

## ARTICLE 3

### RELOCATION ASSISTANCE

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## ARTICLE 3

### RELOCATION ASSISTANCE

SEC. 7-3.00 TITLE. This Ordinance shall be known as the "Hayward Relocation Assistance Ordinance."

SEC. 7-3.10 APPLICATION. This Ordinance shall apply to all activities of the City and its agencies, and their contractors, which result in the dislocation of any person, business, or farm operation.

SEC. 7-3.11 REGULATIONS.

- a. The City Manager shall promulgate such regulations for the conduct of relocation activities as shall from time to time appear necessary to comply with the provisions of applicable Federal and State law and with this Ordinance. For the purposes of this subsection the City Manager may adopt by reference in whole or in part, any regulations duly promulgated by the United States Department of Housing and Urban Development or by the State of California Department of Transportation insofar as those regulations are consistent with applicable State and Federal law and this ordinance.
- b. Such regulations shall become effective thirty (30) days from the date of their promulgation unless disapproved by the City Council prior thereto.
- c. For the purposes of subsection (b) of this section, the date of promulgation shall be the date on which the City Manager files such proposed regulations or amendments with the City Clerk.

SEC. 7-3.12 COMPENSATION. Every displaced person and the owner or owners of every displaced business and farm operation shall receive all benefits to which they are entitled by law and the regulations and policies of the City of Hayward as soon as practicable following the verification of their eligibility.

SEC. 7-3.13 RELOCATION ADVISORY ASSISTANCE.

- a. The City shall provide relocation advisory assistance to any person, business, or farm operation displaced because of the acquisition of real property by that public entity for public use.
- b. Such advisory assistance shall include:
  - (1) Determining the need, if any, of displaced persons for relocation assistance.
  - (2) Providing current and continuing information on the availability, prices, and rentals of comparable decent, safe, and sanitary housing for displaced persons, and of comparable commercial properties and locations for displaced businesses.

- (3) Assuring that, within a reasonable period of time, prior to displacement, to the extent that it can be reasonably accomplished, there will be available in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within the financial means of the families and individuals displaced, decent, safe, and sanitary dwellings, equal in number to the number of, and available to, such displaced persons who require such dwellings and reasonably accessible to their places of employment, except that in the case of a Federally funded project, a waiver may be obtained from the Federal government.
  - (4) Assisting a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.
  - (5) Supplying information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.
  - (6) Providing other advisory services to displaced persons in order to minimize hardships to such persons.
- c. The City shall coordinate its relocation assistance program with the project work necessitating the displacement and with other planned or proposed activities of other public entities in the community or nearby areas which may affect the implementation of its relocation assistance program.

SEC. 7-3.14 AVAILABILITY.

- a. No person shall be required to move from his dwelling on account of a project unless within a reasonable period of time prior to displacement there are available to such person replacement dwellings which are:
- (1) Decent, safe, and sanitary;
  - (2) Demonstrated to be open to all persons regardless of race, color, religion, sex, or national origin in a manner consistent with Title VIII of the Civil Rights Act of 1968, and available without discrimination based on source of income;
  - (3) In an area not subjected to unreasonable adverse environmental conditions from either natural or manmade sources, and in an area not generally less desirable nor less accessible with regard to public utilities and services, schools, churches, recreation, transportation, and other public and commercial facilities: and
  - (4) Reasonably accessible to the displaced person's place of employment or potential employment;
  - (5) Adequate in size, facilities, and amenities to accommodate the needs of the displaced person and his family; and
  - (6) Available on the market at a rental or price within the financial means of the displaced person, but not exceeding a rental equal to 25 percent of his income or a purchase price of 2 1/2 times his annual income.

- b. The requirement in paragraph a. of this section shall be deemed to have been satisfied if a person is offered and refuses without justification reasonable choices of specifically identified replacement dwellings which fully meet the criteria listed in paragraph a. of this section.
- c. (1) A person to be displaced from a dwelling for a project may be provided temporary housing;
  - (i) in cases of emergency or where such person is subject to economic hardship or conditions hazardous to his health or safety, or
  - (ii) in extraordinary situations where in the absence of such temporary move, the progress of the project would be substantially delayed, provided that the following conditions are satisfied:
    - (a) Such temporary housing is decent, safe and sanitary and within the financial means of such person;
    - (b) Within 12 months of the date of the temporary move, replacement housing meeting the criteria specified in paragraph a. of this section will be available for occupancy by such person;
    - (c) Prior to the temporary move, such person will be given a written assurance that:
      - 1. replacement housing meeting the criteria specified in paragraph a. of this section will be available at the earliest possible time, but in any event not later than the date provided under b. of this subdivision.,
      - 2. to the extent practicable, such replacement housing will be made available to such person on a priority basis; and
      - 3. such person may, notwithstanding the provisions of paragraph b. of this section with respect to available replacement housing reject offers of replacement housing in the expectation of the availability of replacement housing by the time such person would have ordinarily been displaced in accordance with the construction or development schedule of the project.
- (2) The City shall continue to furnish to all persons provided temporary housing under subparagraph (1) of this paragraph all relocation assistance provided for under this subpart c.
- (3) The eligibility of any person for a payment specified under any section of the regulations in this part shall not be affected by a move to temporary housing under subparagraph (1) of this paragraph.

SEC. 7-3.15 PROJECT ACTIVITIES. Project activities will be planned and carried out in a manner that minimizes hardships to site occupants and that involves the smallest magnitude of displacement consonant with the needs of the project or program and the persons to be displaced.

SEC. 7-3.16 MAXIMUM CHOICE. Relocation will be carried out in a manner that will promote maximum choice within the community's total housing supply, lessen racial, ethnic and economic concentrations, and facilitate desegregation and racially inclusive patterns of occupancy and use of public and private facilities.

SEC. 7-3.17 NONDISCRIMINATION. Services will be provided to assure that the relocation process will not result in different or separate treatment on account of race, color, religion, national origin, sex, source of income, economic status, or marital status.

SEC. 7-3.18 RELOCATION ASSISTANCE PLAN. Prior to the acquisition of real property in connection with a project which will result in the displacement of any person, business, or farm operation, the City Council shall approve a relocation assistance plan which shall:

- a. Describe in general terms the proposed project, including an indication of the real property and improvements thereto to be affected;
- b. Take into account the plans and activities of any appropriate central relocation agency;
- c. Estimate the total costs of relocation including, where necessary, the cost of constructing or rehabilitating replacement housing;
- d. Specify the number and kind of replacement housing units needed to insure the provision of adequate replacement housing for each displaced household.

SEC. 7-3.19 PARTICIPATION BY PERSONS TO BE DISPLACED. Persons to be displaced will be afforded the opportunity of participating in the formulation of relocation plans. Persons being displaced will be provided an impact on the residents of the project or program area.

SEC. 7-3.20 REHABILITATION AND DEMOLITION. The City Manager shall authorize payments equivalent to those required by Section 7-3.22 to a person who moves from a dwelling as a result of a rehabilitation or demolition program, or enforcement of the City Housing Code only in cases where the household income of the displacees is inadequate to prevent severe hardship to the displacees as determined by regulations adopted pursuant to Section 7-3.11.

SEC. 7-3.22 RELOCATION PAYMENTS. The City Manager shall authorize the payment of relocation benefits in connection with all City projects in the amounts required by applicable law to all displacees qualifying under the terms of such law or this Ordinance unless he determines that such benefits will be paid from some other source.

SEC. 7-3.24 PAYMENTS TO ADJACENT OCCUPANTS. If the City Manager determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, he shall cause such person to be offered relocation advisory assistance pursuant to Section 7-3.13.

SEC. 7-3.25 PUBLIC INFORMATION. The City Manager shall make available to the public information concerning the City's relocation programs and shall insure that persons to be displaced are fully informed, at the earliest possible time, of available relocation payments and

assistance; the specific plans and procedures to be used to insure the provision of suitable replacement housing for displaced homeowners and tenants in advance of displacement; the eligibility requirements and procedures for obtaining such payments and assistance; and the right of administrative review.

SEC. 7-3.26 ADMINISTRATIVE REVIEW.

- a. Any person aggrieved by a determination as to eligibility for, or the amount of, a payment required by this Ordinance, may have his claim reviewed by the City Manager or his designee, other than the person who made the determination in question, in accordance with regulations adopted pursuant hereto.
- b. If the City denies the eligibility of a claimant for a payment or disapproves the full amount claimed or refuses to consider the claim on its merits because of untimely filing or any other ground, the public agency's notification to the claimant of its determination shall inform the claimant of its reasons therefor and shall also inform the claimant of the applicable procedures for obtaining review of this determination.
- c. Any person who has a right to seek review may request the City Manager to provide him with a full written explanation of the determination of his claim and the basis therefor if he feels that the explanation accompanying the payment of his claim or notice of the City's determination was incorrect or inadequate. The City Manager shall provide such an explanation to the claimant within fifteen (15) days of receipt of claimant's request.
- d. A claimant desiring review and reconsideration of the City's determination shall file a written request for review with the City Manager within six (6) months of the notification to the claimant of its determination.
- e. The claimant may include in his request for review any statement of fact within his knowledge or belief, or other material which he feels has a bearing on his appeal. If the claimant requests more time to gather and prepare additional materials for consideration or review and demonstrates a reasonable basis therefor, he may be granted thirty (30) days from the date of his request for review. If the claimant feels he is unable to prepare the written claim, the City shall notify the claimant of available sources of assistance.
- f. Upon request of the claimant, the City Manager shall afford him an opportunity to make an oral presentation. The claimant may be represented by an attorney or other person of his choosing. This oral presentation shall enable the claimant to discuss his claim with the City Manager or a designee other than the person who made the initial determination having the authority to revise the initial determination on the claim. The City Manager shall make a summary of the matters discussed in the oral presentation and it shall be included as part of the record of the proceeding.
- g. The City Manager shall consider the request for review and shall make a determination as to whether a modification is necessary. This review should be conducted by the City Manager or his authorized designee (other than the person who made the determination). A designee must have the authority to revise the initial determination of the claim and any determination reached pursuant to an oral presentation. The City shall consider every complaint regardless of form.

- h. The City shall review and reconsider its initial determination of the claimant's case in light of:
  - (1) All materials upon which the City based its original determination including all applicable rules and regulations;
  - (2) The reasons given by the claimant for requesting review and reconsideration of his claim;
  - (3) Whatever additional written material has been submitted by the claimant: and
  - (4) Any further information which the City may, in its discretion, obtain by request, investigation, or research, to insure fair and full review of the claim.
  
- i. The final determination on review by the City shall include, but is not limited to.
  - (1) The City's decision on reconsideration of the claim;
  - (2) The factual and legal basis upon which its decision is based, including any pertinent explanation or rationale;
  
- j.
  - (1) The City shall issue its determination of review within thirty (30) days from receipt of the last material submitted for consideration by the claimant.
  - (2) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the City shall issue a statement as to why the complaint was dismissed to the claimant.
  
- k.. Except for confidential materials, as defined by regulations promulgated pursuant hereto and except to the extent specifically prohibited by law, the City shall permit the claimant to inspect all files and records bearing upon his claim or the prosecution of his grievance.
  - (1) The principles established in all determinations by the City shall be applied to all similar cases regardless of whether or not a person has filed a written request for review.