 program, relocation rental assistance payments will be available if the household cannot find comparable replacement housing costing 30% or less of the household's average monthly income. The following table illustrates the calculation:

**Table 15: Example Computation of Monthly Housing Need and Relocation Rental Assistance**

<b>1. Rent of Displacement Unit</b>	\$1,400	Displacement Rent plus Utility Costs
or		
<b>2. Ability to Pay</b>	\$1,500	30% of the Gross Household Income *
<b>3. Lesser of lines 1 or 2</b>	<b>\$1,400</b>	
<b>Subtracted From:</b>		
<b>4. Actual New Rent</b>	\$1,600	Actual New Rent including Utility Allowance
or		
<b>5. Comparable Rent</b>	\$1,500	Determined by Agency; <u>includes</u> Utility Allowance
<b>6. <u>Lesser</u> of lines 4 or 5</b>	<b>\$1,500</b>	
<b>7. Yields Monthly Need:</b>	<b>\$100</b>	Subtract line 3 from line 6
<b>Rental Assistance</b>	<b>\$ 4,200</b>	<b>Multiply line 7 by 42 months</b>

This payment may also be used as a down payment on a home. If a household chooses to purchase a replacement home rather than rent, the household will have the right to request a lump sum disbursement of the entire Relocation Rental Assistance Payment to which they are entitled. This lump sum disbursement will be deposited directly into the purchase escrow with the proviso that, in the event the escrow does not close, the full amount of the disbursement will be returned to BHA for further, future disbursement to the household.

Final determination about the type of relocation benefits and assistance for which the household is eligible will be determined upon verification of the household's occupants and income.

### **Assistance to Households with Persons with Disabilities**

BHA's relocation consultants, and BHA's Section 8 staff members, will assist persons with disabilities in locating rental housing that is already accessible for them, or in working with landlords to modify available housing units for accessibility. In addition, households who believe they may need reasonable disability accommodations for other aspects of the relocation process should request those accommodations from OPC or from BHA, as appropriate. Such accommodations may include, without limitation, additional assistance in searching for housing or adjustment to a household's maximum Section 8 voucher size.

### ***PAYMENT OF RELOCATION BENEFITS***

Particularly in the case of permanent displacees, affected households will not be displaced until "comparable" housing is located as defined earlier in this Plan. Relocation staff will inspect any replacement units to which referrals are made to verify that they meet all the standards of decent, safe, and sanitary housing as defined in 24.2 (8) of the URA.

Relocation benefit payments will be made expeditiously. Claim forms and supporting documentation for relocation benefits must be filed with the BHA within 18 months from the date the claimant moves from the acquired properties.

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. Assistance amounts will be determined in accordance with the provisions of applicable Relocation Law.

3. Required claim forms will be prepared by relocation personnel in conjunction with claimant(s). Signed claims and supporting documentation will be submitted by relocation personnel to the BHA.
4. The BHA will review and approve claims for payment, or request additional information.
5. The BHA will issue benefit checks which will be available at its offices for receipt, unless circumstances dictate otherwise.
6. Final payments will be issued after confirmation that the Project area premises have been completely vacated, and actual residency at the replacement unit is verified.
7. Receipts of payment will be obtained and maintained in the relocation case file.

### ***CITIZEN PARTICIPATION***

Resident meetings were held in November and December of 2009 to explain the disposition and relocation process. Additionally, BHA has posted and will continue to post information as it becomes prudent and available on their website.

Additional meetings will be held to explain the Project and the relocation program. Agendas for these meetings will be distributed to the residents at least 10 days in advance.

Copies of this Plan will be available to the residents for a period of 30 days to promote review and participation.

The plan will be available online at

<http://www.ci.berkeley.ca.us/DepartmentHome.aspx?id=18348>

Persons wishing to provide comments to this Plan must deliver comments in writing within the 30 day comment period. Written comments may be provided in the following ways:

- Typed or handwritten comments may be,
  - Mailed or hand delivered to OPC, attention Chad Wakefield, at 7901 Oakport Street, Suite 4800, Oakland, CA 94621
  - Faxed to OPC, attention Chad Wakefield, at (510) 638-0750
  - Emailed to Chad Wakefield at [cwakefield@opcservices.com](mailto:cwakefield@opcservices.com)
- Should persons need reasonable accommodations to assist them in delivering their comments to OPC, please contact OPC at (510) 638-3081

Comments not received within the 30 day comment period cannot be considered.

BHA will ensure the following:

1. Provide affected tenants with full and timely access to documents relevant to the relocation program;
2. Encourage meaningful participation in reviewing the Plan and monitoring the relocation assistance program; including the Project area occupants, neighborhood groups and community organizations forming a relocation committee;
3. Provide technical assistance necessary to interpret elements of the 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;
5. Include written or oral comments concerning the Plan and the BHA's response as an attachment when it is forwarded to the appropriate governmental body for approval.

## **IMMIGRATION STATUS**

Federal legislation (PL105-117) prohibits the payment of relocation assistance benefits under the Uniform Act to any alien not lawfully present in the United States 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 BHA to negatively affect the alien's spouse, parent or child.

In cases where households are comprised of persons not lawfully present, those households will receive relocation benefits under the CRAL and Guidelines.

In order to track and account for relocation assistance and benefit payments, relocation staff will be required to seek immigration status information from each displacee 18 years and older by having them self-certify as to their legal status.

It must be noted, that with certain narrow exceptions, federal funds *cannot* be used for payment of relocation benefits to any displaced person who is an alien not lawfully present in the United States.

## **RELOCATION TAX CONSEQUENCES**

In general, relocation payments are not considered income for the purpose of Division 2 of the Internal Revenue Code of 1954, which has been re-designated as the Internal Revenue Code of 1986 (Title 26, U. S. Code), or for the purpose of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act (42 U. S. Code 301 et seq.) or the Personal Income Tax Law, Part 10 (commencing with Section 17001) of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part II (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. The above statement on tax consequences is not intended as tax or legal advice by the BHA, its Employees, Agents, Consultants or Assigns.

Displacees are responsible for consulting with their own tax advisors or legal counsel concerning the tax consequences of relocation payments.

### ***APPEALS POLICY***

The appeals policy will follow the standards described in Sub-part A 24.1 of the URA and Section 6150 et seq. of the Guidelines. Briefly stated, any displaced tenants will have the right to ask for review when there is a perceived grievance regarding any of their rights to relocation and relocation assistance, such as a determination as to eligibility, the amount of payment, or a failure to provide a comparable replacement housing referral.

### ***EVICITION POLICY***

**No households will be evicted or required to move permanently if the household is in good standing under the lease agreement. Households will likely be required to move temporarily during the rehabilitation. However, some households may elect permanent relocation. Some households that are over income for Section 8 assistance may decide not to return. Some households that are eligible for Section 8, but not at their original unit due to income or family size, may elect permanent relocation in order to use a HCV at the new location.**

1. Eviction will cause the forfeiture of a displacee's right to relocation assistance or benefits. Relocation records will be documented to reflect the specific circumstances surrounding any eviction action.
2. Eviction may be undertaken for one, or more of the following reasons:
  - (a) Failure to pay rent, except in those cases where the failure to pay is due to the owner's failure to keep the premises in habitable condition; is the result of harassment or retaliatory action; or, is the result of discontinuation, or a substantial interruption of services;

- (b) Performance of a dangerous, and/or illegal act in the unit;
- (c) A material breach of the rental agreement, and failure upon notification to correct said breach within 30 days of Notice;
- (d) Maintenance of a nuisance, and failure to abate such nuisance upon notification within a reasonable time following Notice;
- (e) Refusal to accept one of a reasonable number of offers of temporary housing during the rehabilitation of the units; and/or,
- (f) A requirement under State, or local law or emergency circumstances that cannot be prevented by reasonable efforts on the part of the BHA.

## **NOTICES**

Each notice, which the BHA is required to provide to a Project site occupant, shall be personally delivered or sent by 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 or other needed help. All adult household members will be provided copies of notices.

For those persons who elect to **permanently relocate** there are three principal notices:

- 1) The General Information Notice,
- 2) The Notice of Relocation Eligibility, and
- 3) The 90-Day Notice.

The General Information Notice (GIN) is intended to provide potential displacees with a general

written description of the BHA's relocation program and basic information concerning benefits, conditions of eligibility, noticing requirements and appeal rights. The GIN is issued as early as is feasible in the initial stages of a Project, preferably, the planning stage. A GIN is required upon the Initiation of Negotiations (ION). The GIN is either delivered by Certified Mail with documentation of return receipt or hand-delivered, signed by the tenant, and witnessed in writing by a third party if the tenant is not present and/or does not sign the document signifying their receipt of it.

A GIN was delivered to original Project tenants in October of 2009 in person by BHA staff and via certified mail with a return receipt and first class mail.

A Notice of Relocation Eligibility (NOE) will be distributed to each permanent residential displacee. The NOE to the residential displacee 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 relocation staff. The NOE will be issued to any eligible permanent displacee, once the BHA proceeds with the Project and the Project funding is secured and in place.

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 notice will either 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 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, BHA 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 properties, 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 displacees no later than within the last six months prior to the filing expiration date.

For **temporary displacements** there are three principal notices and agreements:

- 1) The General Information Notice-Notice of Non-displacement,
- 2) The Memorandum of Understanding, and
- 3) The 90-Day Notice.

The memorandum of understanding (MOU) is an agreement between the resident and the BHA signifying the benefits that will be provided during the temporary relocation process including temporary housing, moving assistance, and the process for receiving reimbursement for any out pocket expenses.

### ***PROJECTED DATES OF DISPLACEMENT***

The BHA intends to begin a voluntary relocation program in May of 2011. This program is intended to provide as much time as possible to the residents to seek their preferred housing option and for those residents whom may not qualify to remain at the Project properties will allow ample time to work with OPC to locate replacement housing.

Once a Developer is selected, rehabilitation plans are firm, and relocation of residents becomes necessary, households will receive, progressively, a 90-, 30- and seven-day Notice-to-Vacate, if required to move temporarily *or* permanently. Eligible residents will be given a minimum of a seven-day Notice to *return* to their replacement apartment, as applicable.

### ***ESTIMATED RELOCATION COSTS***

In Table 16 is a breakdown of the anticipated relocation costs to prospective displacees, over-income and under-housed households. It is anticipated that the remaining households

(subject to income certification and further vetting) are eligible to remain within the post-rehabilitation units.

The contingency, at 30%, is intentionally high given the preliminary nature of this Plan and the need to further define the Project. The intent of this budget at this time is for planning purposes

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and possibly may decrease. This estimate is not a "per" household benefit. Benefits will be based on household need and not a fixed payment schedule.

**Table 16: Relocation Cost Estimate**

<b>Cost Category</b>	<b>Cost Estimate</b>
Moving Assistance Payments	\$104,682
Relocation Rental Assistance Payments	\$123,669
Security Deposits	\$49,432
Credit Check Fee	\$3,380
<b>Sub-total</b>	<b>\$281,163</b>
<b>Contingency (30%)</b>	<b>\$84,349</b>
<b>Total Relocation Estimate</b>	<b>\$365,513</b>

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## APPENDIX A: HUD INCOME LIMITS

The following figures are approved by the United States Department of Housing and Urban Development (H.U.D.) as published by HCD for use in County of Alameda, to define and determine housing eligibility by income level.

HH Size	Extremely Low (30% AMI)	Very Low (50% AMI)	Lower (60% Median)	Low (80% Median)	Median	Moderate (120% of Median)
1	\$19,000	\$31,650	\$37,980	\$45,100	\$63,300	\$75,690
2	\$21,700	\$36,150	\$43,380	\$51,550	\$72,300	\$87,760
3	\$24,400	\$40,650	\$48,780	\$58,000	\$81,300	\$97,560
4	\$27,100	\$45,150	\$54,180	\$64,400	\$90,300	\$108,360
5	\$29,300	\$48,800	\$58,560	\$69,600	\$97,600	\$117,120
6	\$31,450	\$52,400	\$62,280	\$74,750	\$104,800	\$125,760
7	\$33,650	\$56,000	\$67,200	\$79,900	\$113,200	\$135,840
8	\$35,800	\$59,600	\$71,520	\$85,050	\$119,200	\$143,040

**Effective: June 17, 2010**

**APPENDIX B: FIXED RESIDENTIAL MOVE PAYMENT SCHEDULE**

<b>FIXED MOVING SCHEDULE - CALIFORNIA</b>			
<b>Occupant owns furniture</b>		<b>Occupant does NOT own furniture</b>	
1 room	\$625.00	1 room	\$400.00
2 rooms	\$800.00	each additional room	\$65.00
3 rooms	\$1,000.00		
4 rooms	\$1,175.00		
5 rooms	\$1,425.00		
6 rooms	\$1,650.00		
7 rooms	\$1,900.00		
8 rooms	\$2,150.00		
each additional room	\$225.00		

## APPENDIX C:

### Informational Statement for Families and Individuals

- I. General Information
- II. Assistance In Locating A Replacement Dwelling
- III. Moving Benefits
- IV. Section 8 Tenants
- V. Qualification For And Filing Of Relocation Claims
- VI. Evictions
- VII. Appeal Procedures – Grievance
- VIII. Tax Status Of Relocation Benefits
- IX. Additional Information And Assistance Available

#### **I. GENERAL INFORMATION**

As you are aware, the Berkeley Housing Authority (referred to as the “BHA”) has made the determination to reposition the Scattered Site Public Housing Portfolio (by selling or transferring the properties to a new operator), which you currently occupy. As the project schedule proceeds, it may be necessary for you to move from your dwelling. 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 relocation benefits you may receive under the federal and/or state law. We recommend you save this Informational Statement for reference.

The BHA 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:

**Overland, Pacific & Cutler, Inc.  
7901 Oakport Street, Suite 4800  
Oakland, CA 94621  
Phone 510.638.3081**

Spanish speaking representatives are available. **Si necesita esta información en español, por favor llame a su representante.**

**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 BHA's Relocation Assistance Program.

**Please continue to pay your rent to the BHA, otherwise you may be evicted and jeopardize your eligibility for the Section 8 program that is a significant part of your relocation assistance.**

## **II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING**

The BHA, 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, the BHA will carry out an inspection and advise you as to whether the dwelling unit meets the Housing Quality Standards. 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 prior to entering into a rental agreement and before relocation assistance payments can be authorized.

## **III. MOVING BENEFITS**

If you must move as a result of displacement by the BHA, you will receive a payment to assist in moving your personal properties. 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.

For example, you may choose to move yourself and receive a payment based on the Fixed Moving Schedule shown below, plus contract with a professional mover to transport large items that require special handling. In this case there may be an adjustment in the number of rooms which qualify under the Fixed Moving Schedule.

### **A. Fixed Moving Payment**

A Fixed Moving Payment is based upon the number of rooms you occupy including any on-site storage space. The payment is based upon a schedule approved by the BHA, and ranges, for example, from \$400.00 for one furnished room to \$2,150.00 for eight rooms in an unfurnished dwelling. (For details see the table below.) Your relocation

representative will inform you of the amount you are eligible to receive if you choose this type of payment.

<b>FIXED MOVING SCHEDULE - CALIFORNIA</b>			
<b>Occupant owns furniture</b>		<b>Occupant does NOT own furniture</b>	
1 room	\$625.00	1 room	\$400.00
2 rooms	\$800.00	each additional room	\$65.00
3 rooms	\$1,000.00		
4 rooms	\$1,175.00		
5 rooms	\$1,425.00		
6 rooms	\$1,650.00		
7 rooms	\$1,900.00		
8 rooms	\$2,150.00		
each additional room	\$225.00		

If you select a Fixed Moving Payment, you will be responsible for arranging for your own move and the BHA will assume no liability for any loss or damage of your personal properties. A Fixed Moving Payment also includes utility hook-up, credit check and other related moving fees.

**B. Actual Moving Expense (Professional Move)**

If you wish to engage the services of a licensed commercial mover and have the BHA pay the bill, you may claim the ACTUAL cost of moving your personal properties up to 50 miles.

Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a scope of services for BHA approval.

**IV. SECTION 8 TENANTS**

For those tenants eligible for Section 8 assistance, when you do move, you will be eligible to use your Section 8 voucher at a replacement home. As outlined above, you will be provided counseling and other advisory services along with moving benefits.

A. **Relocation Rental Assistance**

If you qualify, and comparable rentals are not available within the Housing Authority's payment standard for your replacement housing needs, and there is a difference between your current rent and your new rent at a replacement dwelling, you may be eligible to receive a gap differential, called a "relocation rental assistance payment," paid to you based on a 42-month period. You will be required to provide your relocation representative with monthly rent verification prior to the determination of your eligibility for this payment.

- OR -

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 relocation rental assistance payment towards the down payment and non-recurring incidental expenses. Your relocation representative will clarify procedures necessary to apply for this payment.

**V. QUALIFICATION FOR AND FILING OF RELOCATION CLAIMS**

To qualify for Replacement Housing Assistance, you must rent and occupy or purchase and occupy a comparable replacement unit **within twelve (12) months from the date you move from the displacement dwelling.**

All claims for relocation benefits must be filed with the BHA **within eighteen (18) months** from the date on which you move.

**VI. EVICTIONS**

Any person who occupies the real properties and is in lawful occupancy is presumed to be entitled to relocation benefits. Except for the causes of eviction set forth below, no person lawfully occupying properties to be transferred by the BHA will be required to move without having been provided with at least 90 days written notice from the Agency. Eviction will be undertaken only in the event of one or more of the following reasons:

- Failure to pay rent; except in those cases where the failure to pay is due to the Agency's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Performance of dangerous illegal act(s) in the unit;
- Material breach of the rental agreement and failure to correct the breach within 30 days of notice;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;

- Refusal to accept one of a reasonable number of offers of comparable replacement dwellings; or
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the public entity.

## **VII. APPEAL PROCEDURES - GRIEVANCE**

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment, may have his/her claim reviewed or reconsidered in accordance with the BHA's appeals procedure. Details on appeal procedures accompany this notice.

## **VIII. 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 designated 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.

## **IX. 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 representative at 510.638.3081.

## APPENDIX D: LISTING OF AFFORDABLE HOUSING PROVIDERS

### Providers with Resources in Berkeley

#### **John Stewart Company operates housing for several properties owners:**

2310 Mason Street  
San Francisco, CA 94133  
(415) 345-4400

#### **Owned by South Berkeley Community Housing Development Corporation:**

William Byron Rumford Plaza  
3017 Stanton Street  
Berkeley, CA 94702  
(510) 841-5292

#### **Owned by South Berkeley Neighborhood Development Corporation:**

Lorin Station Plaza  
3253 Adeline Street  
Berkeley, CA 94703  
(510) 547-7556

Rosewood Manor Apartments  
1615 Russell Street  
Berkeley, CA 94703  
(510) 540-0382

#### **Privately owned subsidized rental housing:**

Oceanview Apartments  
813 Delaware Street  
Berkeley, CA 94710  
(510) 527-1101

## **Resources for Community Development**

2730 Telegraph Avenue  
Berkeley, CA 94705  
Phone: (510) 841-4410

[www.rcdev.org](http://www.rcdev.org)

Properties include:

- Adeline Apartments, 3224 Adeline St., (510) 595-9995
- Dwight Way Apartments, 1518 Dwight Way, (510) 665-8436
- Erna P. Harris Ct., 1330 University Ave., (510) 841-0664
- Hearst St. Apts., 1137 Hearst St. Apt. C , (510) 549-2079
- Mable Howard Apts., 1499 Alcatraz Ave., (510) 658-7492
- Margaret Breland Apartments, 2577 San Pablo Ave.
- Rosevine Apartments, 1433 Oxford St., (510) 549-2079
- MLK House, 2942 - 2944 Martin Luther King Jr. Way
- UA Co-op, 1471 - 1640 Addison St., (510) 843-5937
- UA Homes, 1040 University Ave., (510) 649-6635

## **Satellite Housing**

1521 University Avenue  
Berkeley, CA 94703-1422  
Phone: 510.647.0700

[www.satellitehousing.org](http://www.satellitehousing.org)

Satellite's Berkeley properties include:

- Helios Corner, 1531 University Avenue, Phone: (510) 981-9802
- Lawrence Moore Manor, 1909 Cedar Street, Phone: (510) 704-8557
- Stuart Pratt Manor, 2020 Durant Avenue, Phone: (510) 704-9886

## **Alton Management Corporation**

For the Crossroads Village Mutual Housing Association  
1968 San Pablo Avenue, #9  
Office: (510) 540-9672  
TDD: (800) 735-2922  
Email: [xroadsmha@yahoo.com](mailto:xroadsmha@yahoo.com)

Crossroads Village MHA is a 26-unit non-profit cooperatively-run apartment building for low-income people, owned by the tenant cooperative.

## **Affordable Housing Providers in the East Bay**

For more information about affordable housing in the East Bay, and a comprehensive listing of nonprofit housing providers, visit the East Bay Housing Organizations: [www.ebho.org](http://www.ebho.org)

Affordable Housing  
Associates (AHA)  
1250 Addison Street, Ste. G  
Berkeley, CA 94702  
(510) 649-8500  
[www.ahainc.org](http://www.ahainc.org)

BRIDGE Housing  
1 Hawthorne Street, Ste. 400  
San Francisco, CA 94105  
(415) 989-1111  
[www.bridgehousing.com](http://www.bridgehousing.com)

Citizens Housing Corporation  
26 O'Farrell Street, Ste. 600  
San Francisco, CA 94108  
(415) 421-8605  
[www.citizenshousing.org](http://www.citizenshousing.org)

Community Housing Development  
Corporation of North Richmond  
(CHDC)  
1535 Third Street, #A  
Richmond, CA 94801  
(510) 412-9290  
[www.chdcnr.com](http://www.chdcnr.com)

Allied Housing  
22245 Main Street, Ste. 204  
Hayward, CA 94541  
(510) 881-7310  
[www.alliedhousing.org](http://www.alliedhousing.org)

Christian Church Homes of Northern  
California  
303 Hegenberger Rd., Ste. 201  
Oakland, CA 94621  
(510) 632-6712  
[www.cchnc.org](http://www.cchnc.org)

Community Development Corporation  
of  
Oakland  
5636 Shattuck Avenue  
Oakland, CA 94609  
(510) 428-9345

East Bay Asian Local  
Development Corporation  
(EBALDC)  
310 8th Street, Suite 200  
Oakland, CA 94610  
(510) 287-5353  
[www.ebaldc.org](http://www.ebaldc.org)

East Bay Habitat for Humanity  
2619 Broadway, Suite 205  
Oakland, CA 94612  
(510) 251-6304  
[www.habitateb.org](http://www.habitateb.org)

East Oakland CDC  
1406 Seminary Ave.  
Oakland, CA 94621  
(510) 569-8231

EAH Housing  
2169 E. Francisco Blvd., Ste. B  
San Rafael, CA 94901  
(415) 258-1800  
[www.eahhousing.org](http://www.eahhousing.org)

Eden Housing  
409 Jackson Street  
Hayward, CA 94544  
(510) 582-1460  
[www.edenhousing.org](http://www.edenhousing.org)

Housing Consortium of the East Bay  
1736 Franklin Street  
6th Floor  
Oakland, CA 94612  
(510) 832-1315  
[www.hceb.org](http://www.hceb.org)

Jubilee Restoration  
2144 Byron Street  
Berkeley, CA 94702  
(510) 540-8111  
[www.jubileerestore.org](http://www.jubileerestore.org)

Mercy Housing California  
1360 Mission Street, Ste. 300  
San Francisco, CA 94103  
(415) 355-7100  
[www.mercyhousing.org](http://www.mercyhousing.org)

Mid-Peninsula Housing Coalition  
303 Vintage Park Drive,  
Suite 250  
Foster City, CA 94404  
(650) 356-2900  
[www.midpen-housing.org](http://www.midpen-housing.org)

Northern California Land Trust  
3126 Shattuck Avenue  
Berkeley, CA 94705  
(510) 548-7878  
[www.nclt.org](http://www.nclt.org)

Oakland Community Housing, Inc.  
(OCHI)  
2030 Franklin Street  
6th Floor  
Oakland, CA 94612  
(510) 763-7676  
[www.ochi.org](http://www.ochi.org)

## APPENDIX E: SOCIAL SERVICE RESOURCES

Agency	Address	Contact info	Description
Crisis Support Services of Alameda County	P. O. Box 3120 Oakland, CA 94609-9991	800-260-0094 www.crisissupport.org	Crisis support-school based counseling
Jewish Family & Children's Services of the East Bay	2484 Shattuck Avenue, Berkeley, CA 94704	510-704-7475 www.jfcs-eastbay.org	Family service organization
Birthdays	1600 Shattuck Ave. Suite 122 Berkeley, CA 94709	510-869-2797 contact @birthways.org	Comprehensive birth and parenting resource organization
Through the Looking Glass	3075 Adeline St., Ste. 120 Berkeley, CA 94703	510-848-1112 www.lookingglass.org	Serving Families with Disabilities
City of Berkeley Family, Youth and Children's Services	3282 Adeline Street Berkeley, CA 94704	510-981-5280 www.ci.berkeley.ca.us	Comprehensive clinical and case management services
West Berkeley Family Practice	2031 Sixth St., Berkeley, CA 94710	510-704-6000 www.lifelongmedical.org	Health Services for All Ages
City of Berkeley Division of Aging	2180 Milvia St. 2nd flr. Berkeley, CA 94704	510-981-5400 www.ci.berkeley.ca.us/seniors	Senior Services
Center for Independent Living	3075 Adeline St., Ste. 100 Berkeley, CA 94703	510-841-4776 www.cilberkeley.org	Services for Disabled Persons
Bay Are Outreach and Recreation Program	600 Bancroft Way Berkeley, CA 94710	510-849-4663 www.borp.org	Community Services-Disabled
Bonita House Berkeley	6333 Telegraph Ave., Suite 102 Oakland, CA 94609	510-923-1099 www.bonitahouse.org	Community Services-Disabled

Berkeley Youth Living with Disabilities	2110 Eight St. Berkeley, CA 94710	510-845-2744 www.buildhouse.org	Disabled youth housing
Easy Does It	1936 University Avenue, Suite 191 Berkeley, CA 94704	510-845-5513 / 510-704-2111 www.easydoesitservices.org	Disability Transportation Services
Berkeley Free Clinic	2339 Durant Ave. Berkeley, CA 94704	510-548-2570 www.berkeleyfreeclinic.org	Health Services
South Berkeley Senior Center	2939 Ellis St. Berkeley, CA 94703	510-981-5170 www.ci.berkeley.ca.us/seniors	Senior Center
West Berkeley Senior Center	1900 Sixth St. Berkeley, CA 94710	510-981-5170 www.ci.berkeley.ca.us/seniors	Senior Center
Berkeley Food Pantry	1600 Sacramento St. Berkeley, CA 94702	510-525-2280 www.berkeleyfood@hotmail.com	Food Pantry
Alameda County Social Services Assoc. Comm. Action Program	24100 Amador St., 3rd flr. Hayward, CA 94544	510-259-3819 www.alamedaco.info	Financial Literacy
East Bay Community Law Center	2921 Adeline St. Berkeley, CA 94703	510-548-4040 www.ebclc.org	Legal Advocacy
Alameda County Social Services Agency Economic Benefits	2000 San Pablo Ave. Oakland, CA 94612	510-891-0700 www.alamedasocialservices.org	Economic Aid
DREDF Disability Rights Educ. & Defense Fund	3075 Adeline St. Suite 210 Berkeley, CA 94703	510-644-2555 www.dredf.org	Disability Rights Advocacy

Note: As new resources are identified the above list will revised to include these resources

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## **APPENDIX F: GLOSSARY OF RELOCATION TERMS**

**90-Day Notice** A notice that may be given to a person who will be required to move a residence, business or personal properties as a result of the agency's project. It informs the person that he or she must move the residence, business or personal properties 90 days from the date of the notice. This notice can only be given after a relocation plan is approved and a Notice of Eligibility or other form of eligibility notice for relocation benefits has been given to the displaced person(s).

**30-Day Notice** A notice that may be given to a person who will be required to move a residence, business or personal properties as a result of the agency's project. It informs the person that he or she must move the residence, business or personal properties 30 days from the date of the notice. This notice can only be given after a 90-day notice is given to the displaced person(s).

**Comparable Replacement Dwelling** Per the definition set fourth in the Uniform Relocation Act (URA), a dwelling which is:

- (i) Decent, safe and sanitary;
- (ii) Functionally equivalent to the displacement dwelling. The term *functionally equivalent* means that it performs the same function, and provides the same utility. While a comparable replacement dwelling need not possess every feature of the displacement dwelling, the principal features must be present. Generally, functional equivalency is an objective standard, reflecting the range of purposes for which the various physical features of a dwelling may be used. However, in determining whether a replacement dwelling is functionally equivalent to the displacement dwelling, the Agency may consider reasonable trade-offs for specific features when the replacement unit is equal to or better than the **displacement dwelling**;
- (iii) Adequate in size to accommodate the occupants;
- (iv) In an area not subject to unreasonable adverse environmental conditions;
- (v) In a location generally not less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment;
- (vi) On a site that is typical in size for residential development with normal site improvements, including customary landscaping. The site need not include special improvements such as outbuildings;
- (vii) Currently available to the displaced person on the private market; and
- (viii) Within the financial means of the displaced person: A replacement dwelling rented by an eligible displaced person is considered to be within his or her financial means if, after receiving rental assistance under this part, the person's monthly rent and estimated average monthly utility costs for the replacement dwelling do not exceed the person's base monthly rental for the displacement dwelling; For a displaced person who is not eligible to receive a replacement housing payment because of the

person's failure to meet length-of occupancy of occupancy requirements, comparable replacement rental housing is considered to be within the person's financial means if an Agency pays that portion of the monthly housing costs of a replacement dwelling which exceeds the person's base monthly rent for the displacement dwelling. Such rental assistance must be paid under Replacement housing of last resort.

(ix) For a person receiving government housing assistance before displacement, a dwelling that may reflect similar government housing assistance. In such cases any requirements of the government housing assistance program relating to the size of the replacement dwelling shall apply.

**Decent, Safe, and Sanitary Dwelling** Per the definition set fourth in the Uniform Relocation Act (URA), a dwelling which meets local housing and occupancy codes. However, any of the following standards which are not met by the local code shall apply unless waived for good cause by the Federal Agency funding the project. The dwelling shall:

- (i) Be structurally sound, weather tight, and in good repair;
- (ii) Contain a safe electrical wiring system adequate for lighting and other devices;
- (iii) Contain a heating system capable of sustaining a healthful temperature (of approximately 70 degrees) for a displaced person, except in those areas where local climatic conditions do not require such a system;
- (iv) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. The number of persons occupying each habitable room used for sleeping purposes shall not exceed that permitted by local housing codes or, in the absence of local codes, the policies of the BHA. In addition, the BHA shall follow the requirements for separate bedrooms for children of the opposite gender included in local housing codes or in the absence of local codes, the policies of such Agencies;
- (v) There shall be a separate, well lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator;
- (vi) Contains unobstructed egress to safe, open space at ground level; and
- (vii) For a displaced person with a disability, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

**Displacement** The act of requiring a displaced person to move permanent from the dwelling in which they occupy for a Federally or State funded or sponsored project.

**Displacement Dwelling** Per the definition set fourth in the Uniform Relocation Act (URA), the dwelling unit in the real properties that the displaced person moves from or moves his or her personal properties from the real properties.

**Displaced Person** Per the definition set fourth in the Uniform Relocation Act (URA),

(i) *General.* The term *displaced person* means, any person who moves from the real properties or moves his or her personal properties from the real properties. This includes a person who occupies the real properties prior to its acquisition, but who does not meet the length of occupancy requirements. (A) As a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of, such real properties in whole or in part for a project; (B) As a direct result of rehabilitation or demolition for a project. (ii) *Persons not displaced.* The following is a nonexclusive listing of persons who do not qualify as displaced persons under this part: (A) A person who moves before the initiation of negotiations, unless the Agency determines that the person was displaced as a direct result of the program or project; (B) A person who initially enters into occupancy of the properties after the date of its acquisition for the project; (C) A person who has occupied the properties for the purpose of obtaining assistance under the Uniform Act; (D) A person who is not required to relocate permanently as a direct result of a project. Such determination shall be made by the Agency in accordance with any guidelines established by the Federal Agency funding the project, or as a result of the rehabilitation or demolition of the real properties. (However, the displacement of a tenant as a direct result of any acquisition, rehabilitation or demolition for a Federal or federally assisted project is subject to this part.); (E) A person who, after receiving a notice of relocation eligibility, is notified in writing that he or she will not be displaced for a project. Such written notification shall not be issued unless the person has not moved and the Agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility.

**Fixed Residential Moving Cost Schedule** This schedule is used to calculate the amount of reimbursement that displaced persons may be eligible to receive if they decide to move their own personal properties. The Federal Highways Administration periodically updates and distributes this schedule. A copy can be found on our web site at: <http://www.fhwa.dot.gov/realestate/index.htm> in the section *Relocation Assistance*. Payment per this schedule is also known as a fixed move payment.

**Household** One or more persons occupying a housing unit.

**Low-income Household** A household whose annual incomes do not exceed 80 percent of the median income for the area, as determined by HUD with adjustments for smaller and larger families, except that HUD may establish income ceilings higher or lower than 80 percent of the median for the area on the basis of HUD findings that such variations are necessary because of prevailing levels of construction costs or fair market rents, or unusually high or low family incomes.

**Memorandum of Understanding (MOU)** The document that explains the temporary

relocation benefits to be provided to an occupant of residential dwelling unit that is required to move from the unit temporarily. The MOU must be provided the occupant for their review and signature prior to the expected move date.

**Notice of Eligibility (NOE)** Also referred to as an NOE, is the written description of the type of permanent relocation benefits and the monetary amount(s) of those benefits a displaced person is eligible to receive under the appropriate relocation statutes or laws for example the URA. This can be given prior to the approval of the relocation plan as deemed appropriate by the BHA.

**Over Housed** A household that resides in a unit, which is larger than their need per the Public Housing, Section 8, and Berkeley Housing Authority occupancy standard.

**Over Income** A household whose income is greater than 80% of area median income, adjusted for their household size.

**Payment Standard** The Section 8 Voucher Payment Standard is the most the Housing Authority can pay to help a family with rent. The family's voucher will show the number of bedrooms authorized by the Housing Authority, based on the number of persons in the family.

Tenants are not required to pay more than 40 percent of the income as rent. The maximum rent shown is set by payment standards **only for new contracts**. For rent increases, there is no limit as to what the landlord may request subject to what the Berkeley Housing Authority determines is a reasonable rent based on comparison with unassisted rental units in the housing market. The Housing Authority would continue to pay the amount below as a maximum, but tenants may choose either to pay the amount of the increase or relocate to a more affordable unit using their voucher.

**Relocation** The act of moving permanently or temporarily from a dwelling unit as a result of a federally or State funded or sponsored project where the URA or other relocation statutes or laws are triggered.

**Relocation Rental Assistance Payment (RAP)** A RAP is the amount of assistance paid to a displaced person, during the relocation process, who is a renter, to compensate for the difference between the monthly rent and utility payment that they will pay at the replacement dwelling unit and what was paid for rent and utilities at the displacement dwelling. This difference is calculated over a 42 month period. If Tenant-based Rental Assistance is available to the displaced person that amount of assistance will off set a portion of the difference and any un-met portion of the difference is eligible to be paid for with a RAP. The RAP must be claimed within 18 months after the displaced person moves from the displacement dwelling.

**Replacement Dwelling** A replacement dwelling is the unit the displaced person elects to

move to from the displacement dwelling. A displaced person must locate and move into a replacement dwelling within 12 months of the date they vacate the displacement dwelling to claim a RAP.

**Tenant-based Rental Assistance** Is a form of Federal or State funded rental subsidy or assistance in which the assisted tenant may move from a dwelling unit with a right to continued assistance. Tenant-based rental assistance under this part also includes security deposits for rental of dwelling units. A common form of Tenant Based Rental Assistance is a Section 8 Housing Choice Voucher.

**Uniform Act (URA)** The term *Uniform Act* means the Uniform Relocation Assistance and Real Properties Acquisition Policies Act of 1970 (Pub. L. 91–646, 84 Stat. 1894; 42 U.S.C. 4601 *etseq.*), and amendments thereto. Also known as the URA.

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