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OFFICE OF THE CITY CLERK  
OAKLAND

# REDEVELOPMENT AGENCY AND THE CITY OF OAKLAND

2010 JUN 30 AM 10: 57

## AGENDA REPORT

TO: Office of the City/Agency Administrator  
ATTN: Dan Lindheim  
FROM: Community and Economic Development Agency  
DATE: July 13, 2010

RE: **Two City And Two Agency Resolutions Regarding The Jefferson Oaks Apartments Project: A City Resolution Approving The Residential Relocation Plans For The Jefferson Oaks Apartments Project; An Agency Resolution Approving The Residential Relocation Plans And Replacement Housing Plan For The Jefferson Oaks Apartments Project, And Amending The Agency's Single-Room Occupancy Replacement Housing Policy To Exempt The Jefferson Oaks Apartments Project; And City And Agency Resolutions Amending Previous Funding Resolutions To Reduce The Number Of Units In The Jefferson Oaks Apartments Project From 110 To 102**

### SUMMARY

The Jefferson Oaks Apartments affordable housing project, sponsored by Affordable Housing Associates (AHA), has been awarded \$3,600,000 of City and Agency affordable housing loans and an \$800,000 City grant. The project has now also received an award of Low Income Housing Tax Credits. Additional City and Agency approvals are now required to enable the City and Agency to provide the funding and allow AHA to acquire the properties and start construction by the tax credit deadline of November, 2010.

The actions requested in the attached resolutions include: 1) City and Agency approval of the Relocation Plans for the Oaks Hotel and the Jefferson Hotel project; 2) Approval of a Replacement Housing Plan for the project; 3) an exemption for the project from the Redevelopment Agency's replacement housing policy for single room occupancy (SRO) units; and 4) a reduction in the number of units in the project from the 110 units included in the original funding Resolutions to 102 units.

The Jefferson Oaks Apartments rehabilitation project will preserve an existing affordable housing resource, increase the number of long-term restricted affordable units, and improve livability for the residents and financial feasibility for the project. However, the rehabilitation will also reduce the absolute number of SRO units in the Oaks Hotel and Jefferson Hotel by 48 units.

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**FISCAL IMPACT**

There is no cost associated with the items in this report. The project has already received funding commitments from the City and Agency. However, if timely action is not taken on the items contained in this report, and if the tax credit deadlines to start construction are not met by November, 2010, the project could be in jeopardy of losing its allocation of Low Income Housing Tax Credits. If the project loses its tax credit allocation, additional operating subsidy from the City or Agency would be required to keep the building operating with sufficient property management until a new plan could be put in place.

**BACKGROUND**

The Oaks Hotel project was approved for a \$1,100,000 Agency loan through the City's Notice of Funding Availability (NOFA) for Rehabilitation of Existing Affordable Housing by Resolution No. 2009-0033 C.M.S. dated March 17, 2009. The project also received a grant commitment of \$800,000 from the City's Department of Human Services under the 2009-10 Permanent Access to Housing (PATH) funding process by Resolution No. 82018 C.M.S., dated May 19, 2009.

To improve livability for residents of the property and improve its financial feasibility, AHA subsequently decided to expand the project by combining the Oaks Hotel with the neighboring property, the Jefferson Hotel, and submitted a NOFA application for additional funding. In March, 2010, the combined Jefferson Oaks Apartments project was awarded a City loan of \$2,500,000 by Resolution No. 82649 C.M.S. The Agency funding commitment for the Oaks Hotel was also committed to the expanded Jefferson Oaks Apartments project by Agency Resolution No. 2010-0045 C.M.S., for a total loan and grant commitment from the City and Agency of \$4,400,000.

The Oaks Hotel is one of the properties in the Oakland Community Housing, Inc. (OCHI) portfolio that is threatened due to OCHI's collapse and by the building's urgent need for rehabilitation. The property has been cited with code violations and has required emergency operating assistance from the Agency and the Oakland Housing Authority to remain open. The Agency provided a \$200,000 grant to the Oaks Hotel through Resolution No. 2009-0082 C.M.S. dated August 25, 2009, to keep property management in the building and ensure the existing tenants did not lose their affordable housing. The City has worked with AHA to come up with a feasible plan to transfer the property and ensure its continuing affordability for the future.

**KEY ISSUES AND IMPACTS**

The Oaks Hotel, located at 587 15<sup>th</sup> Street, currently contains 84 SRO units with shared bathroom and kitchen facilities. The property currently is operated as affordable housing for very low-income and formerly homeless individuals. The Jefferson Hotel, located at 1424

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Jefferson Street, is a market-rate hotel with 65 SRO units with bathrooms, some of which also have kitchenettes.

The Jefferson Oaks Apartments project will reconfigure and connect the buildings at the ground floor to create a total of 102 units between the two properties (47 at the Oaks and 55 at the Jefferson). The total number of SRO units in the two buildings will be reduced by 48, although the total number of long-term affordable units will be increased from 84 to 101.

Under federal and state law, the relocation of tenants needed to rehabilitate the properties requires approval of two Relocation Plans. Under state law, the reduction in the absolute number of units in the property requires approval of a Replacement Housing Plan. The reduction of SRO units without equivalent replacement SRO units also does not meet the Agency's own replacement housing policy for SRO units and the project has requested an exemption from this policy. The unit configuration of the project has also changed, reducing the project to 102 from the originally submitted 106 units.

## **PROJECT DESCRIPTION**

The Jefferson Oaks Apartments will provide 101 affordable units (plus one manager's unit for a total of 102 units) for very low and extremely low-income individuals. The Oaks Hotel and Jefferson Hotel buildings will be connected at the lobby level and will include common areas with computer access for the residents. The scope of rehabilitation work includes unit reconfiguration to include private bathing and cooking facilities and upgraded unit finishes, along with structural, fire, and life-safety upgrades to comply with current building code, accessibility improvements, a high-efficiency ventilation system, elevator upgrades, and other improvements. Sustainable and green materials and building practices will be utilized as part of the rehabilitation. The project also includes approximately 3,500 square feet of existing commercial space at the ground floor level. Rehabilitation work is not anticipated to impact those commercial spaces.

This property is central to the City's PATH plan to create permanent supportive housing for those who are homeless. The project will target half of the units to formerly homeless individuals. Social services will be provided by Lifelong Medical Care, and, for those units subsidized by the Mental Health Services Act, by service providers through Alameda County Behavioral Health Care Services. All units will receive a rental subsidy through new Project-Based Section 8 vouchers from the Oakland Housing Authority. Tenants will therefore pay only 30% of their income for rent.

### **Relocation Plan Approvals**

City and Agency approval of the Relocation Plans is required to comply with California and federal relocation laws. These laws require that public agencies adopt a written plan for the

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relocation of residential households displaced by government activity, in this case, the City and Agency funding of the project.

A detailed Relocation Plan has been finalized for each property, provided as *Attachment A* (Oaks Hotel) and *Attachment B* (Jefferson Hotel). These plans were provided to funding agencies and residents of the properties for a minimum 30 day review and comment period, and comments have been incorporated into the document.

The rehabilitation of the project will begin in November, 2010, with the Jefferson wing beginning construction first. The Jefferson is currently operated as a market rate transient hotel. At this time, approximately 24 of the units are occupied by long-term renters eligible for relocation benefits and the rest are either vacant or occupied by short-term guests. The long-term renters will either be given the opportunity to return after the property is rehabilitated (if eligible) or provided with permanent relocation assistance. After the rehabilitation of the Jefferson is complete, Oaks Hotel residents will either be relocated to the Jefferson, or temporarily moved to equivalent off-site housing while the Oaks Hotel rehabilitation is completed. No Oaks Hotel residents will be permanently relocated. No commercial relocation is anticipated for the rehabilitation work.

### **Replacement Housing Plan Approval**

Due to the Agency's funding of the project, the reduction of 48 units available to very-low income residents requires approval of a Replacement Housing Plan, provided as *Attachment C*. (Federal law also requires replacement housing, but this is addressed within the Relocation Plan.) This Replacement Housing Plan will guide and facilitate the Agency's efforts to bring about the development of replacement housing for persons or families of low or moderate income in accordance with the requirements of State law (California Health and Safety Code Section 33413.5). Replacement housing units will be provided by the 720 E. 11<sup>th</sup> Street project, which has received Agency funding, which involves the new construction of a total of 54 units of affordable housing targeted to very-low income residents, 48 of which will serve as the replacement housing units for the Jefferson Oaks Apartments Project.

### **SRO Replacement Housing Policy Exemption**

The Agency adopted a replacement housing policy for SRO units through Resolution No. 2003-54 C.M.S. dated July 15, 2003. This policy requires one-for-one replacement of SRO units that are destroyed or removed from the housing market as part of a redevelopment project with other replacement SRO units. The definition of an equivalent replacement SRO unit set forth in the policy is fairly narrow, and there are not equivalent SRO units in the development pipeline at this time that can be considered as replacements for the 48 SRO units being reduced due to the rehabilitation of the Jefferson Oaks Apartments. However, the goal of this project is to upgrade this SRO housing stock and provide more permanently affordable units than existed before. Therefore, staff is requesting an exemption to the policy for this project, as no new affordable

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units are currently in the development pipeline that can be considered as replacement SRO units as defined in the policy.

### **Change in Unit Count for the Jefferson Oaks Project**

The NOFA application for the Jefferson Oaks Apartments included a proposed total of 106 units. Since the application was submitted the unit configuration was changed to enlarge a group of units, and to add a manager's unit to the mezzanine level for a total of 102 units. This revised unit count would not have changed the NOFA ranking of this project. Also, in error, the City and Agency Resolutions for the project described the project as 110 units. Therefore, approval of resolutions amending the previous funding resolutions with the updated unit count of 102 units; (101 affordable and one manager unit), is requested.

### **SUSTAINABLE OPPORTUNITIES**

***Economic:*** The Jefferson Oaks Apartments will preserve and expand the affordable housing inventory in Oakland and generate construction and professional services jobs. Providing permanent supportive housing units for formerly homeless households will stabilize their lives and help reduce the emergency health and other services typically required for this population. Providing very-low income people with affordable housing will free up disposable income to be spent on other goods and services in Oakland.

***Environmental:*** This project will utilize sustainable and green materials and practices in the rehabilitation. It will rehabilitate existing housing near public transit, jobs, and other services located in the downtown area.

***Social Equity:*** Affordable housing is a means of achieving greater social equity. The proposed developments will provide affordable rental housing for very low-income and formerly homeless individuals. Affordable housing with social services will help ensure stability for people who have previously had difficulty obtaining safe and decent housing.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

All housing development projects receiving federal funds are required to construct and set aside units to be occupied by persons with disabilities (Federal Section 504 regulation). This means that at least five percent of federally funded newly constructed units will be available to persons with physical disabilities and two percent of units to persons with auditory or visual disabilities. The State's Title 24 and the Americans with Disabilities Act require consideration of persons with disabilities in design and construction of housing. The rehabilitation of the project includes accessibility upgrades. Furthermore, the property will be required to devise a strategy to effectively market housing units to the disabled community and present this strategy in their Affirmative Fair Housing Marketing Plan. This property, due to its funding through the Mental Health Services Act, will particularly target persons with mental disabilities who have been homeless.

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## RECOMMENDATIONS AND RATIONALE

Staff are recommending support for the following actions in order to preserve the affordable units already present in the Oaks Hotel and expand the number of affordable units through acquisition and rehabilitation of the Jefferson Hotel. The project will increase livability for future residents of the project who will be able to obtain higher quality affordable housing which includes private bathing and cooking facilities. The reconfiguration of the project will increase its financial feasibility by increasing the number of units and will ensure that the developer will move forward with rehabilitation of this threatened affordable housing resource.

First, staff recommends that the City and Agency approve the Relocation Plans for the Oaks Hotel and Jefferson Hotel. Residents have been given the opportunity to review and comment on the Plans. Although both permanent and temporary relocation will be required for this project, the Relocation Plans set forth a clear, fair, and viable plan for the residents. A relocation consultant hired by the developer will ensure the experience for residents will be as smooth as possible.

Second, staff recommends that the Agency approve the Replacement Housing Plan for the Jefferson Oaks Apartments project. The Agency has identified the 720 E. 11<sup>th</sup> Street affordable housing project as replacement housing units for the 48 units being reduced through the reconfiguration of the project.

Third, staff recommends an amendment to the Agency's SRO replacement housing policy to exempt the Jefferson Oaks Apartments project. Although the absolute number of SRO units in the two properties will be reduced, residents will have upgraded living conditions, affordable rents, and social services to help them remain housed. Each unit will include private bathing and cooking facilities, rather than the current shared facilities. The project will provide 102 long-term restricted affordable units, rather than the current 84 restricted units in the Oaks Hotel and the 65 market-rate units at the Jefferson. Although units at the Jefferson have been largely occupied by low-income residents, it mostly serves as temporary housing and the cost for these units is not considered "affordable," for extended periods of time, with households only able to afford short-term stays. The goal of the Jefferson Oaks Apartments project is to upgrade this SRO housing resource. It will ultimately be increasing the number of permanently affordable SRO units and will continue to serve extremely low-income individuals (including the formerly homeless) in supportive housing. The Agency is currently not funding any new projects that include SRO units that could be considered as sufficient replacement housing units as spelled out in the policy. Therefore, staff is recommending that this project be exempt from the Agency's policy requiring one-for-one replacement of SRO units.

Fourth, staff recommends the funding resolutions for the project be amended to provide for 102 units. The unit reconfigurations necessitating the reduction from the originally proposed 106

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units have created an improved design. This will also correct the error in the original resolutions, which referred to 110 units.

**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends the following actions in the attached Resolutions for the Jefferson Oaks Apartments: City and the Agency approval of the Residential Relocation Plans, Agency approval of the Replacement Housing Plan, Agency approval to exempt the project from the SRO replacement housing policy, and a reduction in the approved number of units for the project.

Respectfully submitted,



Walter S. Cohen, Director  
Community and Economic Development Agency

Reviewed by:  
Michele Byrd, Deputy Director  
Housing and Community Development

Prepared by:  
Diana Downton  
Housing and Community Development Division

APPROVED AND FORWARDED TO THE  
COMMUNITY AND ECONOMIC DEVELOPMENT COMMITTEE:



Office of the City/Agency Administrator

Attachments

- Attachment A: Relocation Plan, Oaks Hotel
- Attachment B: Relocation Plan, Jefferson Hotel
- Attachment C: Replacement Housing Plan, Jefferson Oaks Apartments

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**ATTACHMENT A:**

OAKS HOTEL

RELOCATION IMPACT STUDY AND  
LAST RESORT HOUSING PLAN



# Oaks Hotel

## Final Relocation Impact Study and Last Resort Housing Plan

Prepared for

Affordable Housing Associates

June 2010

This document was prepared by Associated Right of Way Services, Inc.



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## Executive Summary

**Project Purpose.** Affordable Housing Associates (AHA) is proposing to rehabilitate the Oaks Hotel and combine it with the rehabilitated Jefferson Inn Hotel (Project). The Oaks Hotel has been abandoned by its owner, Oakland Community Housing Initiatives (OCHI), which has ceased business operations and has withdrawn from property management. The Oaks Hotel is located at 587 15<sup>th</sup> Street in Oakland, California. The hotel provides permanent housing for low-income individuals. Residents currently receive rental subsidy from the Oakland Housing Authority through the Section 8 Mod-Rehab or Project Based Section 8 Certificate programs. The Oaks Hotel is a single room occupancy (SRO) hotel with 84 rooms, a manager's apartment, a ground-floor commercial occupant and management and services offices. The hotel is 7 stories and contains approximately 26,250 square feet with no parking. All the residents share common bathrooms and kitchen facilities. The hotel was constructed around 1915. The building is currently managed by the John Stewart Company under contract with the City of Oakland.

Affordable Housing Associates ("AHA") has prepared this Final Relocation Impact Study and Last Resort Housing Plan ("Final Plan") in compliance with California Code of Regulations, Title 25, Chapter 6, §6038. The purpose of this Final Plan is to present the property owner, property occupants, and the Oakland community with general project information and to present AHA's Relocation Assistance Program. AHA has developed its Relocation Assistance Program to ensure that uniform, fair, and equitable treatment is afforded persons displaced from their homes as a result of its actions so that no person shall suffer disproportionate injury as a result of a project created to benefit the public as a whole. AHA's Relocation Assistance Program has been developed in compliance with the following laws and regulations governing relocation assistance:

- Law:** U. S. Code, Title 42, Chapter 61  
Section 104(d) of the Housing and Community Development Act of 1974  
California Government Code Section 7260, et seq.
- Regulations:** 49 CFR 24  
24 CFR 42, 24 CFR 570, and 24 CFR Part 92  
California Code of Regulations, Title 25, Section 6000 et seq.

This Final Plan has been made available to the property owner, property occupants, the City of Oakland, the Redevelopment Agency of the City of Oakland, and the Oakland community for a 30-Day review and comment period. No comments were received; therefore, this Final Plan will be presented to the AHA Board of Directors, the Oakland Housing Authority and the Oakland City Council/Redevelopment Agency for review and approval.

AHA is proposing to work with OHA to combine the Oaks Hotel with the adjacent Jefferson Inn Hotel located at 1424 Jefferson Street. The goal is to rehabilitate the two hotels and create 101 units that will provide affordable housing to low-income individuals plus an on-site managers unit. The hotels are located in downtown Oakland near services, parks, public libraries, mass transit and retail shops.

The proposed rehabilitation includes:

- Replacing or repairing plumbing, structural, mechanical and electrical systems including the boilers, elevators, baseboard heaters, façade, windows and ventilation.
- Improvement of ADA accessibility and security.
- Addressing deferred maintenance issues including the roof, flooring, furniture and fixtures.

- Addition of private kitchenettes and bathrooms to each of the residential units in the Oaks Hotel and kitchenettes in all the residential units in the Jefferson Inn Hotel. The additions to the hotels will create approximately 101 studio apartments.
- Reconfiguration of the ground floors of both hotels to provide a common entrance on Jefferson Street that would include 24-hour front desk service. Additional proposed ground floor uses include a community room for residents, management and services offices and several commercial spaces.

**Temporary Relocation Scheduling and Impact.** AHA plans to begin temporary relocation efforts when the rehabilitation of the Jefferson Inn Hotel has been completed in approximately July of 2011. Each household has already been given a General Information Notice informing them of the planned project. When the temporary relocation is ready to begin, each household will receive a Notice of Non-Displacement. This Notice will inform the households of their temporary relocation entitlements including assistance to search for a temporary replacement site and assistance with claiming relocation reimbursement payments from AHA for moving and all reasonable out-of-pocket expenses.

Approximately 41 households of the Oaks Hotel will be offered permanent replacement housing in the Jefferson "wing" of the combined property after the rehabilitation of the Jefferson wing has been completed. The proposed Project has a commitment for 100 Project Based Section 8 Housing Choice vouchers and all Oaks Hotel residents in good standing with the Housing Authority will maintain their subsidy. The remaining 44 households will be temporarily moved off-site to surrounding hotels. These households will receive "walking vouchers" and will be able to continue to receive Section 8 rental assistance during the time that they are temporarily moved off-site. At time of writing of this Final Plan there were ten vacancies. It is anticipated that the rehabilitation of the hotel will not exceed twelve months and that the households will be able to move back into the Oaks Hotel by July of 2012. The commercial occupant will not need to relocate and will be able to occupy the building during the rehabilitation.

AHA has retained the services of a Relocation Consultant, Associated Right of Way Services, Inc., to prepare the Relocation Impact Study and Last Resort Housing Plan and the Antidisplacement Plan in compliance with Federal and State regulations.

<b>Existing Residential Units</b>	
Total Number of Studio Units:	84
Number of Occupied Units:	74
Number of Vacant Units:	10

**Impact Mitigation.** In order to assess the current occupant characteristics and relocation needs, AHA has provided the Relocation Consultant with occupant information. The information provided by AHA has been summarized in this Final Plan.

In order to determine the feasibility of relocating the hotel households into the surrounding community, AR/WS has researched the area housing market. A survey of the area housing market revealed that an adequate number of hotels and studio apartments exist in downtown Oakland to accommodate the 44 households that will be temporarily displaced by the Project. It is anticipated that all 44 households will be eligible to return to the Oaks Hotel and that no household will need to be permanently relocated.

AHA has determined that the affected households are fully eligible to receive full payment for moving expenses. These relocation benefits are briefly explained in this Final Relocation Plan in the section entitled "Relocation Assistance Program". AHA will provide these benefits in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et. seq.*); 104 (d) of the Housing and Community Development Act of 1974 (24CFR Part 42) and corresponding regulations found in 49 CFR Part 24; and corresponding regulations found in 49 CFR Part 24. AHA will provide additional assistance under California Government Code Section 7260 *et seq.* and implementing guidelines found in the California Code of Regulations, Title 25 if State Law provides a greater level of assistance than federal law.

## Introduction

This Final Relocation Impact Study and Last Resort Housing ("Final Plan") has been prepared in order to provide the Project occupants, citizens of Oakland, the City of Oakland, the Redevelopment Agency of the City of Oakland, OHA, and the U. S. Department of Housing and Urban Development with information concerning the anticipated impacts of the proposed rehabilitation construction project and the measures that will be taken to mitigate such impacts. Specifically, this Final Plan concerns itself with the resources available to relocate the occupants of the Oaks Hotel. Three principal topics will be highlighted in this Final Plan.

**Temporary Relocation Impact.** This section of the Final Plan describes the effects of the project on the households. Information in this section is the result of general occupant information provided by AHA. The Final Plan will describe the hotel, the types and size of housing to be rehabilitated and general occupant characteristics. Since no households were interviewed for preparation of the Final Plan, the writer relied entirely on the information provided by AHA on household characteristics.

**Temporary Relocation Resources.** An analysis was completed on the availability of housing in the City of Oakland to determine the feasibility of relocating residents into the community on a temporary basis. The results of the analysis showed that there is an adequate supply of hotels that can accommodate the needs of the 44 households, however, the vacancy rate for the hotels was not provided. The current vacancy rate in the City of Oakland is 7.4% and for SRO hotels it is about 3%. Therefore, the analysis of available housing has included studio apartments in the downtown area that can accommodate the households.

**Temporary Relocation Assistance Program.** Along with an analysis of resident' housing needs, this Final Plan also outlines the policies and procedures provided to govern the treatment of all residential occupants. These policies and procedures are regulated by Federal and State Laws and have been adopted by AHA to mitigate the impact of redevelopment activities.

**Project Funding and Governing Guidelines.** Subject to securing funding it is anticipated that AHA and OHA will initiate relocation activities upon approval of the Final Relocation Plan. In addition to Redevelopment Agency funds, the major funding sources for this project will come from HUD CDBG and HOME Funds and from the Oakland Housing Authority. Therefore, this Final Plan has been prepared in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et. seq.); the Housing and Community Development Act of 1974 (24 CFR Part 42); and corresponding regulations found in 49 CFR Part 24. AHA will provide additional assistance under California Government Code Section 7260 et seq. and implementing guidelines found in the California Code of Regulations, Title 25 if State Law provides a greater level of assistance than federal law. A summary of these laws and regulations has been included in this Final Plan to familiarize the occupants and the public with AHA's Relocation Assistance Program.

**Project Assurances.** AHA and OHA will not proceed with any phase of this project until the following determinations have been made:

1. This Final Relocation Impact Study and Last Resort Housing Plan has been made available to the project occupants and to other interested parties for their review and comment. This Plan was developed in compliance with California Code of Regulations, Title 25, Section 6038.

2. All persons required to move as a result of this rehabilitation project shall receive fair and equitable treatment.
3. No household that is required to move will receive a 90 Day Notice to Vacate or be required to relocate without first receiving a Notice of Non-Displacement, a Relocation Assistance Handbook and referrals to available replacement sites.
4. AHA will secure funds to pay all required moving costs, replacement housing payments and other relocation benefits. All relocation benefits will be offered and administered through AHA.
5. Fair and reasonable relocation payments will be provided to eligible persons as required by Government Code Section 7260, et seq. and the California Code of Regulations, Title 25, Chapter 6 ("Act and Guidelines").
6. AHA will adopt a Relocation Assistance Program in compliance with the Act and Guidelines.
7. All eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in the Act and Guidelines.
8. Replacement housing will be available within a reasonable period of time prior to the move, sufficient in number, size and cost for the eligible persons who require them.
9. Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to replacement housing available without regard to race, color, religion, sex, marital status, or national origin with minimum hardship to those affected.
10. All persons who will be required to move, neighborhood groups and any relocation committee shall be given an opportunity and shall be encouraged fully and meaningfully to participate in reviewing the relocation plan and monitoring the relocation assistance program.
11. All affected occupants will receive information on Federal fair housing laws (Title VIII of Civil Rights Act of 1968), applicable State and local fair housing laws, and rights provided under Title IV of the Civil Rights Act of 1964.

**Basis of Findings.** In order to determine the project impact and the feasibility of temporarily relocating project households into the surrounding community, John Stewart Company provided information on the household's characteristics. Housing market research was conducted in March of 2010 and gathered through research of on-line rental research sites, the Oakland Housing Authority, survey of the neighborhood and AHA

**Competing Projects.** The City of Oakland Community and Economic Development Agency was contacted regarding any proposed redevelopment projects that will displace households during the same period as the Oaks Hotel project. According to staff there is only one project in the downtown area that may displace approximately 25 families. The anticipated relocation will occur during the summer of 2010. The Oaks Hotel relocation is anticipated to begin in October of 2011.

## Temporary Relocation Impact

Information related to household size and income has been provided by AHA and utilized in the analysis of the Project impact and cost. However, due to the nature of this Final Plan, no attempt has been made to verify the accuracy of the information disclosed.

**Project Occupant Characteristics.** There are currently 74 adults living in the Oaks Hotel.

### Household Ages

Age	Individuals
35 – 50	34
51 – 61	32
62 – 77	8
<b>Total:</b>	<b>74</b>

**Overcrowded Conditions** – No household is currently living in overcrowded conditions.

**Accessibility Needs** – It is not known if any of the households have any special needs that will require the need for Americans with Disability Act Requirements. However, if occupants require assistance to accommodate accessibility needs, a Relocation Advisor will work closely with them to accommodate their special needs.

**Language** – During the relocation process translation services will be provided, if required.

**Income** – None of the households provided income documentation. However, John Stewart Company provided income information for 35 households.

### Annual Income

Income	Individuals
\$3,224 - \$6,656	10
\$8,524 - \$10,680	14
\$11,148 - \$14,491	11
<b>Total:</b>	<b>35</b>

**Tenant-Occupied Dwellings** – The Oaks Hotel is a single room occupancy hotel with 85 rooms with shared bathrooms and kitchen facilities. There are 74 occupied rooms.



**Current Rent and Affordability** – The total contract rent at the Oaks Hotel is \$573 and \$588 per month. The rent paid by the households varies and is based on their monthly income. The households are paying rental amounts from \$50 - \$494 per month.

Based on the income information provided on the 35 households, it is assumed that all the households are Very Low Income per HUD's standards. Relocation Regulations state that *housing which exceeds 30% of household adjusted gross monthly income is not "affordable housing"* nor is it within the financial means of the displaced household. However, all the households in the Oaks Hotel are currently on Section 8 project base rental assistance and will continue to be on Section 8, if they move directly into the Jefferson Inn Hotel after it is rehabilitated, or if required to move off site on a temporary basis they will receive "walking vouchers" until the rehabilitation of the hotel is completed.

**Transportation** – Since there is no parking at the Oaks Hotel it is assumed that none of the households own a car and that they all rely on public transportation. Every attempt will be made to help the households secure replacement housing with similar access to public transportation.

## Temporary Relocation Resources

This section of the Final Plan identifies potential replacement sites for the residential occupants. The information on housing in the area is included as a general representation of available sites. The sites included herein may or may not be available at the time of displacement.

As previously stated in this Final Plan approximately 41 of the residential occupants will be moved directly into the Jefferson Inn Hotel after the rehabilitation. Approximately 44 of the occupants will be required to move on a temporary basis. They have the option to relocate to an area of their choice and into whatever type of housing they choose. AHA will be responsible to assist each household to relocate into Decent, Safe and Sanitary housing in single room occupancy hotels in the City of Oakland area that accommodates the size of the household being displaced. All replacement housing must meet decent, safe & sanitary requirements. In order to meet **Decent, Safe & Sanitary** requirements, a replacement site must meet the following criteria:

- Be structurally sound, weather tight and in good repair;
- Contain a safe electrical wiring system adequate for lighting and other devices;
- Contain a safe 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;
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced household;
- Contain 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 sewer 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 connection for a stove and refrigerator;
- Contain unobstructed egress to safe, open space at ground level; and
- For a displaced person with a disability, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such person.

The search for replacement sites was limited to the Oakland area in order to locate housing that was most comparable to the Project site. Relocation anywhere within Oakland will ensure that the occupants will have similar access to public services, public facilities, transportation and employment.

### **Residential Replacement Sites**

The following survey of available residential units was conducted over a two-week period in March of 2010. The survey utilized local newspapers, internet listing services and inspections of the hotels.

**Single Room Occupancy Hotels** -- The following survey is a list of available single room occupancy hotels. The rental rates for these units range from \$555 to \$1,153 per month. These units are generally equivalent to the Oaks Hotel rooms in terms of quality, condition, and amenities. The majority of apartments include some utilities in the rent rate. Typically, the

landlord pays water, sewer, and garbage. Tenants will be compensated for an increase in utility cost through AHA's Relocation Assistance Program.

No determination has been made as to the direct comparability of these units to the rooms in the Oaks Hotel. That determination will be made upon commencement of the relocation process.

### Single Room Hotels

Hotel	Apartment Address	Type	Monthly Rent
Travelers Hotel	392 11 <sup>th</sup> Street	SRO Hotel	\$555
The Ridge Hotel*	634 15 <sup>th</sup> Street	SRO Hotel	\$595 - \$695
Lakehurst Hotel*	1569 Jackson Street	SRO Hotel	\$735 - \$775
The Avondale	540 28 <sup>th</sup> Street	SRO Hotel	\$802 - \$910
Sutter Hotel**	584 14 <sup>th</sup> Street	SRO Hotel	\$760 - \$1,153
The Madrone	477 8 <sup>th</sup> Street	SRO Hotel	\$351 - \$403
San Pablo Hotel	1955 San Pablo Avenue	Senior Housing	\$425 - \$550
Hugh Taylor House*	1935 Seminary Avenue	SRO Hotel	
Madison Park Apts*	100 9 <sup>th</sup> Street	SRO Hotel	
Effie's House	829 E. 19 <sup>th</sup> Street	Studio & 1 bedroom	

\*Accept Section 8

\*\*Accept Vouchers

**Studio Apartments** -- The following survey is a list of available studio apartments in the downtown Oakland area. The rent for these units ranges from \$600 to \$895 per month and most apartment buildings have more than one vacancy. These units are generally considered to provide better amenities such as, private bathrooms and kitchen areas. The majority of apartments include some utilities in the rent rate. Typically, the landlord pays water, sewer, and garbage. Tenants will be compensated for an increase in utility cost through AHA's Relocation Assistance Program.

No determination has been made as to the direct comparability of these units to the rooms in the Jefferson Inn Hotel. That determination will be made upon commencement of the relocation process.

### Studio Apartments

Apartment Address	Type	Monthly Rent
551 W. Grand Avenue	Studio Apartment	\$600
532 25 <sup>th</sup> Street	Studio Apartment	\$625
751 E. 11 <sup>th</sup> Street	Studio Apartment	\$650
461 24 <sup>th</sup> Street	Studio Apartment	\$650
680 14 <sup>th</sup> Street	Studio Apartment	\$675
1530 Harrison Street	Studio Apartment	\$695
3532 Telegraph Avenue	Studio Apartment	\$700
1824 Linden Street	Studio Apartment	\$750
674 10 <sup>th</sup> Street	Studio Apartment	\$775
801 14 <sup>th</sup> Street	Studio Apartment	\$775
466 24 <sup>th</sup> Street	Studio Apartment	\$795
1580 Madison Street	Studio Apartment	\$795
1461 Alice Street	Studio Apartment	\$875
1434 Jackson Street	Studio Apartment	\$895
1502 Alice Street	Studio Apartment	\$895

## Relocation Assistance Program

This portion of the Final Plan summarizes AHA's Relocation Assistance Program as it pertains to the occupants of the Oaks Hotel. This summary of benefits has been provided for general information purposes only and should not be interpreted as law.

### Definition of Terms

This Final Plan uses various acronyms and jargon that may be unfamiliar to some readers. Therefore, the definitions of various terms and conditions have been presented in this section in order to provide the reader with a greater understanding of the Relocation Assistance Program available to the Project occupants.

***Decent, Safe, & Sanitary (DS&S).*** In order to meet decent, safe and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound, weather tight and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person.
- Contain 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 sewer 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 connection for a stove and refrigerator.
- Contain unobstructed egress to safe, open space at ground level and for a displaced person with a disability, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such person.

***Temporarily Moved Occupant.*** Households that are required to move temporarily out of the Oaks Hotel, that are considered eligible long term occupants and are eligible for Section 8 rental assistance. These households will be eligible to receive Relocation Advisory Assistance, moving cost assistance and payment for all reasonable out-of-pocket expenses.

***Eligible Occupant.*** Relocation Assistance benefits shall be available to all residential tenants who legally occupy a dwelling as their primary residence for 90 days prior to AHA's application to California Tax Credit Allocation Committee.

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended provide benefits only to persons who are legally present in the United States. Persons who are not legally present in the United States may claim Relocation Assistance under Section 104(d) of the Housing and Community Development Act of 1974 (24 CFR Part 42) and California Government Code Section 7260, et seq.

**Low Income.** The calculation of Rental Assistance will factor in the income of persons who are considered to be low income. "Low Income" is defined by the United States Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs. The applicable definition for this project is based upon the 2009 Income Limits as noted below:

Program	1 Person	3 Person
30% of Median	\$18,750	\$24,100
Very Low Income	\$31,250	\$40,200
Low Income	\$46,350	\$59,600

**Governing Regulations**

AHA intends to utilize HUD funding sources for this project from the Oakland Housing Authority, HOME CDBG, and the Redevelopment Agency for relocation of the project occupants and development of the property. Since federal funds will be used, this Final Plan has been prepared in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et. seq.); Section 104 (d) of the Housing and Community Development Act of 1974 (24 CFR Part 42); and corresponding regulations found in 49 CFR Part 24. AHA will provide additional assistance under California Government Code Section 7260 et seq. and implementing guidelines found in the California Code of Regulations, Title 25 if State Law provides a greater level of assistance than federal law. A summary of these laws and regulations has been included in this Plan to familiarize the occupants and the public with AHA's Relocation Assistance Program.

**Relocation Advisory Assistance**

A Relocation Advisor will be assigned to each eligible project occupant. The Relocation Advisor shall provide ongoing advisory assistance by assisting the occupants in locating and securing a Decent, Safe, and Sanitary replacement dwelling. In addition, the Relocation Advisor shall ensure that each eligible occupant receives the following:

1. Each eligible household will receive written documentation informing them of their rights and the availability of relocation assistance and benefits.
2. Each eligible household shall be interviewed by their Relocation Advisor in order to ascertain replacement needs. The Relocation Advisor shall request documentation concerning length of occupancy, occupant income and public assistance, and other pertinent information.
3. The development of this Project shall be so scheduled that no person lawfully occupying the hotel shall be required to move from their dwelling without a written 90 day notice from AHA of the date by which such a move is required. The 90-Day Notice to Vacate will also include a referral to an available replacement site in the area for any residential household.

The Relocation Advisor shall also inform each occupant of the eviction policies that will be pursued in order to carry out the Project.

4. Each eligible occupant shall receive current and continuing information on the availability of replacement sites in the area.

5. Each eligible occupant shall be assigned a Relocation Advisor who shall act as a liaison with prospective landlords, realtors, brokers, and AHA. The Relocation Advisor shall provide documentation to prospective landlords concerning Section 8 rental assistance and security deposits. In addition, the Relocation Advisor shall help each household complete relocation claims that will be submitted to AHA. The Relocation Advisor shall also deliver relocation payments to the occupants or to their assignee.
6. Should an occupant have a grievance against AHA in regards to relocation policies and procedures, the Relocation Advisor will provide the occupant with information concerning AHA's formal grievance procedures.
7. The Relocation Advisor shall inspect each replacement site to ensure that the unit meets Decent, Safe, and Sanitary standards.
8. The Relocation Advisor shall provide any services required to ensure that the relocation process does not result in different or separate treatment of occupants on account of race, color, religion, national origin, sex, marital status, or other arbitrary circumstances.
9. The Relocation Advisor shall provide referrals to other local assistance programs to the household in order to minimize their hardships. When needed, referrals to housing, finance, employment, training, health and welfare, and other assistance programs will be provided.

**Moving Cost Assistance**

Each household is entitled to receive a moving payment from AHA to move their personal property from their room to their replacement home. The household may elect one of the two options:

- 1) **Professional Moving Assistance** - The household may choose to have a professional moving company move their personal property from their room to their replacement site. AHA will pay actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. AHA will pay all reasonable costs to pack, move and unpack all personal property up to 50 miles from the displacement site. If a household chooses this option, a professional moving company will be paid directly by AHA to perform the move.
- 2) **Self-Move** - A household may choose to move their own property to the replacement site and submit a claim based on one or a combination of the following methods:

**Moving Cost Allowance Schedule.** This allowance is in accordance with a schedule maintained by the Federal Highway Administration.

Number of Rooms of Furniture		Occupant Does Not Own Furniture	
1 room	2 rooms	1 room/no furn.	Add' room no furn.
\$625	\$800	\$400	\$65

**Actual Cost Move.** The claim for an Actual Cost Move must be supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting equipment but should not exceed the cost that would have been charged by a commercial mover.

### **Rent Differential Payments**

It is anticipated that the households at the Oaks Hotel that are required to move off-site on a temporary basis will receive "walking vouchers" to use at the temporary site they move to and therefore, will not require any rental assistance other than any out-of-pocket expenses for credit checks, security deposits and utility reconnection fees.

However, if the temporarily displaced household was not able to locate a temporary replacement site that accepted Section 8, they would be entitled to rental assistance for the period that they are off-site, not to exceed a 12 month period.

The following explanation of the rental assistance program is included here for purposes of information.

A Rent Differential Payment is a payment made to a residential tenant to assist with an increase in rent at the replacement site and to make the replacement housing affordable to the displaced tenant. All Rent Differential Payments will be made either directly to the tenant or a tenant's designee. The purpose of a Rent Differential Payment is to allow a household to relocate to a replacement dwelling without having to pay an increase in rent for the 12 month period that they are required to be off site under State and Uniform Relocation Act guidelines. If the household provides adequate documentation, and if the household qualifies as Low Income, then the Rent Differential Payment will be based on income or current rent, whichever method proves to provide the greatest assistance.

The household will receive a Letter of Entitlement that describes all relocation benefits and the maximum Rent Differential Payment to which the household is entitled. The Letter will also explain the "spend to get" requirement. The "spend to get" requirement means that benefit payments will be made only when the tenant demonstrates that entitlement amounts have been or will be spent. Rent Differential Payments must be used for reasonable and necessary expenses related to replacement housing.

### **Claim Processing and Distribution of Payments**

All claims are to be filed through a Relocation Advisor. The Advisor will assist the occupants in completing their claim forms, will notify each occupant of the documentation needed in order to file the claim, and will inspect all replacement properties as needed. Each claim will be submitted along with documentation to AHA for review and processing. Checks will be available for approved claims within three weeks of the date all documentation is submitted to the Relocation Advisor. Checks will be delivered to the occupant or to the occupant's designee. AHA shall provide advance payments when necessary to secure replacement housing in a time frame that may be dictated by new landlords and whenever a later payment would result in financial hardship.

### Occupant Notification

Each household will be receiving a Letter of Non-Displacement.

### Eviction Policy

AHA recognizes that eviction is permissible only as a last resort and that relocation records must be documented to reflect the specific circumstances surrounding any eviction. Eviction will only take place in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous or illegal act in the unit, or if the household refuses all reasonable offers to move. Eviction will not affect the eligibility of a person legally entitled to relocation benefits.

### Appeals and Grievance Process

Under the guidelines of the City of Oakland ("City") and the Redevelopment Agency of the City of Oakland ("Agency"), any complainant, who believes himself/herself aggrieved by a determination by AHA as to eligibility or the amount of a relocation payment may, at his or her election, have his/her claim reviewed and reconsidered by the City/Agency in accordance with the following procedures:

- A person or organization directly affected by the relocation project may petition the California Housing and Community Development Department ("HCD") to review the final relocation plan to determine if the plan is in compliance with state laws and guidelines, or review the implementation of a relocation plan to determine if the City/Agency is acting in compliance with its relocation plan.
- If AHA denies or refuses to consider a claim, AHA's notification to the complainant of its determination shall inform the complainant of its reasons, and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English.
- **Request for Further Written Information.** A complainant may request AHA to provide him or her with a full written explanation of its determination, if he/she feels that the explanation accompanying the payment of the claim or notice of AHA's determination was incorrect or inadequate. AHA shall provide an explanation to the complainant within three weeks of its receipt of his or her request.
- **Informal Oral Presentation.** A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed with the City/Agency within the period described in this section. The City/Agency shall afford the complainant the opportunity to make a presentation before a management-level City staff person within the City's Community and Economic Development Agency, as that staff person is designated by the City/Agency. The complainant may be represented by an attorney or other person of his/her choosing at his/her expense. This oral presentation shall enable the complainant to discuss the claim with the designated City staff person. AHA shall be given the opportunity to respond to the presentation and participate in the discussion. The designated City staff person shall make a summary of the matters discussed in the oral presentation to be included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.
- **Written Request for Review and Reconsideration.** At any time within the time period described in this section, a complainant may file a written request with the City/Agency for formal review and reconsideration. The complainant may include in the request for



review any statement of fact within the complainant's knowledge or belief or other material that may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis, the City/Agency may grant the complainant's request allowing a specified period of time to gather and prepare additional material.

- **Time Limit for Requesting Review.** A complainant desiring either an informal oral presentation or seeking formal review and reconsideration, shall make a request to the City/Agency *within eighteen months following the date he/she moves from the property.*

#### **Formal Review and Reconsideration by the City/Agency.**

- **General.** The City/Agency shall consider the request for formal review and shall decide whether a modification of AHA's initial determination or the City/Agency staff determination pursuant to the informal review process above. This formal review shall be conducted by the City of Oakland Housing, Residential Rent, and Relocation Board (the "Board"), sitting as the City/Agency's relocation appeals board. The City/Agency shall consider the complaint regardless of form, and Board staff shall, if necessary, provide assistance to the claimant in preparing the written claim. When a claimant seeks review, Board staff shall inform him/her that he/she has the right to be represented by an attorney at the claimant's expense, to present his/her case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he/she *has exhausted the administrative appeal.* AHA shall be given the opportunity to respond to the claim and participate in the formal review before the Board.
- **Scope of Review.** The Board shall review and reconsider AHA's initial determination or the City/Agency staff person's determination, as applicable, of the claimant's case in light of: (1) all material upon which AHA based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness; (2) the reasons given by the claimant for requesting review and reconsideration of the claim; (3) any additional written or relevant documentary material submitted by the claimant; (4) any further information which the Board, in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.
- **Determination on Review by City/Agency.** The determination on review by the Board shall include, but is not limited to: (a) the Board's decision on reconsideration of the claim; (b) the factual and legal basis upon which the decision rests, including any pertinent explanation or rationale; and (c) a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought. The determination shall be in writing with a copy provided to the claimant and AHA. The Board's decision shall be binding on AHA.
- **Time Limits.** The City/Agency shall issue its determination on review as soon as possible but no later than six weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later. In the case of complaints dismissed for un-timeliness or for any other reason not based on the merits of the claim, the City/Agency shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than two weeks from receipt of the last material submitted by the claimant, or the date of the hearing, whichever is later.

**Refusals to Waive Time Limitation.**

Whenever the City/Agency rejects a request by a claimant for a waiver of the time limits, the claimant may file a written request for reconsideration of this decision, except that such written request for reconsideration shall be filed within 90 days of the claimant's receipt of the City/Agency's determination.

**Extension of Time Limits.**

The time limits specified may be extended for good cause by the City/Agency.

**Recommendations by Third Party.**

Upon agreement between the claimant and the City/Agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations to the City/Agency for its final determination. In reviewing the claim and making recommendations to the City/Agency, the third party or parties shall be guided by the provisions of this Appeals/Grievance Procedure.

**Review of Files by Claimant.**

Except to the extent the confidentiality of material is protected by law or its disclosure is prohibited by law, the City/Agency and AHA shall permit the claimant to inspect all files and records of his or her claim. If a claimant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

**Effect of Determination on Other Persons.**

The principles established in all determinations by the Housing, Residential Rent, and Relocation Board shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

**Right to Counsel.**

Any aggrieved party has a right to representation by legal or other counsel at his or her expense at any and all stages of the proceedings set forth in these sections.

**Stay of Displacement Pending Review.**

If a complainant seeks to prevent displacement, AHA shall not require the complainant to move until at least 20 days after the City/Agency has made a determination and the complainant has had an opportunity to seek judicial review. In all cases AHA shall notify the complainant in writing 20 days prior to the proposed new date of displacement.

**Judicial Review.**

Nothing in this Appeals/Grievance Procedure shall in any way preclude or limit a claimant or AHA from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available herein.

## Housing of Last Resort

As previously stated it is not anticipated that any of the household of the Oaks Hotel will be required to move permanently or will require rental assistance during the temporary off site move. However, if a household would not be able to locate a temporary replacement site that accepted Section 8 assistance and the rent at the replacement site exceeded the rent at the Oaks Hotel, and was more than 30% of the household's monthly gross income, the household may be entitled to assistance under the Last Resort Housing Program if the payment exceeded \$5,250.

Whenever a program or project cannot proceed on a timely basis because replacement dwellings are not available within the monetary limits for tenants (\$5,250), AHA shall provide *additional or alternative assistance under the Last Resort Housing provision*. Any decision to provide last resort housing assistance must be adequately justified either on a case-by-case basis, for good cause, which means that appropriate consideration has been given to the availability of replacement housing in the project area; the resources available to provide replacement housing; and the individual circumstances of the displaced person. Alternatively, AHA may determine that:

- There is little, if any, replacement housing available, therefore, last resort housing assistance is necessary;
- A program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and
- The method selected for providing last resort housing assistance is cost effective, considering all elements, which contribute to total project costs.

AHA has considered its options for providing housing of last resort to the persons affected by this Project. AHA has broad latitude in implementing housing of last resort. However, implementation shall be for reasonable cost, on a case-by-case basis. The methods of providing replacement housing of last resort include, but are not limited to:

- A replacement housing payment in excess of the statutory limits established for tenants (\$5,250). A replacement housing payment under this section may be provided in installments or in a lump sum at AHA's discretion.
- Rehabilitation of and/or additions to an existing replacement dwelling.
- The construction of a new replacement dwelling.

Under special circumstances, methods of providing replacement housing of last resort permit consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling, including upgraded, but smaller replacement housing that is decent, safe and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence.

**Recommended Action.** The most flexible of the Last Resort options is for AHA to pay Rent Differential Payments in excess of \$5,250 as needed. Since there is an adequate supply of replacement hotels apartments available, building replacement housing units and managing the property is not AHA's policy at this time. It is also highly unlikely that construction of new replacement units could be completed to meet the project schedule.

A Study of the local housing market indicates that there will be an adequate supply of single room occupancy hotels and studio apartments to meet the needs of the project occupants during the displacement period. Some of these units, however, would not be affordable to the households if they do not accept Section 8 rental assistance. If necessary, the recommended course of action is for AHA to provide supplemental replacement housing funds to bring the units within the financial means of the occupants.

## Project Planning

The following information and recommendations have been provided to assist AHA with the planning of this Project.

### **Project Time Line**

Households will be provided relocation advisory assistance to assist them in securing temporary replacement sites. It is anticipated that this will begin by October of 2011.

### **Staffing Needs**

*Based on the identified needs, two Relocation Advisors will be needed to provide relocation advisory assistance to the occupants.*

### **Citizen Participation/Plan Review**

AHA has provided a copy of the Relocation Plan to the project occupants for their review and comment. *AHA's relocation policies and procedures, will guarantee the occupant's right to submit comments and have those comments included in this Final Relocation Plan.*

### **Estimate of Project Relocation Costs**

The following estimate is for budgeting purposes only. The figure should not be interpreted as firm, "not to exceed" or actual entitlement costs. The figure is based on the data obtained from AHA, current project scope, replacement site availability, and the judgment and experience of the writer. The Most Probable Cost is based on approximately 41 households moving directly into the Jefferson Inn Hotel after it is rehabilitated, and the 44 households moving off-site on a temporary basis into other hotels that accept Section 8 and then back into the Oaks Hotel after rehabilitation. The estimates do not include payments to consultants or to contractors.

<b>Most Probable Cost</b>
\$115,000

## Appendix

- Residential Antidisplacement and Relocation Assistance Plan
- General Information Notice
- Relocation Assistance Program Handbook
- Project Map

Affordable Housing Associates  
Residential Antidisplacement and Relocation Assistance Plan  
Under Section 104(d) of the Housing and Community Development  
Act of 1974, as Amended

Affordable Housing Associates ("AHA") has developed this Residential Antidisplacement and Relocation Assistance Plan ("Plan") in accordance 24 CFR part 42, subpart B in an effort to certify that AHA is following a Plan that will minimize the displacement of persons as a result of assisted activities.

A Commitment to Minimizing Displacement. Consistent with the goals and objectives of activities assisted under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA") as amended, Affordable Housing Associates will minimize the displacement of persons from their homes by:

1. Evaluating projects funded by Community Development Block Grant and HOME that might involve displacement of low/moderate-income households and ensure that the relocation and replacement housing obligations provided.
2. Pursue the funding of projects that will not involve the displacement of low/moderate-income households.
3. Pursue projects that will not involve the displacement of low/moderate-income households to seek alternative sites for development.
4. Giving preference to displaced low/moderate-income households in new projects, if the person or family qualifies for the project.

A Commitment to Provide Relocation Assistance. AHA shall provide relocation assistance as described in 24 CFR 570.606, to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities. This includes the levels of assistance outlined in Section 104(d) of the Housing and Community Development Act of 1974 and further defined in 24 CFR 42.350 which provide for rental assistance over a 60 month period.

AHA shall provide each household with the option of receiving assistance as described in 49 CFR 24 which provides for rental assistance over a 42 month period if it is determined that such assistance is in the household's best interest.

Temporarily displaced households shall be provided with assistance to cover reasonable out-of-pocket expenses during displacement. This can include advisory assistance and monetary assistance for increased rent, moving costs, security deposits and increased utility costs. In rare cases, a per-diem may be provided for food costs if housing is not available.

Displaced persons shall be relocated into decent, safe and sanitary dwellings that are adequate in size to accommodate the dwelling occupants. Replacement dwellings shall be functionally equivalent to the acquired dwellings and shall not be subject to unreasonably adverse environmental conditions.

Displaced persons shall have the right to appeal a claim that is denied by AHA.

Distribution of relocation assistance payments shall be made on a timely basis in a minimum of two installments. A displaced household may elect to receive a lump-sum payment equal to the capitalized value of the relocation assistance payment to allow for the purchase of replacement housing in accordance with program restrictions.

A Commitment to Provide One-For-One Replacement. AHA shall replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1) and 24 CFR 42.375. Dwellings shall be provided within the same community and shall be designed to remain affordable to persons of low and moderate income for ten years from the date of initial occupancy.

All replacement housing will be provided within three years of the commencement of the demolition and rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, AHA will make public and submit to the HUD Field Office the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of the initial occupancy.

March 11, 2010



Oaks Hotel  
587 15<sup>th</sup> Street, Unit #602  
Oakland, California 94612-1416

Re: General Information Notice

Dear Mr.:

Affordable Housing Associates (AHA) and the Oakland Housing Authority (OHA) in partnership are proposing to develop an affordable housing project that will include the Oaks Hotel and the Jefferson Inn Hotel. At the moment, the project is still in the planning phase.

If AHA and OHA are able to move forward with the proposed project, it may be necessary for the Oaks Hotel residents to move temporarily some time in 2011 to accommodate rehabilitation activities. After the rehab work is complete, residents in good standing will be offered a studio apartment at either the Oaks or Jefferson wing of the completed building. AHA will work in partnership with the OHA to continue to provide the project-based Section 8 rental assistance, which residents of the Oaks Hotel already receive.

The purpose of this notice is to inform you of the proposed project, to answer questions related to the project, the project schedule, and to advise you of your rights, if any, to receive relocation assistance under federal laws and regulations. AHA has retained the services of Associated Right of Way Services, Inc. to prepare a Relocation Impact Statement and Last Resort Housing Plan ("Plan"). The Plan will address the needs of the project occupants and the assistance that will be available if the project proceeds.

Persons who are displaced for a publically funded project may be eligible for relocation advisory services and payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) and the implementing regulations found in the Code of Federal Regulations (49 CFR Part 24). A brief explanation of these laws and your rights are found in the attached Relocation Assistance Brochure.

It is important that you understand that **this notice does not require you to move at this time**. This is not a notice to vacate the premises. It is important that you continue to honor the terms of your rental agreement. When the timeline for rehab activities is more certain and funding has been received for the project, you will receive additional information, a Notice of Eligibility, and a notice about when you will have to move. Please contact us before you make any moving plans. If you move before you receive a Notice of Eligibility from AHA, you may not be eligible to receive relocation benefits.

If the project moves forward, you will be given advisory services, including assistance in moving expenses. The following information relates to general relocation services and payments.

**Relocation Advisory Assistance.** A Relocation Advisor will be available to help you through the relocation process. Your Relocation Advisor will provide you with information concerning your entitlements, project scheduling, available housing, and claim processing.

1250 Addison Street, Suite G • Berkeley, CA 94702 • 510-649-8500 • Fax: 510-548-3094 • info@ahainc.org • www.ahainc.org

*strengthening individuals, families, and communities through affordable housing*



**Moving Expenses.** If you are required to move as a result of this project, you will be eligible to receive reimbursement for certain moving expenses.

**Replacement Housing Costs.** When you move from the Oaks Hotel to the Jefferson Inn Hotel after the rehabilitation has been completed, the Oakland Housing Authority will simply transfer your Section 8 Housing Voucher and security deposit to your new unit. Therefore, it is anticipated that you will not experience any increase in rent.

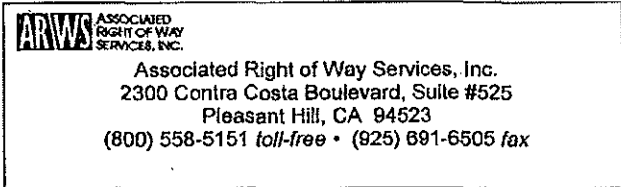
**Timing of Payments.** No relocation payment can be made until AHA requires you to move temporarily to accommodate rehab activities. You will be notified in writing within 90 days of that date.

**Your Right to Appeal.** You may appeal if you believe AHA has failed to properly determine your eligibility or the amount of payment authorized by the Relocation Regulations. You have the right to be represented by legal counsel, but this is not required. If you still believe a proper determination has not been made, you may seek judicial review.

Certain conditions must be satisfied before AHA will confirm your eligibility for residential relocation assistance; documentation of your income and legal residency certification are required for all residential occupants.

All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act.

Please contact AHA if you have any questions regarding the project. If you have any questions on the Relocation Assistance Program, please contact Ms. Cyndi Pagan at 1-800-558-5151.



Please be aware that pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible to receive relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

Thank you for working with us to help to plan for this important project. Should you have additional questions or if I can be of additional service please contact me by phone at (510) 649-8500.

Sincerely,

Eve Stewart

cc: ARWS, inc.

Certification of Delivery	
<input type="checkbox"/>	This Notice was sent via first class and certified mail on _____.
<input type="checkbox"/>	This Notice was personally delivered on _____.
<input type="checkbox"/>	This Notice was posted on Room # _____ on _____.
Signature:	Date:

# Relocation Assistance Handbook

Summarizing Assistance Available to Temporarily and  
Permanently Displaced Households

PROVIDED TO YOU AS A COURTESY BY

AFFORDABLE HOUSING ASSOCIATES

Summarizing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,  
as amended (42 U.S.C. 4601 *et seq.*) and implementing regulations found in 49 CFR 24

This handbook has been provided to you as a courtesy by Affordable Housing Associates and is intended to provide general information concerning the Relocation Assistance Program that is available for this rehabilitation project. Further details regarding relocation assistance and benefits are set forth in federal law and regulations. Those laws and regulations can be found in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*); Section 104(d) of the Housing and Community Development Act of 1974; and corresponding regulations found in 49 CFR 24, 24 CFR Part 42, 24 CFR 570, and 24 CFR Part 92. Your Relocation Advisor will also be available to help you to understand the assistance that is available to you through this program.

This summary of benefits has been provided for general information purposes only and it is not meant to be interpreted as law.

### Relocation Assistance for Persons Temporarily Displaced

When private developers purchase property with public funds, the goal is often to provide for the development of affordable housing. Developers often purchase properties that are in disrepair or that show signs of deferred maintenance. Target problems are identified, funds are secured, and then the developer rehabilitates the properties. After rehabilitation is completed, many of the units in the complex become affordable housing units and are controlled by the program rules tied to the project funding.

Oftentimes, the properties are occupied by households who have lived in the property for some time. The goal of the developer is to give those households the first option to return to the property after rehabilitation is completed. Sometimes, households can remain in their apartments while rehabilitation work is being done. Other times, the construction work is more involved and households must move into other apartments in the complex while rehabilitation work is being completed. The last option is to move households offsite into rentals in the greater community. This last option is only required when construction is significant and the households could not safely remain on site during rehabilitation.

In any case, the developer must adequately plan how to provide housing and assistance to the tenant households who will be affected during construction. The developer must attempt to interview each household and determine the needs of the occupants and whether or not each household income qualifies to live in the apartment complex after rehabilitation is completed. The developer then prepares a Relocation Impact Study and Last Resort Housing Plan ("Plan") that outlines the scope of the project, the affect the project will have on the existing occupants, and the assistance that will be provided to those occupants. The Plan will identify the governing laws and regulations that will apply to the project. That Plan is then circulated for public review and comment for 30 days before being submitted to the governing body for review and adoption. This planning requirement is found in the Government Code of the State of California, Sections 7260 and 7261 and the California Code of Regulations, Title 25, Chapter 6, Section 6038.

It is important that each household meet with a Relocation Advisor to understand their rights and responsibilities under the Temporary Relocation Assistance Program ("Program"). Since the affordable housing project is being created to house persons who meet certain income criteria, it is important that each household provide information on their household and the income of each household member. Each household will be asked to provide this information when a Plan is being prepared and again when the rehabilitated units are ready for occupancy. The developer will determine which households are eligible to return to the project once rehabilitation is complete.

If a household is eligible to return to the project after rehabilitation is completed, then the household will be given a **Notice of Relocation Assistance for Temporarily Displaced Households** which is also known as a **Notice of Non-Displacement** and a copy of this **Relocation Assistance Handbook**. Those documents will identify all of the benefits and conditions for receipt of benefits for the household. Those benefits and conditions are briefly described below.

**Persons Eligible to Receive Relocation Assistance.** In general, persons who are in legal occupancy and who are required to move as a direct result of the project are eligible to receive assistance under this program. Persons who moved in to the apartment complex with prior knowledge of the project are not eligible to receive assistance under this program. Persons who are not eligible were provided with a Move-In Notice prior to occupancy that described the pending project. These occupants were asked to sign the Move-In Notice prior to signing a Rental Agreement.

**Relocation Advisory Assistance.** The United States Congress determined that any person being affected by a publicly funded project had the right to receive assistance in understanding the laws and regulations that protect them if they are required to move for a project. Congress determined that a knowledgeable Relocation Advisor be available to each household to help them through the process, to provide them with notices as required, and to provide them with verbal and written information. Your Relocation Advisor will be available to answer your questions and to help you throughout the move process.

**Property Management.** Affordable Housing Associates will work with each household to complete the application process and to orchestrate the timing and the details of the temporary move. All property management issues should be directed to the property manager throughout the process.

**Project Noticing.** There are several notices that each affected household will receive that will help to keep occupants informed as the project progresses. Each eligible occupant has the right to receive these documents in a timely manner and in a language that they can understand.

• <u>General Information Notice:</u>	This notice provides information about the project and eligibility as soon as a potential project is identified.
• <u>Initial Contact Letter:</u>	This letter requests that each household meet with a Relocation Advisor to understand conditions and benefits of the Program.
• <u>Notice of Relocation Assistance for Temporarily Displaced Households (Notice of Non-Displacement):</u>	This notice outlines the conditions and benefits of the program as they pertain to each specific household. It will also identify the anticipated dates that the household will be required to move.
• <u>90-Day Notice to Vacate:</u>	This notice provides a minimum of 90-days written notice of the date that the household must move from the apartment. A household may choose to move sooner if a temporary housing unit is available to them.
• <u>Notice of Unit Availability:</u>	This notice is sent to each household to identify a rehabilitated unit that is available for them. The household will need to complete the application process with the Property Manager.

**Project Scheduling.** No household will be required to be housed temporarily for more than 12 months. AHA will provide a minimum of 90 days written notice to each household of the date they must vacate their apartment. While a household may choose to vacate sooner than the required vacate date, a rehabilitated apartment will be available within 12 months of the date the household is **required** to move.

Each household who will be returning to the rehabilitated project will be provided a **Notice of Unit Availability** as soon as a rehabilitated unit is available to them. This notice is sent to each household to inform them which unit is available for them to occupy. Each household will need to complete the *application process with the Property Manager who will make the final determination regarding occupancy.* After a household receives confirmation that a unit is available, the household will have 30 days to sign all necessary Rental Agreements and supporting documentation and to move in to the unit. If the household chooses not to complete the application process, or chooses not to move in to the unit within 30 days, then the household forfeits all rights to priority housing within the complex and any additional assistance under the Program.

**Right to Decent, Safe and Sanitary Housing.** Each household has the right to rent and occupy a Decent, Safe, and Sanitary replacement unit that accommodates the size of their household in accordance with local housing occupancy standards. Decent, Safe, and Sanitary ("DS&S") is defined as:

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons.
- Have 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.

- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

**Monetary Assistance.** AHA will cover all actual and reasonable out-of-pocket expenses related to the household's move from the apartment and back into a rehabilitated apartment unit. These costs can include the following payments, depending on the type of temporary housing available during displacement:

- **Payment for Moving Related Expenses.** A household may choose either Option A or B.

**Option A**

- AHA can reimburse the household to hire a professional moving company to perform the move.
- AHA can reimburse the household for the cost to pay for credit check fees
- AHA can reimburse the household for the cost to reconnect utilities.

**Option B**

- AHA can pay the household to move themselves based on a Fixed Moving Payment Schedule as shown below:

If the Occupant owns Furniture - Number of Rooms of Furniture							If the Occupant does not own furniture	
1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	1 room no furniture	Each additional room/no furniture
\$625	\$800	\$1,000	\$1,175	\$1,425	\$1,650	\$1,900	\$400	\$65

- **Payment for Rent Increase During Temporary Displacement.** If there is any increase in rent during the time that the household rents and occupies temporary housing, then AHA will pay for the difference between the rent at the temporary site and the rent at the original apartment.
- **Security Deposit Assistance.** AHA will return the original security deposit so that the household can use it to secure temporary housing. If the security deposit is higher than the deposit that is returned by AHA, then AHA will make up the difference in the price of the security deposit. That amount will be return to AHA when the tenant vacates the temporary unit and returns to the rehabilitated apartments.

## Relocation Assistance for Persons Permanently Displaced

When private developers purchase property with public funds, the goal is often to provide for the development of affordable housing. Developers often purchase properties that are in disrepair or that show signs of *deferred maintenance*. *Target problems are identified, funds are secured, and then the developer rehabilitates the properties. After rehabilitation is completed, many of the units in the complex become affordable housing units and are controlled by the program rules tied to the project funding.*

Oftentimes, the properties are occupied by households who have lived in the property for some time. The goal of the developer is to give those households the first option to return to the property after rehabilitation is completed. Sometimes, however, a household cannot qualify to return to the project once rehabilitation is completed. *This can be a result of income or due to the number of people living in the household that cannot be accommodate by the project.*

The developer must adequately plan for how they will provide housing and assistance to the tenant households who will be affected during construction. The developer must attempt to interview each household and determine the needs of the occupants and whether or not each household income qualifies to live in the apartment complex after rehabilitation is completed. The developer then prepares a Final Relocation Impact Study and Last Resort Housing Plan ("Final Plan") that outlines the scope of the project, the affect the project will have on the existing occupants, and the assistance that will be provided to those occupants. The Plan will identify the governing laws and regulations that will apply to the project. That Plan is then circulated for public review and comment for 30 days before being submitted to the governing body for review and adoption.

It is important that each household meet with a Relocation Advisor to understand their rights and responsibilities under the Relocation Assistance Program ("Program"). Since the affordable housing project is being created to house persons who meet certain income criteria, it is important that each household provide information on their household and the income of each household member. Each household will be asked to provide this information when a Plan is being prepared and again when the rehabilitated units are ready for occupancy. The developer will determine which households are eligible to return to the project once rehabilitation is complete.

If a household is determined to be ineligible to return to the project after rehabilitation is completed, then the household will be given a **Notice of Eligibility** and later a **Conditional Entitlement Letter**. Each household will also be given a copy of a **Relocation Assistance Handbook**. Those documents will identify all of the benefits and conditions for receipt of benefits for the household. Those benefits and *conditions are briefly described below.*

**Relocation Advisory Assistance.** The United States Congress determined that any person being affected by a publicly funded project had the right to receive assistance in understanding the laws and regulations that protect them if they are required to move for a project. Congress determined that a knowledgeable Relocation Advisor be available to each household to help them through the process, to

provide them with notices as required, and to provide them with verbal and written information. Your Relocation Advisor will be available to answer your questions and to help you throughout the move process.

Your Relocation Advisors will help you to find comparable, decent, safe, and sanitary replacement housing and to secure that housing. They will also prepare claim forms on your behalf and help you to file those claims for reimbursement under the Relocation Assistance Program ("Program").

**Definition of Terms.** This Program incorporates certain language that may be unfamiliar to the reader. Therefore, the following terms have been defined.

**Comparable Replacement Dwelling.** A definition of a comparable replacement dwelling is a dwelling that is of similar size and type to the acquired dwelling. A more specific definition would include:

- Decent, safe, and sanitary as described below.
- Functionally equivalent to the displacement dwelling. The term "functionally equivalent" means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
- In an area not subject to unreasonable adverse environmental conditions from either natural or manmade sources.
- Available to all persons regardless of race, color, religion, sex, marital status, or national origin.
- Within the financial means of the displaced person (housing costs do not exceed 30% of the household's average monthly income), either by their own means or through assistance from AHA.

**Decent, Safe, & Sanitary (DS&S).** In order to meet decent, safe, and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons.
- Have 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.
- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.



**Displaced Person/Household.** Lawful occupants required to move from the Property due to the rehabilitation of existing dwelling units and conversion to an affordable housing development and the displacement lasts longer than 90 days. Displaced persons will be eligible to receive Relocation Advisory Assistance, Moving Expense Payments, and Replacement Housing Payments (eligibility for replacement housing payments will be determined on a case-by-case basis).

**Summary of Residential Occupant Benefits**

AHA has adopted the following Relocation Assistance Program in order to provide displaced persons with the benefits to which they are entitled under governing regulations.

**A. Moving Cost Assistance.** Each displaced household is entitled to receive a moving payment from AHA to move their personal property to their replacement home. Each household may elect one of the two options for cost reimbursement as outlined below for each move:

**Fixed Moving Expense and Dislocation Allowance.** A household may choose to move their own personal property to the replacement site and to submit a claim based on the following Moving Expense and Dislocation Allowance Schedule published by the Code of Federal Regulations.

Occupant owns Furniture - Number of Rooms of Furniture									Occupant does not own furniture	
1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	Additional room	1 room no furn.	Add'l room/ no furn.
\$625	\$800	\$1,000	\$1,175	\$1,425	\$1,650	\$1,900	\$2,150	\$225	\$400	\$65

**Actual Reasonable Moving Costs and Related Expenses.** AHA will pay actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. AHA will pay all reasonable costs to pack, move, and unpack all personal property. AHA can make a direct payment to the professional moving carrier under this option. AHA will allow reimbursement to the displaced household for any one-time utility reconnection fees, such as phone, gas, electric, and cable.

**B. Section 104(d) Rental Assistance.**

If you are eligible, you will receive assistance based on estimated needs for a period of 60 months. The Agency may offer you that assistance in cash or under the HCV Program. The Agency will tell you which option it is providing to you.

**Cash Rental Assistance.** A household's "need" for rental assistance is computed by subtracting the highest of the following calculations from the rent and estimated average monthly utility costs for your new home (or a comparable replacement home, if that cost is lower):

1. 30 percent of the household's monthly adjusted income,
2. 10 percent of the household's monthly gross income, or
3. The welfare rent allowance (where designated).

That monthly need, if any, is multiplied by 60, to determine the total amount that you will receive. This amount will be paid directly to you in monthly installments or other periodic payments.

**Example:** Let's say that your family's adjusted monthly income is \$600, and the monthly rent and estimated average utility costs for the comparable replacement home to which you move are \$350. In this case, your monthly need would be \$170 [ $\$350 - \$180$  (30 percent of \$600)]. Multiplying this amount by 60 results in \$10,200 of rental assistance.

**Housing Choice Voucher (HCV) (section 104(d)).** You may be offered a HCV. If so, you will also be referred to comparable replacement homes where the owner will accept the voucher. If the rent and estimated average monthly utility costs for both the comparable replacement home and the unit to which you relocate exceed the voucher "payment standard," you will qualify for cash assistance to cover the gap for 60 months.

**Advantages of HCV Assistance.** The HCV assistance may continue for as long as you have a need. Unlike cash assistance, HCV assistance is recomputed each year to reflect changes in your income, rent or the cost of utilities. While cash assistance will terminate at the end of 60 months, HCV assistance may continue to be available after the 60-month period ends if you still qualify as a lower-income person.

### C. **URA Rental Assistance.**

URA rental assistance is computed by subtracting the "base monthly rent" for your present home from the rent and average monthly cost of utilities for your new home (or a comparable replacement home, if that cost is lower). That monthly need, if any, is multiplied by 42, to determine the total amount that you will receive. This amount will be paid directly to you in monthly installments or other periodic payments. Generally, the base monthly rent for your present home is the lesser of: (1) the monthly rent and average monthly cost for utilities, or (2) thirty (30) percent of your income (if you are low-income based on HUD income limits).

**Examples:** Let's say that the monthly rent and average cost for utilities for your present home are \$250; the monthly rent and estimated average utility costs for a comparable replacement home are \$350; and your monthly gross income is \$700. In this case, your "base monthly rent" would be \$210 because you are low-income and that amount (30 percent of your income) is less than the monthly cost of rent and utilities at your present home (\$250).

If you rent a replacement home for \$360 per month, including estimated average monthly utility charges, you will receive \$5,880. That amount is 42 times \$140 (the difference between the "base monthly rent" for your present home (\$210) and the cost for a comparable replacement home (\$350)).

If you rent a replacement home for \$310, including estimated average monthly utility charges, you will receive \$4,200. That amount is 42 times \$100 (the difference between the "base monthly rent" for your present home (\$210) and the actual cost of your new home (\$310)).

### **Purchase Assistance**

If you buy, rather than rent, a replacement home, you may be eligible for assistance to make a down payment. The amount depends on the type of housing that you buy. Section 104(d) purchase assistance is limited to mutual housing and cooperative housing. If you wish to purchase a house that is not mutual or cooperative housing, your purchase assistance would be provided under the URA.

#### **Section 104(d) Purchase Assistance.**

If you buy a replacement home which is mutual or cooperative housing, you may be eligible for assistance based on the present value of the monthly payments you would receive if you rented a comparable replacement home for 60 months. Remember, the monthly payment is generally determined by subtracting 30 percent of your adjusted income from the monthly rent and estimated average monthly utility costs for a comparable replacement home.

**Example:** Assuming the information in the prior section 104(d) example and a 4 percent return on passbook savings, the purchase assistance would be \$9,231. Remember, your net monthly contribution is \$180, and the monthly rent and estimated average monthly cost of utilities for a comparable replacement home total \$350. The monthly difference is \$170. The present value of 60 monthly payments of \$170, discounted at 4 percent, is \$9,231. The full amount of the payment must be applied to the purchase of the mutual or cooperative housing that you buy.

#### **URA Purchase Assistance for Renters.**

URA assistance to make a down payment is equal to the amount you would receive if you had rented a comparable replacement home (42 times the amount obtained by subtracting the "base monthly rent" for your present home from the monthly rent and estimated average monthly cost of utilities for a comparable replacement home). Remember, URA assistance is not limited to mutual housing or cooperatives.

**Example:** Assuming the information in the prior URA examples, the assistance for a down payment would be \$5,880. That amount is 42 times \$140 (the difference between the "base monthly rent" for your present home (\$210) and the monthly rent and estimated average monthly utility costs for a comparable replacement home (\$350)). The full amount of the payment must be applied to the purchase of your new home. **Replacement Housing Payments.** A Rent Differential Payment up to \$5,250 is available to assist permanently displaced households in either renting or purchasing a replacement dwelling. To be eligible, a decent, safe, and sanitary replacement dwelling must be occupied within 18 months after moving if a replacement property is rented or one year after moving if a replacement property is purchased.

AHA will conduct a Housing Valuation Study for the type of housing unit needed to determine the cost of a comparable replacement dwelling. The permanently displaced household will receive a Conditional Entitlement Letter that describes all relocation benefits and the maximum Rent Differential Payment to which the household is entitled. The Letter will also explain the "**spend to get**" requirement. The "spend to get" requirement means that benefit payments will be made by AHA only when the household demonstrates that entitlement amounts have been or will be spent. Rent Differential Payments must be used for reasonable and necessary expenses related to replacement housing.

A Rent Differential Payment when used to purchase a replacement dwelling must be applied to the down payment and/or non-recurring closing costs for a decent, safe, and sanitary replacement dwelling. AHA will deposit down payments directly into the escrow account to purchase the replacement property.

## **The Last Resort Housing Program**

Housing of Last Resort is a program that allows for the implementation of certain regulations to ensure that comparable replacement housing is within the financial means of the displaced person. Last Resort Housing is a procedure wherein AHA, based upon additional documentation, may exceed the \$5,250 monetary limit to enable a displaced person to rent a comparable replacement dwelling. Several methods to provide Last Resort Housing to qualified displaced persons are available to AHA:

1. Provide supplemental funds in excess of the standard limit to allow occupants to replace their current home with an affordable dwelling. All payments are based on the most comparable replacement property as approved in AHA's Housing Valuation Studies. As with all other replacement housing payments, displaced occupants must meet spend to get requirements in order to claim payments.
2. Build new replacement housing or rehabilitate existing units or provide funds for private parties to rehabilitate existing units for occupancy by displaced households.
3. Provide Section 8 Housing Vouchers.

**Recommended Action.** It has been determined that there will be one permanent displacement that may require assistance under the last resort housing provisions. Therefore, the most flexible of the Last Resort Housing options is for AHA to pay Rent Differential Payments in excess of \$5,250 for qualified displaced persons, as necessary. The recommended course of action is for AHA to provide supplemental replacement housing funds to bring the unit within the financial means of the permanently displaced household. This will be determined at a later date when the Housing Valuation Study is prepared for the permanently displaced household. Last Resort Housing provisions will not apply to the households being temporarily displaced.

## Additional Program Information

### Appeal and Grievance Process

Under the guidelines of the City of Oakland ("City") and the Redevelopment Agency of the City of Oakland ("Agency"), any complainant, who believes himself/herself aggrieved by a determination by AHA as to eligibility or the amount of a relocation payment may, at his or her election, have his/her claim reviewed and reconsidered by the City/Agency in accordance with the following procedures:

A person or organization directly affected by the relocation project may petition the California Housing and Community Development Department ("HCD") to review the final relocation plan to determine if the plan is in compliance with state laws and guidelines, or review the implementation of a relocation plan to determine if the City/Agency is acting in compliance with its relocation plan.

- If AHA denies or refuses to consider a claim, AHA's notification to the complainant of its determination shall inform the complainant of its reasons, and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English.
- **Request for Further Written Information.** A complainant may request AHA to provide him or her with a full written explanation of its determination, if he/she feels that the explanation accompanying the payment of the claim or notice of AHA's determination was incorrect or inadequate. AHA shall provide an explanation to the complainant within three weeks of its receipt of his or her request.
- **Informal Oral Presentation.** A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed with the City/Agency within the period described in this section. The City/Agency shall afford the complainant the opportunity to make a presentation before a management-level City staff person within the City's Community and Economic Development Agency, as that staff person is designated by the City/Agency. The complainant may be represented by an attorney or other

person of his/her choosing at his/her expense. This oral presentation shall enable the complainant to discuss the claim with the designated City staff person. AHA shall be given the opportunity to respond to the presentation and participate in the discussion. The designated City staff person shall make a summary of the matters discussed in the oral presentation to be included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.

- **Written Request for Review and Reconsideration.** At any time within the time period described in this section, a complainant may file a written request with the City/Agency for formal review and reconsideration. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material that may have a bearing on the appeal. *If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis, the City/Agency may grant the complainant's request allowing a specified period of time to gather and prepare additional material.*
- **Time Limit for Requesting Review.** A complainant desiring either an informal oral presentation or seeking formal review and reconsideration, shall make a request to the City/Agency within eighteen months following the date he/she moves from the property.

#### **Formal Review and Reconsideration by the City/Agency.**

- **General.** The City/Agency shall consider the request for formal review and shall decide whether a *modification of AHA's initial determination or the City/Agency staff determination pursuant to the informal review process above.* This formal review shall be conducted by the City of Oakland Housing, Residential Rent, and Relocation Board (the "Board"), sitting as the City/Agency's relocation appeals board. The City/Agency shall consider the complaint regardless of form, and Board staff shall, if necessary, provide assistance to the claimant in preparing the written claim. When a claimant seeks review, Board staff shall inform him/her that he/she has the right to be represented by an attorney at the claimant's expense, to present his/her case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he/she has exhausted the administrative appeal. AHA shall be given the opportunity to respond to the claim and participate in the formal review before the Board.
- **Scope of Review.** The Board shall review and reconsider AHA's initial determination or the City/Agency staff person's determination, as applicable, of the claimant's case in light of: (1) all material upon which AHA based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness; (2) the reasons given by the claimant for requesting review and reconsideration of the claim; (3) any additional written or relevant documentary material submitted by the claimant; (4) any further information which the Board, in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.

- **Determination on Review by City/Agency.** The determination on review by the Board shall include, but is not limited to: (a) the Board's decision on reconsideration of the claim; (b) the factual and legal basis upon which the decision rests, including any pertinent explanation or rationale; and (c) a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought. The determination shall be in writing with a copy provided to the claimant and AHA. The Board's decision shall be binding on AHA.
- **Time Limits.** The City/Agency shall issue its determination on review as soon as possible but no later than six weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later. In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the City/Agency shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than two weeks from receipt of the last material submitted by the claimant, or the date of the hearing, whichever is later.

#### **Refusals to Waive Time Limitation.**

Whenever the City/Agency rejects a request by a claimant for a waiver of the time limits, the claimant may file a written request for reconsideration of this decision, except that such written request for reconsideration shall be filed within 90 days of the claimant's receipt of the City/Agency's determination.

#### **Extension of Time Limits.**

The time limits specified may be extended for good cause by the City/Agency.

#### **Recommendations by Third Party.**

Upon agreement between the claimant and the City/Agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations to the City/Agency for its final determination. In reviewing the claim and making recommendations to the City/Agency, the third party or parties shall be guided by the provisions of this Appeals/Grievance Procedure.

#### **Review of Files by Claimant.**

Except to the extent the confidentiality of material is protected by law or its disclosure is prohibited by law, the City/Agency and AHA shall permit the claimant to inspect all files and records of his or her claim. If a claimant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

#### **Effect of Determination on Other Persons.**

The principles established in all determinations by the Housing, Residential Rent, and Relocation Board shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

**Right to Counsel.**

Any aggrieved party has a right to representation by legal or other counsel at his or her expense at any and all stages of the proceedings set forth in these sections.

**Stay of Displacement Pending Review.**

If a complainant seeks to prevent displacement, AHA shall not require the complainant to move until at least 20 days after the City/Agency has made a determination and the complainant has had an opportunity to seek judicial review. In all cases AHA shall notify the complainant in writing 20 days prior to the proposed new date of displacement.

**Judicial Review.**

Nothing in this Appeals/Grievance Procedure shall in any way preclude or limit a claimant or AHA from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available herein.

**Eviction Policy**

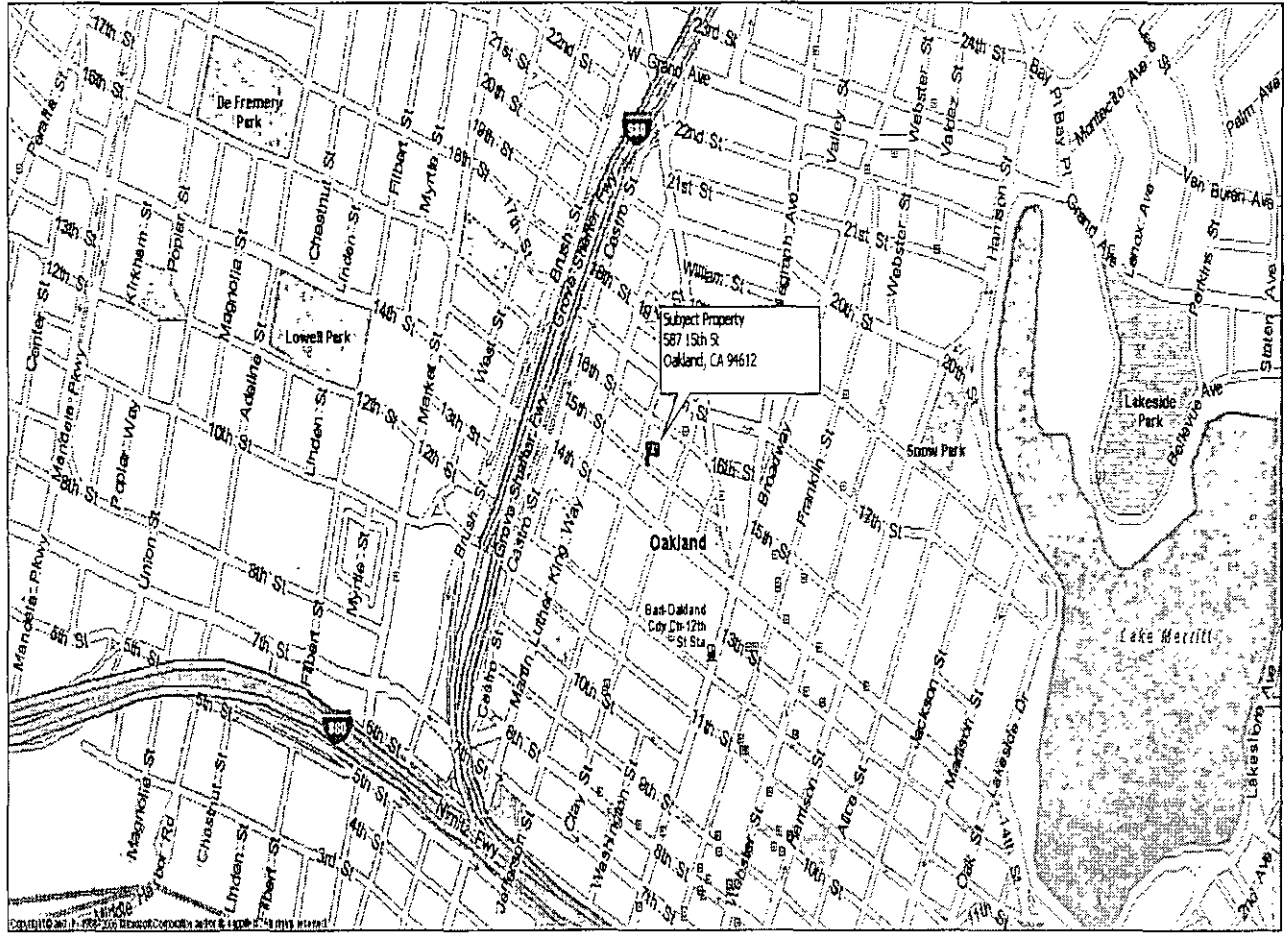
*Should AHA evict an occupant for failure to meet any obligations or for violating the terms and conditions of their lease or rent agreement, then under the applicable relocation law, the evicted tenant(s) will not be considered a "displaced person" and, therefore, will not be eligible for relocation benefits. Eviction will not affect a tenant's eligibility for relocation benefits if a tenant is evicted as a last resort to remove the tenant from the Property.*

**Claim Processing and Distribution of Payments**

All claims are to be filed through a Relocation Advisor. The Relocation Advisor will assist the displaced person in completing their claim forms, will notify each displaced person of the documentation needed in order to file the claim, and will inspect all replacement properties as needed. Each claim will be submitted along with documentation to AHA for review and processing. Checks will be available for approved claims within three weeks of the date all documentation is submitted to the Relocation Advisor. Checks will be delivered to the project occupant or to the project occupant's designee. AHA shall provide advance payments whenever a later payment would result in financial hardship.



# Project Map



**ATTACHMENT B:**

JEFFERSON INN HOTEL

RELOCATION IMPACT STUDY AND  
LAST RESORT HOUSING PLAN

Jefferson Inn Hotel

Final Relocation Impact Study and  
Last Resort Housing Plan

*Prepared for*

Affordable Housing Associates

June 2010

This document was prepared by Associated Right of Way Services, Inc.



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## Executive Summary

**Project Purpose.** Affordable Housing Associates is currently in contract with the owner of the Jefferson Inn Hotel for the purchase of the property located at 1424 Jefferson Street in Oakland, California. The Jefferson Inn Hotel is a single room occupancy (SRO) hotel that provides daily, weekly, and monthly housing at market rental rates. The hotel contains 65 residential units and three ground floor commercial spaces, two of which are occupied. The hotel is six stories and consists of approximately 20,580 square feet with no parking. Each room has a private bathroom and approximately 20 rooms have kitchen facilities. The hotel was constructed around 1915 and has been remodeled over the years.

Affordable Housing Associates ("AHA") has prepared this Final Relocation Impact Study and Last Resort Housing Plan ("Final Plan") in compliance with California Code of Regulations, Title 25, Chapter 6, §6038. The purpose of this Plan is to present the property owner, property occupants, and the Oakland community with general project information and to present AHA's Relocation Assistance Program. AHA has developed its Relocation Assistance Program to ensure that uniform, fair, and equitable treatment is afforded persons displaced from their homes as a result of its actions so that no person shall suffer disproportionate injury as a result of a project created to benefit the public as a whole. AHA's Relocation Assistance Program has been developed in compliance with the following laws and regulations governing relocation assistance:

**Law:** U. S. Code, Title 42, Chapter 61  
Section 104(d) of the Housing and Community Development Act of 1974  
California Government Code Section 7260, et seq.

**Regulations:** 49 CFR 24  
24 CFR 42, 24 CFR 570, and 24 CFR Part 92  
California Code of Regulations, Title 25, Section 6000 et seq.

This Final Plan has been made available to the property owner, property occupants, the City of Oakland, the Redevelopment Agency of the City of Oakland, and the Oakland community for a 30-Day review and comment period. No comments were received; therefore, this Final Plan will be presented to the AHA Board of Directors, the Oakland Housing Authority and the Oakland City Council/Redevelopment Agency for review and approval.

AHA is proposing to purchase the Jefferson Inn Hotel and combine it with the adjacent Oaks Hotel which is located at 587 15<sup>th</sup> Street. AHA's goal is to rehabilitate the two hotels and create 101 units that will provide affordable housing to low-income individuals. The hotels are located in downtown Oakland near services, parks, public libraries, mass transit and retail shops.

The proposed rehabilitation includes:

- Replacing or repairing plumbing, structural, mechanical and electrical systems including the boilers, elevators, baseboard heaters, façade, windows and ventilation.
- Improvement of ADA accessibility and security.
- Addressing deferred maintenance issues including the roof, flooring, furniture and fixtures.
- Addition of private kitchenettes and bathrooms to each of the residential units in the Oaks Hotel and kitchenettes in all the residential units in the Jefferson Inn Hotel. The additions to the hotels will create approximately 100 studio apartments.

- Reconfiguration of the ground floors of both hotels to provide a common entrance on Jefferson Street that would include 24-hour front desk service. Additional proposed ground floor uses include a community room for residents, management and services offices and several commercial spaces.

**Project Scheduling and Impact.** AHA plans to acquire the Jefferson Inn Hotel around September of 2010. Each household has already been given a General Informational Notice informing them of the proposed project. This Final Plan was prepared for circulation in April of 2010. If the Final Plan is approved and adopted by the Oakland City Council/Redevelopment Agency, and the AHA Board of Directions, then each household will receive a Notice of Entitlement to Receive Relocation Assistance or a Notice of Non-Displacement. These Notices will inform the households of their relocation entitlements including assistance to search for replacement sites and assistance with claiming relocation reimbursement payments from AHA for moving and increased rental expenses. It is anticipated that the rehabilitation of the hotel will be initiated in November of 2010. The rehabilitation of the hotel will not exceed eleven months.

AHA will work with each long-term resident of the hotel to determine if the household is eligible for housing at the completed project. Those households who are eligible will be asked to remain in the hotel until construction begins and will be moved temporarily to allow the hotel to be rehabilitated. Those households will be allowed to return to the project once rehabilitation has been completed.

If some of the households are determined not to qualify for housing at the completed project, they will not be permitted to return to the hotel once rehabilitation has been completed. AHA will provide assistance to help these households relocate permanently into the community.

Neither of the two commercial occupants renting space on the ground floor will be required to move to accommodate the building rehabilitation.

AHA has retained the services of a Relocation Consultant, Associated Right of Way Services, Inc. ("AR/WS"), to prepare this Relocation Impact Study and Last Resort Housing Plan and the Antidisplacement Plan in compliance with Federal and State regulations.

<b>Existing Residential Units</b>	
Total Number of Studio Units:	65
Number of Units Occupied by Long-Term Renters:	24
Number of Units Occupied by Short-Term Renters:	8
Number of Vacant Units:	33

Of the total 32 occupied units, 24 households are considered to be eligible monthly long-term occupants and eight units are occupied by short term weekly occupants. Thirty-three of the units are reserved for overnight hotel guests.

**Impact Mitigation.** In order to assess the current household characteristics and relocation needs, AHA delivered an Initial Contact Letter and General Information Notice (attached) to each household. This letter invited the occupants to meet with a Relocation Advisor so that project information could be presented and general occupant characteristics could be gathered for this Plan. Nineteen households agreed to a personal interview. The information provided by the households has been summarized in this Final Plan.

In order to determine the feasibility of relocating the each household into the surrounding community, AR/WS reviewed household need and researched the area housing market. A survey of the area housing market revealed that an adequate number of hotels and studio

apartments exist in downtown Oakland to accommodate the housing needs for the 24 households who would be either temporarily or permanently displaced by the project. It is anticipated that 14 households will be eligible to return to the Jefferson Inn Hotel after rehabilitation is complete and that approximately ten households will not be eligible to return. AHA will complete the qualification of the households before the commencement of relocation activities. AHA's Relocation Assistance Program will provide the necessary assistance to allow the Project households to secure either temporary or permanent comparable, decent, safe and sanitary replacement housing in the area. The Relocation Assistance Program includes assistance in finding and securing replacement housing, assistance with rent differential payments and moving costs.

AHA has determined that approximately 24 affected households are eligible to receive temporary or permanent residential relocation benefits. These relocation benefits are briefly explained in this Final Plan in the section entitled "Relocation Assistance Program". AHA will provide these benefits in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et. seq.*); Section 104(d) of the Housing and Community Development Act of 1974 (24 CFR Part 42); and corresponding regulations found in 49 CFR Part 24. AHA will provide additional assistance under California Government Code Section 7260 *et seq.* and implementing guidelines found in the California Code of Regulations, Title 25 if State Law provides a greater level of assistance than federal law.

## Introduction

This Final Relocation Impact Study and Last Resort Housing Plan ("Final Plan") has been prepared in order to provide the property owners, hotel occupants, the City of Oakland, the Redevelopment Agency of the City of Oakland, the Oakland community, and the U. S. Department of Housing and Urban Development with information concerning the anticipated impacts of the proposed rehabilitation of the Jefferson Inn Hotel and the measures that will be taken to mitigate such impacts. Specifically, this Final Plan concerns itself with the resources available to relocate the households of the Jefferson Inn Hotel. Three principal topics will be highlighted in this Final Plan.

**Relocation Impact.** This section of the Final Plan describes the effects of the project on the households. Information in this section is the result of general research and interviews with hotel residents. The Final Plan will describe the hotel to be acquired and general household characteristics. Particular attention has been placed on the resident interviews that define the households' personal concerns regarding their replacement site needs.

**Relocation Resources.** An analysis was completed on the availability of housing in the City of Oakland to determine the feasibility of relocating residents into the community on a temporary or permanent basis. The results of the analysis showed that there is an adequate supply of hotels that can accommodate the needs of the 24 households, however, the vacancy rate for the hotels was not provided. The current vacancy rate in the City of Oakland is 7.4% and for SRO hotels it is about 3%. Therefore, the analysis of available housing has included studio apartments in the downtown area that can accommodate the households.

**Relocation Assistance Program.** Along with an analysis of residents' housing needs, this Final Plan also outlines the policies and procedures provided to govern the treatment of all residential occupants. These policies and procedures are regulated by Federal and State Laws and have been adopted by AHA to mitigate the impact of redevelopment activities.

**Project Funding and Governing Guidelines.** Subject to securing funding it is anticipated that AHA will initiate relocation activities upon approval of this Final Relocation Plan. In addition to Redevelopment Agency funds, the major funding sources for this project include HUD funds from the Oakland Housing Authority, HOME and CDBG. Therefore, this Final Plan has been prepared in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et. seq.*); Section 104(d) of the Housing and Community Development Act of 1974 (24 CFR Part 42); and corresponding regulations found in 49 CFR Part 24. AHA will provide additional assistance under California Government Code Section 7260 *et seq.* and implementing guidelines found in the California Code of Regulations, Title 25 if State Law provides a greater level of assistance than federal law. A summary of these laws and regulations has been included in this Plan to familiarize the households and the public with AHA's Relocation Assistance Program.

**Project Assurances.** AHA will not proceed with any phase of this project until the following determinations have been made:

1. This Final Relocation Impact Study and Last Resort Housing Plan has been made available to the project occupants and to other interested parties for their review and comment. This Final Plan was developed in compliance with California Code of Regulations, Title 25, Section 6038.



2. All persons displaced as a result of this rehabilitation project shall receive fair and equitable treatment.
3. No household that is required to move permanently or temporarily will receive a 90 Day Notice to Vacate or be required to relocate without first receiving a Letter of Entitlement for Relocation Assistance or a Notice of Non-Displacement, a Relocation Assistance Handbook and referrals to available replacement sites.
4. AHA will secure funds to pay all required moving costs, replacement housing payments and other relocation benefits, including Last Resort Housing Payments. All relocation benefits will be offered and administered through AHA.
5. Fair and reasonable relocation payments will be provided to eligible persons as required by Government Code Section 7260, et seq. and the California Code of Regulations, Title 25, Chapter 6 ("Act and Guidelines").
6. AHA will adopt a Relocation Assistance Program in compliance with the Act and Guidelines.
7. All eligible persons will be adequately informed of the assistance, benefits, policies, practices and procedures, including grievance procedures, provided for in the Act and Guidelines.
8. Comparable replacement housing will be available within a reasonable period of time prior to displacement, sufficient in number, size and cost for the eligible persons who require them.
9. Adequate provisions have been made to provide orderly, timely, and efficient relocation of eligible persons to comparable replacement housing available without regard to race, color, religion, sex, martial status, or national origin with minimum hardship to those affected.
10. All persons who will be displaced, neighborhood groups and any relocation committee shall be given an opportunity and shall be encouraged fully and meaningfully to participate in reviewing the relocation plan and monitoring the relocation assistance program.
11. All affected occupants will receive information on Federal fair housing laws (Title VIII of Civil Rights Act of 1968), applicable State and local fair housing laws, and rights provided under Title IV of the Civil Rights Act of 1964.

**Basis of Findings.** In order to determine the project impact and the feasibility of permanently and/or temporarily relocating project households into the surrounding community, several attempts were made to interview the 24 households. Nineteen of the 24 households agreed to be interviewed for this Study and provided general household and income information. In addition, general household information was provided by the current hotel owner and AHA. Housing market research was conducted in March of 2010 and gathered through research of on-line rental research sites, the Oakland Housing Authority, survey of the neighborhood and AHA.

In order to consider the effects of this project on the project households and on the area rental market, certain assumptions were made concerning the households that chose not to be interviewed. Therefore, certain analyses were made based upon the household characteristics of the 19 households that were interviewed. Therefore, the following assumptions were made for the six households who chose not to be interviewed for this project:

- Rooms were rented by single occupants
- Occupants were low-income
- Occupants were not seniors
- Occupants were not disabled

**Competing Projects.** The City of Oakland Community and Economic Development Agency was contacted regarding any proposed redevelopment projects that will displace households during the same period as the Jefferson Inn Hotel project. According to staff there is only one project in the downtown area that may displace approximately 25 families. The anticipated relocation will occur during the summer of 2010. However, since these households will require larger replacement units they will not be competing for single room occupancy units or studio apartments.

## Relocation Impact

A Relocation Advisor from Associated Right of Way Services, Inc. was able to meet with and interview 19 of the 24 eligible households. Additional information was provided by AHA staff and the current hotel owner.

All interviews were conducted on a voluntary basis. Information related to household size and income was requested and utilized in the analysis of the Project impact and cost. However, due to the nature of this Final Plan, no attempt has been made to verify the accuracy of the information disclosed. Household size and income will be verified as Relocation Assistance proceeds.

**Project Occupant Characteristics.** Altogether, there are an estimated 29 people living in the 24 households.

### Household Ages

Age	Individuals
35 – 50	6
51 – 61	9
62 – 77	8
Unknown	6
<b>Total:</b>	<b>29</b>

**Overcrowded Conditions** – No household is currently living in overcrowded conditions.

**Accessibility Needs** – Six household members reported that they have disabilities. If necessary, a Relocation Advisor will work closely with any household that requires assistance to accommodate accessibility and special needs.

**Language** – All the households speak English as their primary language.

**Income** – None of the households provided income documentation. However, 17 households reported annual incomes as indicated below.

### Annual Income

Income	Individuals
\$8,000 - \$11,500	8
\$16,000 - \$26,000	7
\$34,000 - \$43,000	2
<b>Total:</b>	<b>17</b>

**Tenant-Occupied Dwellings** – There are 24 households that are either eligible for temporary relocation or permanent relocation assistance. The Jefferson Inn Hotel is a single room occupancy hotel. All the rooms have bathrooms and 20 rooms have kitchenettes.

**Current Rent and Affordability** – The 24 households are currently paying rental amounts from \$591 - \$1,100 per month.

It is estimated that two of the households are Low Income and that the remaining households that were interviewed are Very Low Income. Relocation Regulations state that housing which exceeds 30% of household adjusted gross monthly income is not “affordable housing” nor is it within the financial means of the displaced household. Therefore, if a household does not qualify for Section 8 rental assistance and cannot move back into the Jefferson Inn Hotel they will be relocated on a permanent basis and will be assisted through AHA’s Last Resort Housing Program so that their rent for a comparable replacement site will not exceed 30% of the household’s adjusted gross monthly income. The market analysis for this Plan has demonstrated that the households would be required to pay higher rents for comparable replacement dwellings in the area.

**Transportation** – None of the households interviewed reported that they owned a car. All the households reported that they relied on public bus transportation. Every attempt will be made to help the households secure replacement housing with similar access to public transportation.

## Relocation Resources

This section of the Final Plan identifies potential replacement sites for the residential occupants. The information on housing in the area is included as a general representation of available sites. The sites included herein may or may not be available at the time of displacement.

Each of the residential occupants will have the option to relocate to an area of their choice and into whatever type of housing they choose. AHA will be responsible to assist each household to relocate into **comparable replacement housing**, which, for the purposes of this Plan, is determined to be single room occupancy hotels in the City of Oakland area that is comparable in size and structure to the existing rooms and which accommodates the size of the household being displaced. All replacement housing must meet decent, safe & sanitary requirements. In order to meet **Decent, Safe & Sanitary** requirements, a replacement site must meet the following criteria:

- Be structurally sound, weather tight and in good repair;
- Contain a safe electrical wiring system adequate for lighting and other devices;
- Contain a safe 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;
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced household;
- Contain 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 sewer drainage system. 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 connection for a stove and refrigerator;
- Contain unobstructed egress to safe, open space at ground level; and
- For a displaced person with a disability, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such person.

The search for replacement sites was limited to the Oakland area in order to locate housing that was most comparable to the Project site. Relocation anywhere within Oakland will ensure that the occupants will have similar access to public services, public facilities, transportation and employment.

### **Residential Replacement Sites**

The following survey of available residential units was conducted over a two-week period in March of 2010. The survey utilized local newspapers, internet listing services and inspections of the hotels.

**Single Room Occupancy Hotels** -- The following survey is a list of available single room occupancy hotels. The rent for these units ranges from \$555 to \$1,153 per month. These units are generally equivalent to the Jefferson Inn Hotel rooms in terms of quality, condition, and amenities. The majority of apartments include some utilities in the rent rate. Typically, the landlord pays water, sewer, and garbage. Tenants will be compensated for an increase in utility cost through AHA's Relocation Assistance Program.

No determination has been made as to the direct comparability of these units to the rooms in the Jefferson Inn Hotel. That determination will be made upon commencement of the relocation process.

### Single Room Hotels

Hotel	Apartment Address	Type	Monthly Rent
Travelers Hotel	392 11 <sup>th</sup> Street	Single Room Occupancy	\$555
The Ridge Hotel*	634 15 <sup>th</sup> Street	Single Room Occupancy	\$595 - \$695
Lakehurst Hotel*	1569 Jackson Street	Single Room Occupancy	\$735 - \$775
The Avondale	540 28 <sup>th</sup> Street	Single Room Occupancy	\$802 - \$910
Sutter Hotel**	584 14 <sup>th</sup> Street	Single Room Occupancy	\$760 - \$1,153
The Madrone	477 8 <sup>th</sup> Street	Single Room Occupancy	\$351 - \$403
San Pablo Hotel	1955 San Pablo Avenue	Senior Housing	
Hugh Taylor House*	1935 Seminary Avenue	Single Room Occupancy	
Madison Park Apts*	100 9 <sup>th</sup> Street	Single Room Occupancy	
Effie's House	829 E. 19 <sup>th</sup> Street	Studio & 1 bedroom	

\*Accept Section 8

\*\*Accept Vouchers

**Studio Apartments** -- The following survey is a list of available studio apartments in the downtown Oakland area. The rent for these units ranges from \$600 to \$895 per month and most apartment buildings have more than one vacancy. These units are generally considered to provide better amenities such as, private bathrooms and kitchen areas. The majority of apartments include some utilities in the rent rate. Typically, the landlord pays water, sewer, and garbage. Tenants will be compensated for an increase in utility cost through AHA's Relocation Assistance Program.

No determination has been made as to the direct comparability of these units to the rooms in the Jefferson Inn Hotel. That determination will be made upon commencement of the relocation process.

### Studio Apartments

Apartment Address	Type	Monthly Rent
551 W. Grand Avenue	Studio Apartment	\$600
532 25 <sup>th</sup> Street	Studio Apartment	\$625
751 E. 11 <sup>th</sup> Street	Studio Apartment	\$650
461 24 <sup>th</sup> Street	Studio Apartment	\$650
680 14 <sup>th</sup> Street	Studio Apartment	\$675
1530 Harrison Street	Studio Apartment	\$695
3532 Telegraph Avenue	Studio Apartment	\$700
1824 Linden Street	Studio Apartment	\$750
674 10 <sup>th</sup> Street	Studio Apartment	\$775
801 14 <sup>th</sup> Street	Studio Apartment	\$775
466 24 <sup>th</sup> Street	Studio Apartment	\$795
1580 Madison Street	Studio Apartment	\$795
1461 Alice Street	Studio Apartment	\$875
1434 Jackson Street	Studio Apartment	\$895
1502 Alice Street	Studio Apartment	\$895

## Relocation Assistance Program

This portion of the Final Plan summarizes AHA's Relocation Assistance Program as it pertains to the households of the Jefferson Inn Hotel. This summary of benefits has been provided for general information purposes only and should not be interpreted as law.

### Definition of Terms

This Final Plan uses various acronyms and jargon that may be unfamiliar to some readers. Therefore, the definitions of various terms and conditions have been presented in this section in order to provide the reader with a greater understanding of the Relocation Assistance Program available to the project occupants.

**Comparable Replacement Dwelling.** The definition of a comparable replacement dwelling is a dwelling that is of similar size and type to the acquired dwelling. A more specific definition would include:

- Decent, Safe and Sanitary as described in this section;
- Functionally equivalent to the displacement dwelling;
- Adequate in size to accommodate the households;
- In an area not subject to unreasonable adverse environmental conditions;
- 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 reasonable accessible to the person's place of employment;
- 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, swimming pools, or greenhouses;
- Currently available to the displaced person on the private market;
- Within the financial means of the displaced person as defined under 49 CFR 24;
- 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, & Sanitary (DS&S).** In order to meet decent, safe and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound, weather tight and in good repair.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person.
- Contain 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 sewer 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 connection for a stove and refrigerator.
- Contain unobstructed egress to safe, open space at ground level and for a displaced person with a disability, be free of any barriers that would preclude reasonable ingress, egress, or use of the dwelling by such person.

**Temporarily Moved Occupant.** Households that are required to move temporarily out of the Jefferson Inn Hotel, that are considered eligible long term occupants and are eligible for Section 8 rental assistance. These households will be eligible to receive Relocation Advisory Assistance, moving cost assistance and payment for all reasonable out-of-pocket expenses.

**Permanently Displaced Occupant.** Households that are required to move from the Jefferson Inn Hotel because they are not eligible for Section 8 rental assistance, therefore cannot return to the hotel. These households will be eligible to receive Relocation Advisory Assistance, Moving Cost Assistance and Rental Assistance Payments.

**Eligible Occupant.** Relocation Assistance benefits shall be available to all residential tenants who legally occupy a dwelling as their primary residence for 90 days prior to the date the purchase and sale agreement was executed..

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended provides benefits only to persons who are legally present in the United States. Persons who are not legally present in the United States may claim Relocation Assistance under Section 104(d) of the Housing and Community Development Act of 1974 (24 CFR Part 42) and California Government Code Section 7260, et seq.

**Low Income.** The calculation of Rental Assistance will factor in the income of persons who are considered to be low income. "Low Income" is defined by the United States Department of Housing and Urban Development's Annual Survey of Income Limits for the Public Housing and Section 8 Programs. The applicable definition for this project are based upon the 2009 Income Limits as noted below:

Program	1 Person	2 Person
30% of Median	\$18,750	\$21,450
Very Low Income	\$31,250	\$35,700
Low Income	\$46,350	\$53,000

**Governing Regulations**

AHA intends to utilize funding sources for this project from the Oakland Housing Authority, HOME, CDBG, and the Redevelopment Agency for relocation of the project occupants and development of the property. Since federal funds will be used, this Final Plan has been prepared in compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 et. seq.); Section 104(d) of the Housing and Community Development Act of 1974 (24 CFR Part 42); and corresponding regulations found in 49 CFR Part 24. AHA will provide additional assistance under California Government Code Section 7260 et seq. and implementing guidelines found in the California Code of Regulations, Title 25 if State Law provides a greater level of assistance than federal law. A summary of these laws and regulations has been included in this Plan to familiarize the households and the public with AHA's Relocation Assistance Program.

**Relocation Advisory Assistance**

A Relocation Advisor will be assigned to each eligible project occupant. The Relocation Advisor shall provide ongoing advisory assistance by assisting the households in locating and securing a comparable replacement dwelling. In addition, the Relocation Advisor shall ensure that each eligible household receives the following:



1. Each eligible household will receive written documentation informing them of their rights and the availability of relocation assistance and benefits.
2. Each eligible household shall be interviewed by their Relocation Advisor in order to ascertain replacement needs. The Relocation Advisor shall request documentation concerning length of occupancy, household income and public assistance, and other pertinent information.
3. A Housing Valuation Study will be prepared on the availability of replacement housing in the area. Consideration will be given to the condition of the dwelling and whether or not they compare favorably to the acquired site. A determination will then be made as to the reasonable cost for each type of comparable replacement dwelling needed.

*Each permanently displaced household shall receive a Letter of Entitlement that will explain the specific relocation to which they are entitled.*

4. The development of this Project shall be so scheduled that no person lawfully occupying the acquired site shall be required to move from their dwelling without a written 90 day notice from AHA of the date by which such a move is required. The 90-Day Notice to Vacate will also include a referral to an available replacement site in the area for any residential household.

*The Relocation Advisor shall also inform each household of the vacate policies that will be pursued in order to carry out the project.*

5. Each household that is required to move temporarily or are permanently displaced shall receive current and continuing information on the availability of comparable replacement sites in the area.
6. Each eligible household shall be assigned a Relocation Advisor who shall act as a liaison with prospective landlords, realtors, brokers, escrow officers, and AHA. The Relocation Advisor shall provide documentation to prospective landlords concerning residential rent differential payments and security deposits. In addition, the Relocation Advisor shall help each household complete relocation claims that will be submitted to AHA. The Relocation Advisor shall also deliver relocation payments to the households or to their assignee.
7. Should an occupant have a grievance against AHA in regards to relocation policies and procedures, the Relocation Advisor will provide the occupant with information concerning AHA's formal grievance procedures.
8. The Relocation Advisor shall inspect each replacement site to ensure that the unit meets Decent, Safe, and Sanitary standards.
9. The Relocation Advisor shall provide any services required to ensure that the relocation process does not result in different or separate treatment of occupants on account of race, color, religion, national origin, sex, marital status, or other arbitrary circumstances.
10. The Relocation Advisor shall provide referrals to other local assistance programs to the household in order to minimize their hardships. When needed, referrals to housing, finance, employment, training, health and welfare, and other assistance programs will be provided.

### **Moving Cost Assistance**

Each household is entitled to receive a moving payment from AHA to move their personal property from their room to their replacement home. The household may elect one of the two options:

- 1) **Professional Moving Assistance** - The household may choose to have a professional moving company move their personal property from their room to their replacement site. AHA will pay actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. AHA will pay all reasonable costs to pack, move and unpack all personal property up to 50 miles from the displacement site. If a household chooses this option, a professional moving company will be paid directly by AHA to perform the move.
- 2) **Self-Move** - A household may choose to move their own property to the replacement site and submit a claim based on one or a combination of the following methods:

**Moving Cost Allowance Schedule.** This allowance is in accordance with a schedule maintained by the Federal Highway Administration.

Number of Rooms of Furniture		Occupant Does Not Own Furniture	
1 room	2 rooms	1 room/no furn.	Add' room no furn.
\$625	\$800	\$400	\$65

**Actual Cost Move.** The claim for an Actual Cost Move must be supported by receipted bills for labor and equipment. Hourly labor rates should not exceed the cost paid by a commercial mover. Equipment rental fees should be based on the actual cost of renting and equipment but should not exceed the cost that would have been charged by a commercial mover.

### **Rent Differential Payments**

A Rent Differential Payment is a payment made to a displaced residential tenant to assist with an increase in rent at the replacement site and to make the replacement housing affordable to the displaced tenant. All Rent Differential Payments will be made either directly to the tenant or a tenant's designee. The purpose of a Rent Differential Payment is to allow a household to relocate to a comparable replacement dwelling without having to pay an increase in rent for 42 months under State and Uniform Relocation Act guidelines or 60 months under the Federal 104(d) relocation guidelines, to make the unit affordable to the tenant. If the household provides adequate documentation, and if the household qualifies as Low Income, then the Rent Differential Payment will be based on income or current rent, whichever method proves to provide the greatest assistance.

Each permanently displaced household will receive a Letter of Entitlement that describes all relocation benefits and the maximum Rent Differential Payment to which the household is entitled. The Letter will also explain the "spend to get" requirement. The "spend to get" requirement means that benefit payments will be made only when the

tenant demonstrates that entitlement amounts have been or will be spent. Rent Differential Payments must be used for reasonable and necessary expenses related to replacement housing.

Under State and Uniform Relocation Act guidelines, if a household so chooses, they may use their Rent Differential Payment to purchase a replacement dwelling. If the household chooses this option, they must use the funds for a down payment and for *non-recurring closing costs for a decent, safe and sanitary replacement dwelling*. A deposit for the down payment will be made directly into the escrow account to purchase the replacement site. Under the Federal 104(d) program, the funds may be used to purchase only cooperative or mutual housing.

### **Claim Processing and Distribution of Payments**

All claims are to be filed through a Relocation Advisor. The Advisor will assist the households in completing their claim forms, will notify each household of the documentation needed in order to file the claim, and will inspect all replacement properties as needed. Each claim will be submitted along with documentation to AHA for review and processing. Checks will be available for approved claims within three weeks of the date all documentation is submitted to the Relocation Advisor. Checks will be delivered to the household or to the household's designee. AHA shall provide advance payments when necessary to secure replacement housing in a time frame that may be dictated by new landlords and whenever a later payment would result in financial hardship.

### **Occupant Notification**

Each household will be eligible to receive relocation assistance the day that a Letter of Entitlement is delivered to the household.

### **Eviction Policy**

AHA recognizes that eviction is permissible only as a last resort and that relocation records must be documented to reflect the specific circumstances surrounding any eviction. Eviction will only take place in cases of nonpayment of rent, serious violation of the rental agreement, a dangerous or illegal act in the unit, or if the household refuses all reasonable offers to move. Eviction will not affect the eligibility of a person legally entitled to relocation benefits.

### **Appeals and Grievance Process**

Under the guidelines of the City of Oakland ("City") and the Redevelopment Agency of the City of Oakland ("Agency"), any complainant, who believes himself/herself aggrieved by a determination by AHA as to eligibility or the amount of a relocation payment may, at his or her election, have his/her claim reviewed and reconsidered by the City/Agency in accordance with the following procedures:

- A person or organization directly affected by the relocation project may petition the California Housing and Community Development Department ("HCD") to review the final relocation plan to determine if the plan is in compliance with state laws and guidelines, or review the implementation of a relocation plan to determine if the City/Agency is acting in compliance with its relocation plan.

- If AHA denies or refuses to consider a claim, AHA's notification to the complainant of its determination shall inform the complainant of its reasons, and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English.
- **Request for Further Written Information.** A complainant may request AHA to provide him or her with a full written explanation of its determination, if he/she feels that the explanation accompanying the payment of the claim or notice of AHA's determination was incorrect or inadequate. AHA shall provide an explanation to the complainant within three weeks of its receipt of his or her request.
- **Informal Oral Presentation.** A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed with the City/Agency within the period described in this section. The City/Agency shall afford the complainant the opportunity to make a presentation before a management-level City staff person within the City's Community and Economic Development Agency, as that staff person is designated by the City/Agency. The complainant may be represented by an attorney or other person of his/her choosing at his/her expense. This oral presentation shall enable the complainant to discuss the claim with the designated City staff person. AHA shall be given the opportunity to respond to the presentation and participate in the discussion. The designated City staff person shall make a summary of the matters discussed in the oral presentation to be included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.
- **Written Request for Review and Reconsideration.** At any time within the time period described in this section, a complainant may file a written request with the City/Agency for formal review and reconsideration. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material that may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis, the City/Agency may grant the complainant's request allowing a specified period of time to gather and prepare additional material.
- **Time Limit for Requesting Review.** A complainant desiring either an informal oral presentation or seeking formal review and reconsideration, shall make a request to the City/Agency within eighteen months following the date he/she moves from the property.

#### **Formal Review and Reconsideration by the City/Agency.**

- **General.** The City/Agency shall consider the request for formal review and shall decide whether a modification of AHA's initial determination or the City/Agency staff determination pursuant to the informal review process above. This formal review shall be conducted by the City of Oakland Housing, Residential Rent, and Relocation Board (the "Board"), sitting as the City/Agency's relocation appeals board. The City/Agency shall consider the complaint regardless of form, and Board staff shall, if necessary, provide assistance to the claimant in preparing the written claim. When a claimant seeks review, Board staff shall inform him/her that he/she has the right to be represented by an attorney at the claimant's expense, to present his/her case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he/she has exhausted the administrative appeal. AHA shall be given the opportunity to respond to the claim and participate in the formal review before the Board.

- **Scope of Review.** The Board shall review and reconsider AHA's initial determination or the City/Agency staff person's determination, as applicable, of the claimant's case in light of: (1) all material upon which AHA based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness; (2) the reasons given by the claimant for requesting review and reconsideration of the claim; (3) any additional written or relevant documentary material submitted by the claimant; (4) any further information which the Board, in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.
- **Determination on Review by City/Agency.** The determination on review by the Board shall include, but is not limited to: (a) the Board's decision on reconsideration of the claim; (b) the factual and legal basis upon which the decision rests, including any pertinent explanation or rationale; and (c) a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought. The determination shall be in writing with a copy provided to the claimant and AHA. The Board's decision shall be binding on AHA.
- **Time Limits.** The City/Agency shall issue its determination on review as soon as possible but no later than six weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later. In the case of complaints dismissed for un-timeliness or for any other reason not based on the merits of the claim, the City/Agency shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than two weeks from receipt of the last material submitted by the claimant, or the date of the hearing, whichever is later.

**Refusals to Waive Time Limitation.**

Whenever the City/Agency rejects a request by a claimant for a waiver of the time limits, the claimant may file a written request for reconsideration of this decision, except that such written request for reconsideration shall be filed within 90 days of the claimant's receipt of the City/Agency's determination.

**Extension of Time Limits.**

The time limits specified may be extended for good cause by the City/Agency.

**Recommendations by Third Party.**

Upon agreement between the claimant and the City/Agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations to the City/Agency for its final determination. In reviewing the claim and making recommendations to the City/Agency, the third party or parties shall be guided by the provisions of this Appeals/Grievance Procedure.

**Review of Files by Claimant.**

Except to the extent the confidentiality of material is protected by law or its disclosure is prohibited by law, the City/Agency and AHA shall permit the claimant to inspect all files and records of his or her claim. If a claimant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

**Effect of Determination on Other Persons.**

The principles established in all determinations by the Housing, Residential Rent, and Relocation Board shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

**Right to Counsel.**

Any aggrieved party has a right to representation by legal or other counsel at his or her expense at any and all stages of the proceedings set forth in these sections.

**Stay of Displacement Pending Review.**

If a complainant seeks to prevent displacement, AHA shall not require the complainant to move until at least 20 days after the City/Agency has made a determination and the complainant has had an opportunity to seek judicial review. In all cases AHA shall notify the complainant in writing 20 days prior to the proposed new date of displacement.

**Judicial Review.**

Nothing in this Appeals/Grievance Procedure shall in any way preclude or limit a claimant or AHA from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available herein.

## Housing of Last Resort

Whenever a program or project cannot proceed on a timely basis because comparable replacement dwellings are not available within the monetary limits for tenants (\$5,250), AHA shall provide additional or alternative assistance under the Last Resort Housing provision. Any decision to provide last resort housing assistance must be adequately justified either on a case-by-case basis, for good cause, which means that appropriate consideration has been given to the availability of comparable replacement housing in the project area; the resources available to provide comparable replacement housing; and the individual circumstances of the displaced person. Alternatively, AHA may determine that:

- There is little, if any, comparable replacement housing available, therefore, last resort housing assistance is necessary;
- A program or project cannot be advanced to completion in a timely manner without last resort housing assistance; and
- The method selected for providing last resort housing assistance is cost effective, considering all elements, which contribute to total project costs.

AHA has considered its options for providing housing of last resort to the persons affected by this Project. AHA has broad latitude in implementing housing of last resort. However, implementation shall be for reasonable cost, on a case-by-case basis. The methods of providing replacement housing of last resort include, but are not limited to:

- A replacement housing payment in excess of the statutory limits established for tenants (\$5,250). A replacement housing payment under this section may be provided in installments or in a lump sum at AHA's discretion.
- Rehabilitation of and/or additions to an existing replacement dwelling.
- The construction of a new replacement dwelling.

Under special circumstances, consistent with the definition of a comparable replacement dwelling, modified methods of providing replacement housing of last resort permit consideration of replacement housing based on space and physical characteristics different from those in the displacement dwelling, including upgraded, but smaller replacement housing that is decent, safe and sanitary and adequate to accommodate individuals or families displaced from marginal or substandard housing with probable functional obsolescence.

Recommended Action. The most flexible of the Last Resort options is for AHA to pay Rent Differential Payments in excess of \$5,250 as needed. Building replacement housing units and managing the property is not AHA's policy at this time. It is also highly unlikely that construction of new replacement units could be completed to meet the project schedule.

A Study of the local housing market indicates that there will be an adequate supply of single room occupancy hotels and studio apartments to meet the needs of the project occupants during the expected displacement period. Some of these units, however, would not be affordable to some of the households if the standard relocation payments were made. The recommended course of action is for AHA to provide supplemental replacement housing funds to bring the units within the financial means of the households.

## **Project Planning**

The following information and recommendations have been provided to assist AHA with the planning of this Project.

### **Project Time Line**

Households will be provided relocation advisory assistance to assist them in securing replacement sites. It is anticipated that this will begin by June of 2010.

### **Staffing Needs**

Based on the identified needs, two Relocation Advisors will be needed to provide relocation advisory assistance to the households.

### **Citizen Participation/Plan Review**

AHA has provided a copy of the Relocation Plan to the project occupants for their review and comment. AHA's relocation policies and procedures, will guarantee the occupant's right to submit comments and have those comments included in this Final Relocation Plan.

### **Estimate of Project Relocation Costs**

The following estimate is for budgeting purposes only. The figure should not be interpreted as firm, "not to exceed" or actual entitlement costs. This figure is based on the data obtained through the household interviews, current project scope, replacement site availability, and the judgment and experience of the writer. The Most Probable Cost is based on the assumption that 14 occupants will move on a temporary basis and receive assistance for moving and reasonable out of pocket expenses. These occupants will be eligible to return to the Jefferson Inn Hotel. 10 occupants will need to be relocated permanently and will receive rental assistance either under the URA or under the 104(d) HCD Program, whichever offers the most benefit. The estimates do not include payments to consultants or to contractors.

<b>Most Probable Cost</b>
\$535,000



## Appendix

- Residential Antidisplacement and Relocation Assistance Plan
- General Information Notices
- Relocation Assistance Program Handbook
- Project Map

Affordable Housing Associates  
Residential Antidisplacement and Relocation Assistance Plan  
Under Section 104(d) of the Housing and Community Development  
Act of 1974, as Amended

Affordable Housing Associates ("AHA") has developed this Residential Antidisplacement and Relocation Assistance Plan ("Plan") in accordance 24 CFR part 42, subpart B in an effort to certify that AHA is following a Plan that will minimize the displacement of persons as a result of assisted activities.

A Commitment to Minimizing Displacement. Consistent with the goals and objectives of activities assisted under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 ("URA") as amended, Affordable Housing Associates will minimize the displacement of persons from their homes by:

1. Evaluating projects funded by Community Development Block Grant and HOME that might involve displacement of low/moderate-income households and ensure that the relocation and replacement housing obligations are provided.
2. Pursue the funding of projects that will not involve the displacement of low/moderate-income households.
3. Pursue projects that will not involve the displacement of low/moderate-income households to seek alternative sites for development.
4. Giving preference to displaced low/moderate-income households in new projects, if the person or family qualifies for the project.

A Commitment to Provide Relocation Assistance. AHA shall provide relocation assistance as described in 24 CFR 570.606, to each low/moderate-income household displaced by the demolition of housing or by the conversion of a low/moderate-income dwelling to another use as a direct result of assisted activities. This includes the levels of assistance outlined in Section 104(d) of the Housing and Community Development Act of 1974 and further defined in 24 CFR 42.350 which provide for rental assistance over a 60 month period.

AHA shall provide each household with the option of receiving assistance as described in 49 CFR 24 which provides for rental assistance over a 42 month period if it is determined that such assistance is in the household's best interest.

Temporarily displaced households shall be provided with assistance to cover reasonable out-of-pocket expenses during displacement. This can include advisory assistance and monetary assistance for increased rent, moving costs, security deposits and increased utility costs. In rare cases, a *per-diem* may be provided for food costs if comparable housing is not available.

Displaced persons shall be relocated into comparable, decent, safe and sanitary dwellings that are adequate in size to accommodate the dwelling occupants. Replacement dwellings shall be *functionally equivalent to the acquired dwellings and shall not be subject to unreasonably adverse environmental conditions.*

Displaced persons shall have the right to appeal a claim that is denied by AHA.

Distribution of relocation assistance payments shall be made on a timely basis in a minimum of two installments. A displaced household may elect to receive a lump-sum payment equal to the capitalized value of the relocation assistance payment to allow for the purchase of replacement housing in accordance with program restrictions.

A Commitment to Provide One-For-One Replacement. AHA shall replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR 570.606(b)(1) and 24 CFR 42.375. Dwellings shall be provided within the same community and shall be designed to remain affordable to persons of low and moderate income for ten years from the date of initial occupancy.

All replacement housing will be provided within three years of the commencement of the demolition and rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, AHA will make public and submit to the HUD Field Office the following information in writing:

1. A description of the proposed assisted activity;
2. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activity;
3. A time schedule for the commencement and completion of the demolition or conversion;
4. The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;
5. The source of funding and a time schedule for the provision of replacement dwelling units; and
6. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of the initial occupancy.

February 17, 2010



Jefferson Inn Hotel  
1424 Jefferson Street, Unit #204  
Oakland, California 94612-1416

Re: General Information Notice and Initial Contact Letter  
Request for Meeting to Discuss Rehabilitation Project and Relocation Assistance

Dear

Affordable Housing Associates (AHA) is interested in purchasing the Jefferson Inn Hotel in order to develop an affordable housing project in partnership with the Oakland Housing Authority. AHA has been negotiating with the building owner for some time. At the moment, the project is still in the planning phase.

If AHA is able to purchase the property, then the hotel occupants would be required to move some time in August of 2010 so that the hotel could be rehabilitated. The purpose of this notice is to invite you to meet with your Relocation Advisor who can answer questions related to the project, the project schedule, and your rights, if any, to receive relocation assistance under federal laws and regulations. Your Relocation Advisor will also gather general information from you and others who may be affected by the project in order to prepare a Relocation Impact Statement and Last Resort Housing Plan ("Plan"). The Plan will address the needs of the project occupants and the assistance that will be available if the project proceeds.

If AHA is able to acquire the Property, and you are required to move as a result, you may be eligible to receive financial assistance to rent a replacement room or apartment and to help with moving costs. Associated Right of Way Services, Inc. has been retained by AHA to help to plan for the project and to provide you with Relocation Assistance.

Persons who are displaced for a publically funded project may be eligible for relocation advisory services and payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) and the implementing regulations found in the Code of Federal Regulations (49 CFR Part 24). A brief explanation of these laws and your rights are found in the Relocation Assistance Brochure. A copy of that brochure will be given to you when you meet with your Relocation Advisor.

It is important that you understand that this notice does not require you to move at this time. This is not a notice to vacate the premises. It is important that you continue to honor the terms of your rental agreement. Please contact us before you make any moving plans. If you move before you receive a Notice of Eligibility from AHA, you may not be eligible to receive relocation benefits.

1250 Addison Street, Suite C • Berkeley, CA 94702 • 510-649-8500 • Fax: 510-548-3094 • info@ahainc.org • www.ahainc.org

*strengthening individuals, families, and communities through affordable housing*

If AHA acquires the Property, you will be given advisory services, including referrals to replacement sites, and advance written notice of the date you would be required to move. The following information relates to general relocation services and payments.

**Relocation Advisory Assistance.** A Relocation Advisor will be available to help you through the relocation process. Your Relocation Advisor will provide you with information concerning your entitlements, project scheduling, available housing, and claim processing.

**Moving Expenses.** If you are required to move as a result of this project, you would be eligible to receive reimbursement for certain moving expenses.

**Replacement Housing Costs.** You may be eligible to receive assistance with increased rental cost payments or a payment toward the purchase of a home. To qualify for this, you would need to have occupied your room in the Jefferson Inn Hotel for at least 90 consecutive days immediately before AHA made its first written offer to purchase that property in October of 2009.

You may receive relocation assistance payments only if you purchase or rent and occupy a dwelling which meets federal standards for a decent, safe and sanitary dwelling. Your Relocation Advisor will need to inspect your replacement home before you agree to rent or buy it.

In order to receive a Replacement Housing Payment, you must occupy a decent, safe and sanitary dwelling within one year after vacating the Property where you now live. If you are lawfully occupying the Property where you now live, AHA will not ask you to move without first giving you a minimum of 90 days advance notice, in writing. If you are an eligible occupant, you will not be required to move unless adequate decent, safe and sanitary replacement housing, which is open to all person regardless of race, color, religion, sex, or national origin, has been made available to you or you have secured such housing for yourself.

**Timing of Payments.** No relocation payment can be made until AHA has reached an agreement with the property owner to purchase the property. You will be notified in writing within 60 days of that date.

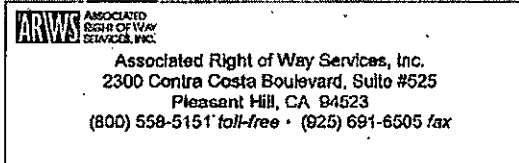
**Your Right to Appeal.** You may appeal if you believe AHA has failed to properly determine your eligibility or the amount of payment authorized by the Relocation Regulations. You have the right to be represented by legal counsel, but this is not required. If you still believe a proper determination has not been made, you may seek judicial review.

Certain conditions must be satisfied before AHA will confirm your eligibility for residential relocation assistance; proof of 90-day consecutive residential occupancy of the Property prior to October 2009, documentation of your income, and legal residency certification are required for all residential occupants.

All services and/or benefits to be derived from any right of way activity will be administered without regard to race, color, national origin, or sex in compliance with Title VI of the 1964 Civil Rights Act.

Please contact AR/WS to arrange a time to meet with an Advisor at the hotel to discuss the project and the Relocation Assistance Program. Relocation Advisors from AR/WS are available to meet with you at a time that is convenient for you. They will also be knocking on doors at the hotel from February 19 – 28, 2010 in the hopes of reaching you for an appointment. If you would like to schedule a specific appointment, please call Ms. Cyndi Pagan at 1-800-558-5151.

Jefferson Inn Hotel, Room #204  
February 17, 2010  
Page 3 of 3



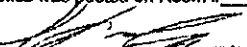
Please be aware that pursuant to Public Law 105-117, aliens not lawfully present in the United States are not eligible to receive relocation assistance, unless such ineligibility would result in exceptional hardship to a qualifying spouse, parent or child. All persons seeking relocation assistance will be required to certify that they are a United States citizen or national, or an alien lawfully present in the United States.

Thank you for working with us to help to plan for this important project. Should you have additional questions or if I can be of additional service please contact me by phone at (510) 649-8500.

Sincerely,

Eve Stewart

cc: ARWS, Inc.

Certification of Delivery	
<input type="checkbox"/>	This Notice was sent via first class and certified mail on _____.
<input checked="" type="checkbox"/>	This Notice was personally delivered on <u>2/19/10</u> .
<input type="checkbox"/>	This Notice was posted on Room # _____ on _____.
Signature: 	Date: <u>2/19/10</u>

February 16, 2010



Hotel Guest  
Jefferson Inn Hotel  
1424 Jefferson Street, Room #512  
Oakland, California 94612-1416

Re: General Information Notice and Initial Contact Letter

Dear Hotel Guest:

Affordable Housing Associates ("AHA") is interested in purchasing the Jefferson Inn Hotel in order to develop an affordable housing project in partnership with the Oakland Housing Authority. AHA has been negotiating with the building owner for some time. At the moment, the project is still in the planning phase.

If AHA is able to purchase the property, then the hotel occupants would be required to move some time in August of 2010 so that the hotel could be rehabilitated. The purpose of this notice is to invite you to meet with a Relocation Advisor who can answer questions related to the project, the project schedule, and applicable federal laws and regulations. The Relocation Advisor will also gather general information from you and others who may be affected by the project in order to prepare a Relocation Impact Statement and Last Resort Housing Plan ("Plan"). The Plan will address the needs of the project occupants and the assistance that will be available to eligible occupants if the project proceeds.

Persons who are displaced for a publically funded project may be eligible for relocation advisory services and payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) and the implementing regulations found in the Code of Federal Regulations (49 CFR Part 24).

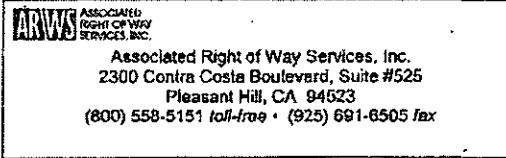
It is our understanding that you occupy the Jefferson Inn Hotel as a transient-occupancy guest. As such, it is expected that you will not be eligible to receive certain relocation assistance under federal laws and regulations as a result of AHA's proposed acquisition. At this time AHA does not own the property and is not asking any guests to leave. However, it is recommended that you meet with a Relocation Advisor to discuss your rights, if any, to receive relocation assistance under federal laws and regulations.

Please contact ARWS to arrange a time to meet with an Advisor at the hotel to discuss the project and the Relocation Assistance Program. Relocation Advisors from ARWS are available to meet with you at a time that is convenient for you. They will also be knocking on doors at the hotel from February 19 - 28, 2010 in the hopes of reaching you for an appointment. If you would like to schedule a specific appointment, please call Ms. Cyndi Pagan at 1-800-558-5151.

1250 Addison Street, Suite G • Berkeley, CA 94702 • 510-649-8500 • Fax: 510-548-3094 • [info@ahainc.org](mailto:info@ahainc.org) • [www.ahainc.org](http://www.ahainc.org)

*strengthening individuals, families, and communities through affordable housing*

Jefferson Hotel  
1424 Jefferson Street, Room #512  
February 18, 2010  
Page 2 of 2



Thank you for working with us to help to plan for this important project. Should you have additional questions or if I can be of additional service please contact me, the Project Manager, by phone at (510) 649-8500.

Sincerely,

Eve Stewart

cc: ARWS, Inc.

Certification of Delivery	
<input type="checkbox"/>	This Notice was sent via first class and certified mail on _____.
<input type="checkbox"/>	This Notice was personally delivered on _____.
<input type="checkbox"/>	This Notice was posted on Room # _____ on _____.
Signature:	Date:



# Relocation Assistance Handbook

Summarizing Assistance Available to Temporarily and  
Permanently Displaced Households

PROVIDED TO YOU AS A COURTESY BY

AFFORDABLE HOUSING ASSOCIATES

Summarizing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970,  
as amended (42 U.S.C. 4601 *et seq.*) and implementing regulations found in 49 CFR 24

This handbook has been provided to you as a courtesy by Affordable Housing Associates and is intended to provide general information concerning the Relocation Assistance Program that is available for this rehabilitation project. Further details regarding relocation assistance and benefits are set forth in federal law and regulations. Those laws and regulations can be found in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*); Section 104(d) of the Housing and Community Development Act of 1974; and corresponding regulations found in 49 CFR 24, 24 CFR Part 42, 24 CFR 570, and 24 CFR Part 92. Your Relocation Advisor will also be available to help you to understand the assistance that is available to you through this program.

This summary of benefits has been provided for general information purposes only and it is not meant to be interpreted as law.

### Relocation Assistance for Persons Temporarily Displaced

When private developers purchase property with public funds, the goal is often to provide for the development of affordable housing. Developers often purchase properties that are in disrepair or that show signs of deferred maintenance. Target problems are identified, funds are secured, and then the developer rehabilitates the properties. After rehabilitation is completed, many of the units in the complex become affordable housing units and are controlled by the program rules tied to the project funding.

Oftentimes, the properties are occupied by households who have lived in the property for some time. The goal of the developer is to give those households the first option to return to the property after rehabilitation is completed. Sometimes, households can remain in their apartments while rehabilitation work is being done. Other times, the construction work is more involved and households must move into other apartments in the complex while rehabilitation work is being completed. The last option is to move households offsite into rentals in the greater community. This last option is only required when construction is significant and the households could not safely remain on site during rehabilitation.

In any case, the developer must adequately plan how to provide housing and assistance to the tenant households who will be affected during construction. The developer must attempt to interview each household and determine the needs of the occupants and whether or not each household income qualifies to live in the apartment complex after rehabilitation is completed. The developer then prepares a Final Relocation Impact Study and Last Resort Housing Plan ("Plan") that outlines the scope of the project, the affect the project will have on the existing occupants, and the assistance that will be provided to those occupants. The Plan will identify the governing laws and regulations that will apply to the project. That Plan is then circulated for public review and comment for 30 days before being submitted to the governing body for review and adoption. This planning requirement is found in the Government Code of the State of California, Sections 7260 and 7261 and the California Code of Regulations, Title 25, Chapter 6, Section 6038.

It is important that each household meet with a Relocation Advisor to understand their rights and responsibilities under the Temporary Relocation Assistance Program ("Program"). Since the affordable housing project is being created to house persons who meet certain income criteria, it is important that each household provide information on their household and the income of each household member. Each household will be asked to provide this information when a Plan is being prepared and again when the rehabilitated units are ready for occupancy. The developer will determine which households are eligible to return to the project once rehabilitation is complete.

If a household is eligible to return to the project after rehabilitation is completed, then the household will be given a **Notice of Relocation Assistance for Temporarily Displaced Households** which is also known as a **Notice of Non-Displacement** and a copy of this **Relocation Assistance Handbook**. Those documents will identify all of the benefits and conditions for receipt of benefits for the household. Those benefits and conditions are briefly described below.

**Persons Eligible to Receive Relocation Assistance.** In general, persons who are in legal occupancy and who are required to move as a direct result of the project are eligible to receive assistance under this program. Persons who moved in to the apartment complex with prior knowledge of the project are not eligible to receive assistance under this program. Persons who are not eligible were provided with a Move-In Notice prior to occupancy that described the pending project. These occupants were asked to sign the Move-In Notice prior to signing a Rental Agreement.

**Relocation Advisory Assistance.** The United States Congress determined that any person being affected by a publicly funded project had the right to receive assistance in understanding the laws and regulations that protect them if they are required to move for a project. Congress determined that a knowledgeable Relocation Advisor be available to each household to help them through the process, to provide them with notices as required, and to provide them with verbal and written information. *Your Relocation Advisor will be available to answer your questions and to help you throughout the move process.*

**Property Management.** Affordable Housing Associates will work with each household to complete the application process and to orchestrate the timing and the details of the temporary move. All property management issues should be directed to the property manager throughout the process.

**Project Noticing.** There are several notices that each affected household will receive that will help to keep occupants informed as the project progresses. Each eligible occupant has the right to receive these documents in a timely manner and in a language that they can understand.

• <u>General Information Notice:</u>	This notice provides information about the project and eligibility as soon as a potential project is identified.
• <u>Initial Contact Letter:</u>	This letter requests that each household meet with a Relocation Advisor to understand conditions and benefits of the Program.
• <u>Notice of Relocation Assistance for Temporarily Displaced Households (Notice of Non-Displacement):</u>	This notice outlines the conditions and benefits of the program as they pertain to each specific household. It will also identify the anticipated dates that the household will be required to move.
• <u>90-Day Notice to Vacate:</u>	This notice provides a minimum of 90-days written notice of the date that the household must move from the apartment. A household may choose to move sooner if a temporary housing unit is available to them.
• <u>Notice of Unit Availability:</u>	This notice is sent to each household to identify a rehabilitated unit that is available for them. The household will need to complete the application process with the Property Manager.

**Project Scheduling.** No household will be required to be housed temporarily for more than 12 months. AHA will provide a minimum of 90 days written notice to each household of the date they must vacate their apartment. While a household may choose to vacate sooner than the required vacate date, a rehabilitated apartment will be available within 12 months of the date the household is **required** to move.

Each household who will be returning to the rehabilitated project will be provided a **Notice of Unit Availability** as soon as a rehabilitated unit is available to them. This notice is sent to each household to inform them which unit is available for them to occupy. Each household will need to complete the application process with the Property Manager who will make the final determination regarding occupancy. After a household receives confirmation that a unit is available, the household will have 30 days to sign all necessary Rental Agreements and supporting documentation and to move in to the unit. If the household chooses not to complete the application process, or chooses not to move in to the unit within 30 days, then the household forfeits all rights to priority housing within the complex and any additional assistance under the Program.

**Right to Decent, Safe and Sanitary Housing.** Each household has the right to rent and occupy a Decent, Safe, and Sanitary replacement unit that accommodates the size of their household in accordance with local housing occupancy standards. Decent, Safe, and Sanitary ("DS&S") is defined as:

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons.
- Have 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.

- > Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- > Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

**Monetary Assistance.** AHA will cover all actual and reasonable out-of-pocket expenses related to the household's move from the apartment and back into a rehabilitated apartment unit. These costs can include the following payments, depending on the type of temporary housing available during displacement:

- **Payment for Moving Related Expenses.** A household may choose either Option A or B.

**Option A**

- > AHA can reimburse the household to hire a professional moving company to perform the move.
- > AHA can reimburse the household for the cost to pay for credit check fees
- > AHA can reimburse the household for the cost to reconnect utilities.

**Option B**

- > AHA can pay the household to move themselves based on a Fixed Moving Payment Schedule as shown below:

If the Occupant owns Furniture - Number of Rooms of Furniture							If the Occupant does not own furniture	
1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	1 room no furniture	Each additional room/no furniture
\$625	\$800	\$1,000	\$1,175	\$1,425	\$1,650	\$1,900	\$400	\$65

- **Payment for Rent Increase During Temporary Displacement.** If there is any increase in rent during the time that the household rents and occupies temporary housing, then AHA will pay for the difference between the rent at the temporary site and the rent at the original apartment.
- **Security Deposit Assistance.** AHA will return the original security deposit so that the household can use it to secure temporary housing. If the security deposit is higher than the deposit that is returned by AHA, then AHA will make up the difference in the price of the security deposit. That amount will be return to AHA when the tenant vacates the temporary unit and returns to the rehabilitated apartments.

## Relocation Assistance for Persons Permanently Displaced

When private developers purchase property with public funds, the goal is often to provide for the development of affordable housing. Developers often purchase properties that are in disrepair or that show signs of deferred maintenance. Target problems are identified, funds are secured, and then the developer rehabilitates the properties. After rehabilitation is completed, many of the units in the complex become affordable housing units and are controlled by the program rules tied to the project funding.

Oftentimes, the properties are occupied by households who have lived in the property for some time. The goal of the developer is to give those households the first option to return to the property after rehabilitation is completed. Sometimes, however, a household cannot qualify to return to the project once rehabilitation is completed. This can be a result of income or due to the number of people living in the household that cannot be accommodated by the project.

The developer must adequately plan for how they will provide housing and assistance to the tenant households who will be affected during construction. The developer must attempt to interview each household and determine the needs of the occupants and whether or not each household income qualifies to live in the apartment complex after rehabilitation is completed. The developer then prepares a Draft Relocation Impact Study and Last Resort Housing Plan ("Plan") that outlines the scope of the project, the affect the project will have on the existing occupants, and the assistance that will be provided to those occupants. The Plan will identify the governing laws and regulations that will apply to the project. That Plan is then circulated for public review and comment for 30 days before being submitted to the governing body for review and adoption.

It is important that each household meet with a Relocation Advisor to understand their rights and responsibilities under the Relocation Assistance Program ("Program"). Since the affordable housing project is being created to house persons who meet certain income criteria, it is important that each household provide information on their household and the income of each household member. Each household will be asked to provide this information when a Plan is being prepared and again when the rehabilitated units are ready for occupancy. The developer will determine which households are eligible to return to the project once rehabilitation is complete.

If a household is determined to be ineligible to return to the project after rehabilitation is completed, then the household will be given a **Notice of Eligibility** and later a **Conditional Entitlement Letter**. Each household will also be given a copy of a **Relocation Assistance Handbook**. Those documents will identify all of the benefits and conditions for receipt of benefits for the household. Those benefits and conditions are briefly described below.

**Relocation Advisory Assistance.** The United States Congress determined that any person being affected by a publicly funded project had the right to receive assistance in understanding the laws and regulations that protect them if they are required to move for a project. Congress determined that a knowledgeable Relocation Advisor be available to each household to help them through the process, to provide them with notices as required, and to provide them with verbal and written information. Your Relocation Advisor will be available to answer your questions and to help you throughout the move process.

Your Relocation Advisors will help you to find comparable, decent, safe, and sanitary replacement housing and to secure that housing. They will also prepare claim forms on your behalf and help you to file those claims for reimbursement under the Relocation Assistance Program ("Program").

**Definition of Terms.** This Program incorporates certain language that may be unfamiliar to the reader. Therefore, the following terms have been defined.

**Comparable Replacement Dwelling.** A definition of a comparable replacement dwelling is a dwelling that is of similar size and type to the acquired dwelling. A more specific definition would include:

- Decent, safe, and sanitary as described below.
- Functionally equivalent to the displacement dwelling. The term "functionally equivalent" means that it performs the same function, provides the same utility, and is capable of contributing to a comparable style of living.
- In an area not subject to unreasonable adverse environmental conditions from either natural or manmade sources.
- Available to all persons regardless of race, color, religion, sex, marital status, or national origin.
- Within the financial means of the displaced person (housing costs do not exceed 30% of the household's average monthly income), either by their own means or through assistance from AHA.

**Decent, Safe, & Sanitary (DS&S).** In order to meet decent, safe, and sanitary requirements, a replacement site must meet the following criteria:

- Be structurally sound, clean, weather tight, in good repair, and adequately maintained.
- Contain a safe electrical wiring system adequate for lighting and other devices.
- Contain a safe heating system capable of sustaining a healthful temperature.
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons.
- Have 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.
- Contain unobstructed egress to safe, open space at ground level. If the dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.
- Be free of any barriers which prevent reasonable ingress, egress, or use of the dwelling by such displaced person.

**Displaced Person/Household.** Lawful occupants required to move from the Property due to the rehabilitation of existing dwelling units and conversion to an affordable housing development and the displacement lasts longer than 90 days. Displaced persons will be eligible to receive Relocation Advisory Assistance, Moving Expense Payments, and Replacement Housing Payments (eligibility for replacement housing payments will be determined on a case-by-case basis).

## Summary of Residential Occupant Benefits

AHA has adopted the following Relocation Assistance Program in order to provide displaced persons with the benefits to which they are entitled under governing regulations.

- A. Moving Cost Assistance.** Each displaced household is entitled to receive a moving payment from AHA to move their personal property to their replacement home. Each household may elect one of the two options for cost reimbursement as outlined below for each move:

**Fixed Moving Expense and Dislocation Allowance.** A household may choose to move their own personal property to the replacement site and to submit a claim based on the following Moving Expense and Dislocation Allowance Schedule published by the Code of Federal Regulations.

Occupant owns Furniture - Number of Rooms of Furniture									Occupant does not own furniture	
1 Room	2 Rooms	3 Rooms	4 Rooms	5 Rooms	6 Rooms	7 Rooms	8 Rooms	Additional room	1 room no furn.	Add'l room/ no furn.
\$625	\$800	\$1,000	\$1,175	\$1,425	\$1,650	\$1,900	\$2,150	\$225	\$400	\$651

**Actual Reasonable Moving Costs and Related Expenses.** AHA will pay actual moving expenses based on the lower of at least two acceptable moving bids from qualified professional moving carriers. AHA will pay all reasonable costs to pack, move, and unpack all personal property. AHA can make a direct payment to the professional moving carrier under this option. AHA will allow reimbursement to the displaced household for any one-time utility reconnection fees, such as phone, gas, electric, and cable.

- B. Section 104(d) Rental Assistance.**

If you are eligible, you will receive assistance based on estimated needs for a period of 60 months. The Agency may offer you that assistance in cash or under the HCV Program. The Agency will tell you which option it is providing to you.

**Cash Rental Assistance.** A household's "need" for rental assistance is computed by subtracting the highest of the following calculations from the rent and estimated average monthly utility costs for your new home (or a comparable replacement home, if that cost is lower):

- 30 percent of the household's monthly adjusted income,
- 10 percent of the household's monthly gross income, or
- The welfare rent allowance (where designated).

That monthly need, if any, is multiplied by 60, to determine the total amount that you will receive. This amount will be paid directly to you in monthly installments or other periodic payments.



**Example:** Let's say that your family's adjusted monthly income is \$600, and the monthly rent and estimated average utility costs for the comparable replacement home to which you move are \$350. In this case, your monthly need would be \$170 [ $\$350 - \$180$  (30 percent of \$600)]. Multiplying this amount by 60 results in \$10,200 of rental assistance.

**Housing Choice Voucher (HCV) (section 104(d)).** You may be offered a HCV. If so, you will also be referred to comparable replacement homes where the owner will accept the voucher. If the rent and estimated average monthly utility costs for both the comparable replacement home and the unit to which you relocate exceed the voucher "payment standard," you will qualify for cash assistance to cover the gap for 60 months.

**Advantages of HCV Assistance.** The HCV assistance may continue for as long as you have a need. Unlike cash assistance, HCV assistance is recomputed each year to reflect changes in your income, rent or the cost of utilities. While cash assistance will terminate at the end of 60 months, HCV assistance may continue to be available after the 60-month period ends if you still qualify as a lower-income person.

#### **C. URA Rental Assistance.**

URA rental assistance is computed by subtracting the "base monthly rent" for your present home from the rent and average monthly cost of utilities for your new home (or a comparable replacement home, if that cost is lower). That monthly need, if any, is multiplied by 42, to determine the total amount that you will receive. This amount will be paid directly to you in monthly installments or other periodic payments. Generally, the base monthly rent for your present home is the lesser of: (1) the monthly rent and average monthly cost for utilities, or (2) thirty (30) percent of your income (if you are low-income based on HUD income limits).

**Examples:** Let's say that the monthly rent and average cost for utilities for your present home are \$250; the monthly rent and estimated average utility costs for a comparable replacement home are \$350; and your monthly gross income is \$700. In this case, your "base monthly rent" would be \$210 because you are low-income and that amount (30 percent of your income) is less than the monthly cost of rent and utilities at your present home (\$250).

If you rent a replacement home for \$360 per month, including estimated average monthly utility charges, you will receive \$5,880. That amount is 42 times \$140 (the difference between the "base monthly rent" for your present home (\$210) and the cost for a comparable replacement home (\$350)).

If you rent a replacement home for \$310, including estimated average monthly utility charges, you will receive \$4,200. That amount is 42 times \$100 (the difference between the "base monthly rent" for your present home (\$210) and the actual cost of your new home (\$310)).

## **Purchase Assistance**

If you buy, rather than rent, a replacement home, you may be eligible for assistance to make a down payment. The amount depends on the type of housing that you buy. Section 104(d) purchase assistance is limited to mutual housing and cooperative housing. If you wish to purchase a house that is not mutual or cooperative housing, your purchase assistance would be provided under the URA.

### **Section 104(d) Purchase Assistance.**

If you buy a replacement home which is mutual or cooperative housing, you may be eligible for assistance based on the present value of the monthly payments you would receive if you rented a comparable replacement home for 60 months. Remember, the monthly payment is generally determined by subtracting 30 percent of your adjusted income from the monthly rent and estimated average monthly utility costs for a comparable replacement home.

**Example:** Assuming the information in the prior section 104(d) example and a 4 percent return on passbook savings, the purchase assistance would be \$9,231. Remember, your net monthly contribution is \$180, and the monthly rent and estimated average monthly cost of utilities for a comparable replacement home total \$350. The monthly difference is \$170. The present value of 60 monthly payments of \$170, discounted at 4 percent, is \$9,231. The full amount of the payment must be applied to the purchase of the mutual or cooperative housing that you buy.

### **URA Purchase Assistance for Renters.**

URA assistance to make a down payment is equal to the amount you would receive if you had rented a comparable replacement home (42 times the amount obtained by subtracting the "base monthly rent" for your present home from the monthly rent and estimated average monthly cost of utilities for a comparable replacement home). Remember, URA assistance is not limited to mutual housing or cooperatives.

**Example:** Assuming the information in the prior URA examples, the assistance for a down payment would be \$5,880. That amount is 42 times \$140 (the difference between the "base monthly rent" for your present home (\$210) and the monthly rent and estimated average monthly utility costs for a comparable replacement home (\$350)). The full amount of the payment must be applied to the purchase of your new home. **Replacement Housing Payments.** A Rent Differential Payment up to \$5,250 is available to assist permanently displaced households in either renting or purchasing a replacement dwelling. To be eligible, a decent, safe, and sanitary replacement dwelling must be occupied within 18 months after moving if a replacement property is rented or one year after moving if a replacement property is purchased.

AHA will conduct a Housing Valuation Study for the type of housing unit needed to determine the cost of a comparable replacement dwelling. The permanently displaced household will receive a Conditional Entitlement Letter that describes all relocation benefits and the maximum Rent Differential Payment to which the household is entitled. The Letter will also explain the "spend to get" requirement. The "spend to get" requirement means that benefit payments will be made by AHA only when the household demonstrates that entitlement amounts have been or will be spent. Rent Differential Payments must be used for reasonable and necessary expenses related to replacement housing.

A Rent Differential Payment when used to purchase a replacement dwelling must be applied to the down payment and/or non-recurring closing costs for a decent, safe, and sanitary replacement dwelling. AHA will deposit down payments directly into the escrow account to purchase the replacement property.

### **The Last Resort Housing Program**

Housing of Last Resort is a program that allows for the implementation of certain regulations to ensure that comparable replacement housing is within the financial means of the displaced person. Last Resort Housing is a procedure wherein AHA, based upon additional documentation, may exceed the \$5,250 monetary limit to enable a displaced person to rent a comparable replacement dwelling. Several methods to provide Last Resort Housing to qualified displaced persons are available to AHA:

1. Provide supplemental funds in excess of the standard limit to allow occupants to replace their current home with an affordable dwelling. All payments are based on the most comparable replacement property as approved in AHA's Housing Valuation Studies. As with all other replacement housing payments, displaced occupants must meet spend to get requirements in order to claim payments.
2. Build new replacement housing or rehabilitate existing units or provide funds for private parties to rehabilitate existing units for occupancy by displaced households.
3. Provide Section 8 Housing Vouchers.

**Recommended Action.** It has been determined that there will be one permanent displacement that may require assistance under the last resort housing provisions. Therefore, the most flexible of the Last Resort Housing options is for AHA to pay Rent Differential Payments in excess of \$5,250 for qualified displaced persons, as necessary. The recommended course of action is for AHA to provide supplemental replacement housing funds to bring the unit within the financial means of the permanently displaced household. This will be determined at a later date when the Housing Valuation Study is prepared for the permanently displaced household. Last Resort Housing provisions will not apply to the households being temporarily displaced.

## Additional Program Information

### Appeal and Grievance Process

Under the guidelines of the City of Oakland ("City") and the Redevelopment Agency of the City of Oakland ("Agency"), any complainant, who believes himself/herself aggrieved by a determination by AHA as to eligibility or the amount of a relocation payment may, at his or her election, have his/her claim reviewed and reconsidered by the City/Agency in accordance with the following procedures:

A person or organization directly affected by the relocation project may petition the California Housing and Community Development Department ("HCD") to review the final relocation plan to determine if the plan is in compliance with state laws and guidelines, or review the implementation of a relocation plan to determine if the City/Agency is acting in compliance with its relocation plan.

- If AHA denies or refuses to consider a claim, AHA's notification to the complainant of its determination shall inform the complainant of its reasons, and the applicable procedures for obtaining review of the decision. If necessary, such notification shall be printed in a language other than English.
- **Request for Further Written Information.** A complainant may request AHA to provide him or her with a full written explanation of its determination, if he/she feels that the explanation accompanying the payment of the claim or notice of AHA's determination was incorrect or inadequate. AHA shall provide an explanation to the complainant within three weeks of its receipt of his or her request.
- **Informal Oral Presentation.** A complainant may request an informal oral presentation before seeking formal review and reconsideration. A request for an informal oral presentation shall be filed with the City/Agency within the period described in this section. The City/Agency shall afford the complainant the opportunity to make a presentation before a management-level City staff person within the City's Community and Economic Development Agency, as that staff person is designated by the City/Agency. The complainant may be represented by an attorney or other person of his/her choosing, at his/her expense. This oral presentation shall enable the complainant to discuss the claim with the designated City staff person. AHA shall be given the opportunity to respond to the presentation and participate in the discussion. The designated City staff person shall make a summary of the matters discussed in the oral presentation to be included as part of its file. The right to formal review and reconsideration shall not be conditioned upon requesting an oral presentation.
- **Written Request for Review and Reconsideration.** At any time within the time period described in this section, a complainant may file a written request with the City/Agency for formal review and reconsideration. The complainant may include in the request for review any statement of fact within the complainant's knowledge or belief or other material that may have a bearing on the appeal. If the complainant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis, the City/Agency may grant the complainant's request allowing a *specified period of time to gather and prepare additional material.*

- **Time Limit for Requesting Review.** A complainant desiring either an informal oral presentation or seeking formal review and reconsideration, shall make a request to the City/Agency within eighteen months following the date he/she moves from the property.

**Formal Review and Reconsideration by the City/Agency.**

- **General.** The City/Agency shall consider the request for formal review and shall decide whether a modification of AHA's initial determination or the City/Agency staff determination pursuant to the informal review process above. This formal review shall be conducted by the City of Oakland Housing, Residential Rent, and Relocation Board (the "Board"), sitting as the City/Agency's relocation appeals board. The City/Agency shall consider the complaint regardless of form, and Board staff shall, if necessary, provide assistance to the claimant in preparing the written claim. When a claimant seeks review, Board staff shall inform him/her that he/she has the right to be represented by an attorney at the claimant's expense, to present his/her case by oral or documentary evidence, to submit rebuttal evidence, to conduct such cross-examination as may be required for a full and true disclosure of facts, and to seek judicial review once he/she has exhausted the administrative appeal. AHA shall be given the opportunity to respond to the claim and participate in the formal review before the Board.
- **Scope of Review.** The Board shall review and reconsider AHA's initial determination or the City/Agency staff person's determination, as applicable, of the claimant's case in light of: (1) all material upon which AHA based its original determination, including all applicable rules and regulations, except that no evidence shall be relied upon where a claimant has been improperly denied an opportunity to controvert the evidence or cross-examine the witness; (2) the reasons given by the claimant for requesting review and reconsideration of the claim; (3) any additional written or relevant documentary material submitted by the claimant; (4) any further information which the Board, in its discretion, obtains by request, investigation, or research, to ensure fair and full review of the claim.
- **Determination on Review by City/Agency.** The determination on review by the Board shall include, but is not limited to: (a) the Board's decision on reconsideration of the claim; (b) the factual and legal basis upon which the decision rests, including any pertinent explanation or rationale; and (c) a statement to the claimant that administrative remedies have been exhausted and judicial review may be sought. The determination shall be in writing with a copy provided to the claimant and AHA. The Board's decision shall be binding on AHA.
- **Time Limits.** The City/Agency shall issue its determination on review as soon as possible but no later than six weeks from receipt of the last material submitted for consideration by the claimant or the date of the hearing, whichever is later. In the case of complaints dismissed for un-timeliness or for any other reason not based on the merits of the claim, the City/Agency shall furnish a written statement to the claimant stating the reason for the dismissal of the claim as soon as possible but not later than two weeks from receipt of the last material submitted by the claimant, or the date of the hearing, whichever is later.

**Refusals to Waive Time Limitation.**

Whenever the City/Agency rejects a request by a claimant for a waiver of the time limits, the claimant may file a written request for reconsideration of this decision, except that such written request for reconsideration shall be filed within 90 days of the claimant's receipt of the City/Agency's determination.

**Extension of Time Limits.**

The time limits specified may be extended for good cause by the City/Agency.

**Recommendations by Third Party.**

Upon agreement between the claimant and the City/Agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations to the City/Agency for its final determination. In reviewing the claim and making recommendations to the City/Agency, the third party or parties shall be guided by the provisions of this Appeals/Grievance Procedure.

**Review of Files by Claimant.**

Except to the extent the confidentiality of material is protected by law or its disclosure is prohibited by law, the City/Agency and AHA shall permit the claimant to inspect all files and records of his or her claim. If a claimant is improperly denied access to any relevant material bearing on the claim, such material may not be relied upon in reviewing the initial determination.

**Effect of Determination on Other Persons.**

The principles established in all determinations by the Housing, Residential Rent, and Relocation Board shall be considered as precedent for all eligible persons in similar situations regardless of whether or not a person has filed a written request for review. All written determinations shall be kept on file and available for public review.

**Right to Counsel.**

Any aggrieved party has a right to representation by legal or other counsel at his or her expense at any and all stages of the proceedings set forth in these sections.

**Stay of Displacement Pending Review.**

If a complainant seeks to prevent displacement, AHA shall not require the complainant to move until at least 20 days after the City/Agency has made a determination and the complainant has had an opportunity to seek judicial review. In all cases AHA shall notify the complainant in writing 20 days prior to the proposed new date of displacement.

**Judicial Review.**

Nothing in this Appeals/Grievance Procedure shall in any way preclude or limit a claimant or AHA from seeking judicial review of a claim upon exhaustion of such administrative remedies as are available herein.

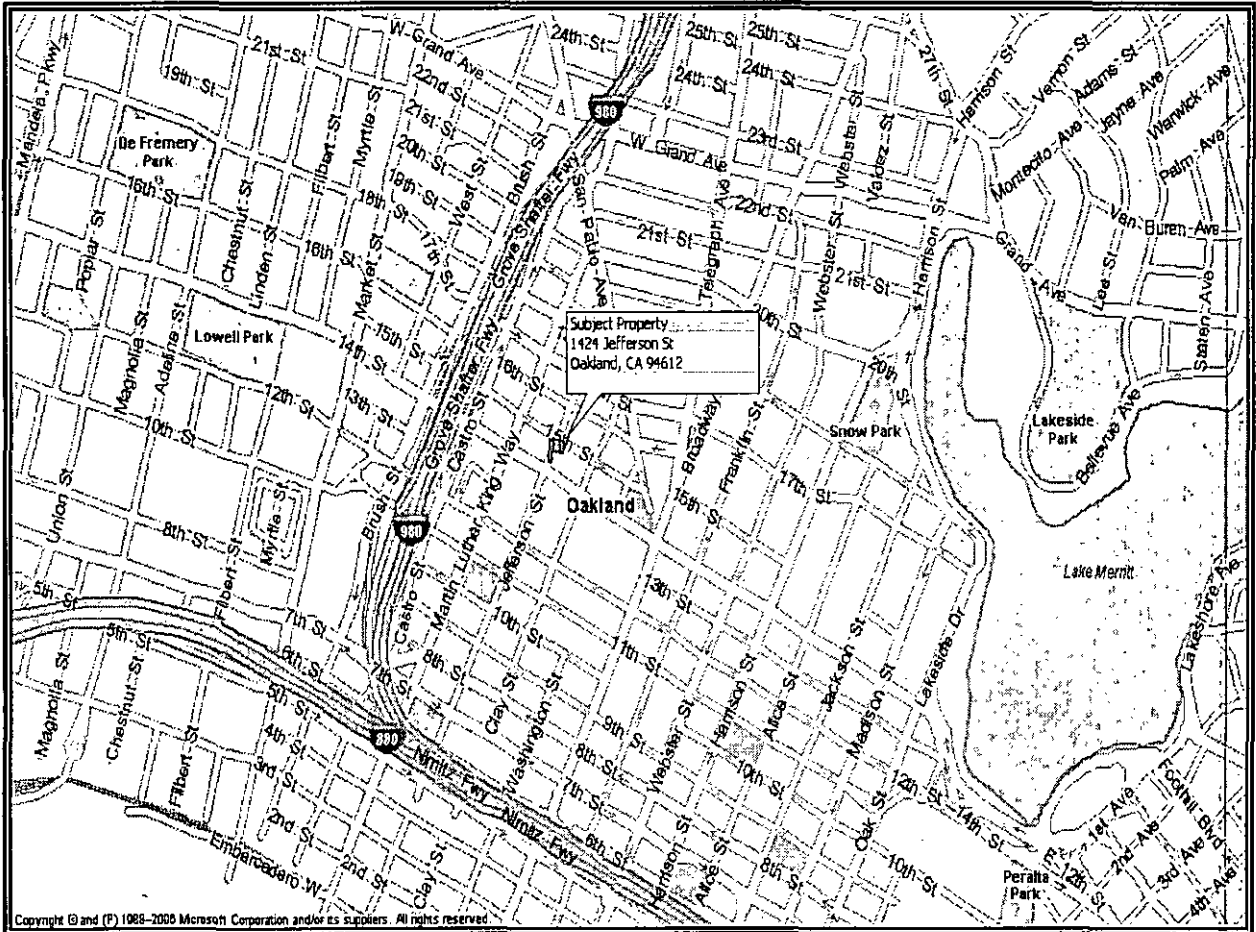
## **Eviction Policy**

Should AHA evict an occupant for failure to meet any obligations or for violating the terms and conditions of their lease or rent agreement, then under the applicable relocation law, the evicted tenant(s) will not be considered a "displaced person" and, therefore, will not be eligible for relocation benefits. Eviction will not affect a tenant's eligibility for relocation benefits if a tenant is evicted as a last resort to remove the tenant from the Property.

## **Claim Processing and Distribution of Payments**

All claims are to be filed through a Relocation Advisor. The Relocation Advisor will assist the displaced person in completing their claim forms, will notify each displaced person of the documentation needed in order to file the claim, and will inspect all replacement properties as needed. Each claim will be submitted along with documentation to AHA for review and processing. Checks will be available for approved claims within three weeks of the date all documentation is submitted to the Relocation Advisor. Checks will be delivered to the project occupant or to the project occupant's designee. AHA shall provide advance payments whenever a later payment would result in financial hardship.

# Project Map





**ATTACHMENT C:**

JEFFERSON OAKS APARTMENTS

REPLACEMENT HOUSING PLAN

# **JEFFERSON OAKS APARTMENTS**

## **REPLACEMENT HOUSING PLAN**

### **I. Introduction**

The Redevelopment Agency of the City of Oakland ("Agency") is proposing to provide funding to assist Affordable Housing Associates or its affiliate (the "Developer") with the rehabilitation of the Jefferson Oaks Apartments affordable housing project (the "Project"), as described in Section II below. The Project is located within the Central District Redevelopment Project Area (the "Project Area"), which is governed by the Central District Urban Renewal Plan adopted on June 12, 1969, as subsequently amended up to June 20, 2006 (the "Redevelopment Plan").

The rehabilitation of the Project requires the reduction of a total of 48 very low-income housing units located in the Oaks Hotel property at 587 15<sup>th</sup> Street and the Jefferson Inn Hotel located at 1424 Jefferson Street. The Notice to Proceed for the rehabilitation is scheduled to be issued in November 2010.

This Replacement Housing Plan for the Project ("Replacement Housing Plan") will guide and facilitate the Agency's efforts to rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, replacement housing for persons or families of low or moderate income in accordance with the requirements of State law (California Health and Safety Code § 33413.5).

### **II. Jefferson Oaks Apartments Project**

The Jefferson Oaks Apartments Project includes the rehabilitation of two existing residential properties, the Oaks Hotel and the Jefferson Hotel. The Project will combine these two properties as one affordable housing project under joint ownership and management and will connect the two properties at the lobby level. The Agency and City of Oakland have made initial funding commitments of \$1,100,000 and \$2,500,000 respectively for the Project, contingent on approval of a Replacement Housing Plan and other project feasibility approvals.

The Oaks Hotel is an 84-unit single-room occupancy (SRO) affordable housing property with rents restricted to very low-income residents. The Jefferson Hotel is a 65-unit market rate SRO providing both permanent and transient housing to very low-income residents.

The rehabilitation Project includes reconfiguration and enlargement of units in the properties, resulting in a reduced number of total units – 46 units in the Oaks and 55 units in the Jefferson (plus one unrestricted manager's unit). Units at the Oaks are extremely small and do not include bathrooms or kitchen facilities. All units in the Jefferson contain bathrooms, but the majority include no cooking facilities. The rehabilitation plan includes adding private bathrooms and kitchenettes to all units to improve livability for residents. The space needed to add these facilities requires an overall reduction in the number of units.

After rehabilitation is complete, the Jefferson Oaks Apartments Project will total 102 units, 101 of which are permanently affordable to people with very-low incomes. The Developer will

execute a joint regulatory agreement with the Agency and the City of Oakland, to be recorded against the Project, to formalize the rent restrictions and preserve the affordability of the rental units for a term of 55 years.

### **III. Compliance with State Law**

Section 33413(a) of the California Health and Safety Code provides in part as follows:

“Whenever dwelling units housing persons and families of low or moderate income are destroyed or removed from the low and moderate income housing market as part of a redevelopment project which is subject to a written agreement with the agency or where financial assistance has been provided by the agency, the agency shall, within four years of the destruction or removal, rehabilitate, develop or construct, or cause to be rehabilitated, developed or constructed, for rental or sale to persons and families of low or moderate income, an equal number of replacement dwelling units that have an equal or greater number of bedrooms as those destroyed or removed units at affordable housing costs within the territorial jurisdiction of the agency.... When dwelling units are destroyed or removed on or after January 1, 2002, 100 percent of the replacement dwelling units shall be available at affordable housing cost to persons in the same or a lower income category (low, very low, or moderate), as the persons displaced from those destroyed or removed units.”

Section 33413(c)(1) through (4) of the California Health and Safety Code provides in part as follows:

“The agency shall require that the aggregate number of replacement dwelling units and other dwelling units rehabilitated, developed, constructed, or price-restricted pursuant to subdivision (a) or (b) remain available at affordable housing cost to, and occupied by, persons and families of low-income, moderate-income, and very low income households, respectively, for the longest feasible time, but for not less than 55 years for rental units and 45 years for homeownership units, except as set forth in paragraph (2).... The requirements of this section shall be made enforceable in the same manner as provided in paragraph (2) of subdivision (f) of §33334.3...”

This Replacement Housing Plan provides that the Project shall be governed by a recorded regulatory agreement, enforceable by the Agency and the City of Oakland, requiring the replacement housing units to remain available at affordable housing cost and occupied by persons or families of very low income for a period of 55 years.

The following terms shall have the same meaning in this Replacement Housing Plan as in California Health and Safety Code § 33411.2: “affordable housing cost,” “replacement dwelling unit,” “persons and families of low and moderate income,” and “very low income households.”

**IV. General Location of Replacement Housing**

All 48 of the replacement dwelling units as defined in California Health and Safety Code § 33411.2 for the Jefferson Oaks Apartments project, will be developed off-site as part of the 720 E. 11<sup>th</sup> Street affordable housing project.

**V. Means of Financing**

Funding for the Jefferson Oaks Apartments Project includes the following estimated sources and amounts of financing:

<b>SOURCES</b>	
Oakland Housing Authority	3,000,000
Mental Health Services Act	2,000,000
CEDA (Agency) Loan Funds	1,100,000
City of Oakland – HOME funds	2,500,000
City of Oakland PATH (CDBG) Grant Funds	800,000
FHLB AHP Funds	1,130,000
9% Tax Credit Equity	11,082,000
<b>TOTAL</b>	<b>21,612,000</b>

The funding for the replacement dwelling units at 720 East 11<sup>th</sup> Street include the following anticipated sources and amount of financing:

<b>SOURCES</b>	
Developer Equity	300,000
Permanent Mortgage	2,520,000
Proposition 1C Infill Grant	1,537,549
Northern Cal. Comm. Loan Fund (NCCLF)	50,000
9% Tax Credits	11,491,882
CEDA (Agency) Loan Funds	5,827,497
City of Oakland – HOME Funds	1,669,503
Mental Health Services Act	500,000
Hsg Opp. For Persons with Aids (HOPWA)	300,000
Deferred Developer Fee	100,000
<b>TOTAL</b>	<b>24,296,431</b>

**VI. Finding that the Replacement Housing Plan Does Not Require Approval Under Article XXXIV of the California Constitution**

By its terms, Article XXXIV is only applicable if a “state public body” (which includes the Agency) “develops, constructs, or acquires” a “low rent housing project.” However, California Health and Safety Code Section 37001(f) excludes from the definition of a “low-rent housing

project” the “replacement of...dwelling units of a previously existing low-rent housing project, or a project previously or currently occupied by lower income households”.

The low-income affordable units in the 720 East 11<sup>th</sup> Street project provided under this Replacement Housing Plan are replacing the comparable units being demolished, and previously occupied by lower income households. Also, in assisting the affordable housing component of the Project and monitoring construction and compliance with the conditions of such assistance, the Agency will be carrying out its routine governmental functions as a housing development agency, will be performing the conventional activities of a lender, and will be imposing conditions on the Project developer authorized under the California Community Redevelopment Law. Thus, based on the above facts it is hereby found and determined that the replacement housing component of the Project is exempt from the requirements of Article XXXIV under California Health and Safety Code §§ 37001(a) and (f) and 37001.5(e).

**VII. Number of Dwelling Units Housing Persons and Families of Low or Moderate Income Planned for Construction and Rehabilitation**

*A. Analysis of Existing Units Housing Persons and Families of Low or Moderate Income*

The units to be reduced through the rehabilitation of the Oaks Hotel and Jefferson Hotel property include 48 SRO units occupied by very low-income households.

*B. Analysis of Dwelling Units to be Rehabilitated, Developed or Constructed*

Resources for Community Development (RCD) will develop housing at 720 East 11<sup>th</sup> Street which will be all affordable rental housing. The units to be provided in the project consist of one-bedroom, two-bedroom, three bedroom, and four bedroom affordable apartments. All units are to be restricted to very low-income residents (at or below 50% of Area Median Income). Project residential units to be constructed are described in the following table:

<b>Unit Type - Number of Bedrooms</b>	<b>Very Low Income Units (at or below 50% of AMI)</b>	<b>Total Number of Bedrooms</b>
<b>1</b>	<b>18</b>	<b>18</b>
<b>2</b>	<b>17</b>	<b>34</b>
<b>3</b>	<b>16</b>	<b>48</b>
<b>4</b>	<b>3</b>	<b>12</b>
<b>Totals:</b>	<b>54</b>	<b>112</b>

Three units in the 720 E. 11<sup>th</sup> development – one 1-bedroom apartment and two 2-bedroom apartments – have already been identified as the replacement housing units for the MacArthur

Transit Village Project, per that project's Agency-approved Replacement Housing Plan. Therefore, the following units in the 720 E. 11<sup>th</sup> Street project will be counted as replacement units for the Jefferson Oaks Apartments project: seventeen 1-bedroom units; fifteen 2-bedroom units; and sixteen 3-bedroom units.

The Agency shall cause to be developed or constructed, for rental to persons and families of very-low income, an equal number of replacement units to those 48 units destroyed or removed subject to and in accordance with the following standards:

1. **Timing:** The Agency will complete the replacement dwelling units within four years of the destruction or removal of dwelling units required to be replaced under this Replacement Housing Plan.
2. **Income:** The 48 replacement housing units will be rented to households with very low incomes.
3. **Guarantee for Displacees:** Those persons and families of low or moderate income who are displaced as a result of the Project shall be guaranteed priority for replacement housing.

#### **VIII. Timetable For Development of the Replacement Housing**

The projected start and completion dates for the replacement dwelling units at the 720 E. 11<sup>th</sup> project are:

Start Construction:	February 2011
Complete Construction:	December 2012

#### **IX. Monitoring and Reporting**

Pursuant to California Health and Safety Code § 33418, the Agency will monitor on an ongoing basis, any housing affordable to persons and families of low or moderate income developed or otherwise made available pursuant to this Replacement Housing Plan. All the replacement units will be affordable to and occupied by households with incomes below 50 percent of AMI, enforceable by recorded regulatory restrictions with a term of 55 years.

The Agency will require the owners or managers of the replacement housing units to submit an annual report to the Agency. The annual report to the Agency must set forth the rental rate, income, and family size of the occupants of each unit (with the income information certified by each occupant). The Agency may impose fees on the owners of the monitored property to defray the cost of this monitoring system. The information obtained from this monitoring system will be included in any reports required by law to be submitted to the Department of Housing and Community Development or the Controller.

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 JUN 30 AM 10:57

APPROVED AS TO FORM AND LEGALITY:

  
DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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### A RESOLUTION APPROVING THE RELOCATION PLANS FOR THE OAKS HOTEL AND JEFFERSON HOTEL FOR THE JEFFERSON OAKS APARTMENTS AFFORDABLE HOUSING PROJECT

**WHEREAS**, through Resolution No. 82649 C.M.S. dated March 16, 2010 the City has committed a \$2,500,000 loan from federal HOME funds and through Resolution No. 82018 C.M.S. the City has committed an \$800,000 grant to Affordable Housing Associates (the "Developer") for the rehabilitation of the Jefferson Oaks Apartments project located at 1424 Jefferson Street (the "Project"); and

**WHEREAS**, the conversion of the Jefferson Hotel to long-term affordable housing and the rehabilitation and reconfiguration of the units at the Oaks Hotel and Jefferson Hotel require both permanent and temporary relocation of current residents of the Project; and

**WHEREAS**, the relocation of any displacees will be governed by state relocation law (Government Code §7260, et seq.) and implementing regulations (25 CCR §6000, et seq.) and federal relocation law (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and Section 104(d) of the Housing and Community Development Act of 1974) and implementing regulations (49 CFR Part 24); and

**WHEREAS**, relocation regulations require the preparation of a relocation plan when there will be a significant amount of residential displacement resulting from the actions of a local agency, and the adoption of that plan by the local legislative body; and

**WHEREAS**, the Developer has prepared Relocation Plans for the relocation of current tenants who may be displaced due to implementation of the Project; now, therefore, be it

**RESOLVED:** That the City Council hereby approves the Relocation Plans for the Oaks Hotel and the Jefferson Hotel, attached to the staff report accompanying this Resolution; and be it

**FURTHER RESOLVED:** That the Council hereby finds and determines that the necessary resources are available to implement the Relocation Plans; and be it

**FURTHER RESOLVED:** That the City Administrator or his or her designee is hereby authorized to take whatever action he or she deems necessary to implement the Relocation Plans consistent with this Resolution and its basic purpose.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2010

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND  
PRESIDENT BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST:

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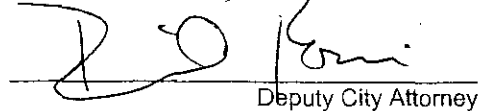
LATONDA SIMMONS  
City Clerk and Clerk of the Council, City of  
Oakland, California



FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 JUN 30 AM 10:57

APPROVED AS TO FORM AND LEGALITY:

  
Deputy City Attorney

## OAKLAND CITY COUNCIL

RESOLUTION No. \_\_\_\_\_ C.M.S.

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**A RESOLUTION AMENDING RESOLUTION NO. 82649 C.M.S.  
TO REDUCE THE NUMBER OF UNITS FROM 110 TO 102  
FOR THE JEFFERSON OAKS APARTMENTS PROJECT  
LOCATED AT 1424 JEFFERSON STREET**

**WHEREAS**, on March 16, 2010, the City Council adopted Resolution No. 82649 C.M.S. authorizing an affordable housing development loan in an amount not to exceed \$2,500,000 to Affordable Housing Associates (the "Developer") for the Jefferson Oaks Apartments project, located at 1424 Jefferson Street in the city of Oakland (the "Project"); and

**WHEREAS**, on March 16, 2010, the Redevelopment Agency adopted Resolution No. 2010-0045 C.M.S. authorizing an Agency loan in an amount not to exceed \$1,100,000 to the Developer to be used for the expanded Project; and

**WHEREAS**, the original proposal for the Project from the Developer included 105 affordable housing units, plus one manager's unit, for a total of 106 units; and

**WHEREAS**, Resolution No. 82649 C.M.S. mistakenly included approval of 110 units, rather than the actual submitted 106 units; and

**WHEREAS**, redesign of the project has occurred in order to increase the size of some of the units in the Project and the Developer has requested a decrease in the number of units in the Project to 102 units; and

**WHEREAS**, the total number of residential units will need to be reduced from 106 to 102 to accommodate the revised unit design; now, therefore be it

**RESOLVED:** That the City Council hereby amends Resolution No. 82649 C.M.S. to reduce the number of units in the Project from 110 to 102 units.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2010

**PASSED BY THE FOLLOWING VOTE:**

AYES-            BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,  
                      AND PRESIDENT BRUNNER

NOES-

ABSENT-


ABSTENTION-

ATTEST: \_\_\_\_\_  
                      LaTonda Simmons  
                      City Clerk and Clerk of the Council,  
                      City of Oakland

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 JUN 30 AM 10:57

APPROVED AS TO FORM AND LEGALITY:

  
AGENCY COUNSEL

## REDEVELOPMENT AGENCY OF THE CITY OF OAKLAND

RESOLUTION No. \_\_\_\_\_ C.M.S.

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### AGENCY RESOLUTION APPROVING THE RELOCATION PLANS AND REPLACEMENT HOUSING PLAN FOR THE JEFFERSON OAKS APARTMENTS PROJECT, AND AMENDING AGENCY RESOLUTION NO. 2003-54 C.M.S. TO EXEMPT THE JEFFERSON OAKS APARTMENTS PROJECT FROM THE AGENCY'S REPLACEMENT HOUSING POLICY FOR SINGLE ROOM OCCUPANCY UNITS

**WHEREAS**, through Resolution No. 2010-0045 C.M.S. dated March 16, 2010, the Agency has committed a \$1,100,000 loan to Affordable Housing Associates (the "Developer") for the rehabilitation of the Jefferson Oaks Apartments project located at 1424 Jefferson Street (the "Project"); and

**WHEREAS**, the Developer is proposing to combine the Oaks Hotel and Jefferson Hotel into one affordable housing development, the Jefferson Oaks Apartments project, and has proposed to enlarge units in order to add private bathing and cooking facilities to each unit; and

**WHEREAS**, enlargement of units and rehabilitation of the project will require the reduction of a total of 48 SRO units, all of which are currently available for rent to very low-income residential tenants; and

**WHEREAS**, the conversion of the Jefferson Hotel to long-term affordable housing and the rehabilitation and reconfiguration of the units at the Oaks Hotel and Jefferson Hotel require both permanent and temporary relocation of current residents of the Project; and

**WHEREAS**, the reduction of these housing units is necessary to proceed with the Project which will improve the housing conditions for residents, protect an existing affordable housing resource, and expand the number of affordable units in the city of Oakland; and

**WHEREAS**, the relocation of any displacees from the Project will be governed by state relocation law (Government Code Section 7260, et seq.) and implementing regulations (25 CCR Section 6000, et seq.) and federal relocation law (Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and Section

104(d) of the Housing and Community Development Act of 1974) and implementing regulations (49 CFR Part 24); and

**WHEREAS**, relocation regulations require the preparation of a relocation plan when there will be a significant amount of residential displacement resulting from the actions of a local agency, and the adoption of that plan by the local legislative body; and

**WHEREAS**, the Developer has prepared Relocation Plans for the relocation of current tenants who may be displaced due to implementation of the Project, attached to the staff report accompanying this Resolution, providing for permanent and temporary relocation benefits and services to those tenants; and

**WHEREAS**, the Agency adopted a replacement housing policy for single room occupancy ("SRO") units through Resolution No. 2003-54 C.M.S. dated July 15, 2003, which requires that if Agency-funded projects result in the removal of vacant or occupied SRO units from the housing market, the Agency must provide or cause to be provided one-for-one replacement of those units with SRO units of comparable size and affordability; and

**WHEREAS**, there are no new SRO housing units currently being rehabilitated or constructed meeting the definition of a replacement SRO housing unit in Resolution No. 2003-54 C.M.S. which the Agency can claim as replacement housing units for the 48 SRO units being reduced in the Project; and

**WHEREAS**, Section 33413 of the California Health and Safety Code requires that dwelling units housing households of very low, low or moderate income that are destroyed or otherwise removed from the low and moderate income housing market as part of a redevelopment project that is subject to a written agreement with a redevelopment agency or that receives financial assistance from the agency be replaced on a one-for-one basis with comparable units; and

**WHEREAS**, Section 33413.5 of the California Health and Safety Code requires that a redevelopment agency adopt by resolution a replacement housing plan if such dwelling units are destroyed; and

**WHEREAS**, the Agency drafted a Replacement Housing Plan for the Project, attached to the staff report accompanying this Resolution, providing for the replacement within four years of the housing units demolished on the Project site with 48 units affordable to very low-income households earning no more than 50% of area median income; and

**WHEREAS**, the Replacement Housing Plan was made available to other public agencies and the general public for a reasonable time prior to the adoption of this Resolution; and

**WHEREAS**, the requirements of the California Environmental Quality Act of 1970 ("CEQA"), the CEQA Guidelines as prescribed by the Secretary of Resources, and the provisions of the Environmental Review Regulations of the City of Oakland have been satisfied; now, therefore, be it

**RESOLVED:** That the Agency hereby approves the Relocation Plans for the Oaks Hotel and the Jefferson Hotel, attached to the staff report accompanying this Resolution; and be it

**FURTHER RESOLVED:** That the Agency hereby finds and determines that the necessary resources are available to implement the Relocation Plans; and be it

**FURTHER RESOLVED:** That the Agency hereby adopts the Replacement Housing Plan for the Jefferson Oaks Apartments Project, attached to the staff report accompanying this Resolution; and be it

**FURTHER RESOLVED:** That the Agency has independently reviewed and considered this environmental determination, and the Agency finds and determines that this action complies with CEQA because this action on the part of the Agency is exempt from CEQA pursuant to Section 15061(b)(3) (general rule) of the CEQA guidelines; and the Agency Administrator shall cause to be filed with the County of Alameda a Notice of Exemption; and be it

**FURTHER RESOLVED:** That Resolution No. 2003-54 C.M.S. is hereby amended to exempt the Jefferson Oaks Project from the SRO replacement housing policy; and be it

**FURTHER RESOLVED:** That the Agency Administrator or his or her designee is hereby authorized to take action as necessary to implement the Relocation Plans and Replacement Housing Plan, and take any other action with respect to the Relocation Plans and the Replacement Housing Plan consistent with this Resolution and its basic purposes.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2010

**PASSED BY THE FOLLOWING VOTE:**

AYES- BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, AND  
CHAIRPERSON BRUNNER

NOES-

ABSENT-

ABSTENTION-


ATTEST: \_\_\_\_\_

LATONDA SIMMONS  
Secretary, Redevelopment Agency  
of the City of Oakland

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2010 JUN 30 AM 10:57

APPROVED AS TO FORM AND LEGALITY:

  
\_\_\_\_\_  
Agency Counsel

REDEVELOPMENT AGENCY  
OF THE CITY OF OAKLAND

RESOLUTION NO. \_\_\_\_\_ C.M.S.

**A RESOLUTION AMENDING RESOLUTION NO. 2010-0045 C.M.S. TO REDUCE THE NUMBER OF UNITS FROM 110 TO 102 FOR THE JEFFERSON OAKS APARTMENTS PROJECT LOCATED AT 1424 JEFFERSON STREET**

**WHEREAS**, on March 16, 2010, the Redevelopment Agency adopted Resolution No. 2010-0045 C.M.S. authorizing an affordable housing development loan in an amount not to exceed \$1,100,000 to Affordable Housing Associates (the "Developer") to be used for the expanded Jefferson Oaks Apartments project, located at 1424 Jefferson Street in the city of Oakland (the "Project"); and

**WHEREAS**, on March 16, 2010, the City Council adopted Resolution No. 82649 C.M.S. authorizing a City loan in an amount not to exceed \$2,500,000 to the Developer to fund the expanded Project; and

**WHEREAS**, the original proposal for the Project from the Developer included 105 affordable housing units, plus one manager's unit, for a total of 106 units; and

**WHEREAS**, Agency Resolution No. 2010-0045 C.M.S. mistakenly included approval of 110 units, rather than the actual submitted 106 units; and

**WHEREAS**, redesign of the project has occurred in order to increase the size of some of the units in the Project and the Developer has requested a decrease in the number of units in the Project to 102 units; and

**WHEREAS**, the total number of residential units will need to be reduced from 106 to 102 to accommodate the revised unit design; now, therefore be it

**RESOLVED:** That the Agency hereby amends Resolution No. 2010-0045 C.M.S. to reduce the number of units in the Project from 110 to 102 units.

IN AGENCY, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2010

**PASSED BY THE FOLLOWING VOTE:**

AYES-            BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID,  
                     AND CHAIRPERSON BRUNNER

NOES-

ABSENT-

ABSTENTION-

ATTEST: \_\_\_\_\_  
                     LaTonda Simmons  
Secretary of the Redevelopment Agency  
                     of the City of Oakland