

File No. 101219

Committee Item No. 5

Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date November 15, 2010

Board of Supervisors Meeting

Date _____

Cmte Board

☐	☐	Motion
☐	☐	Resolution
☒	☐	Ordinance
☐	☐	Legislative Digest
☐	☐	Budget Analyst Report
☐	☐	Legislative Analyst Report
☐	☐	Youth Commission Report
☐	☐	Introduction Form (for hearings)
☒	☐	Department/Agency Cover Letter and/or Report
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OTHER

(Use back side if additional space is needed)

☒	☐	Municipal Transportation Agency Resolution No. 10-118
☒	☐	Relocation Assistance Brochure
☒	☐	Relocation Assistance Handbook
* ☒	☐	Relocation Impact Study
☐	☐	_____
☐	☐	_____
☐	☐	_____
☐	☐	_____

Completed by: Alisa Somera Date November 12, 2010

Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

[Relocation Impact Study and Last Resort Housing Plan for Central Subway Project.]

Ordinance approving the San Francisco Municipal Transportation Agency's Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project.

NOTE: Additions are single-underline italics Times New Roman;
deletions are ~~strike-through italics Times New Roman~~.
Board amendment additions are double-underlined;
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings

The San Francisco Municipal Transportation Agency (SFMTA) will be acquiring real property for the Central Subway Project, a federal New Starts project. On July 27, 2010, the Board of Supervisors authorized the SFMTA to acquire three easements for the Project tunnel and two fee acquisitions for the Moscone and Chinatown Station sites by eminent domain (Resolution Nos. 0360-10, 0361-10, 0362-10, 0363-10, 0364-10).

Federal regulations (49 CFR § 24.205) require that an agency that will be acquiring real property for a federally financed project study the impacts associated with the displacement of commercial and residential occupants and develop solutions to minimize the adverse impacts of displacement. On July 13, 2010, the Federal Transit Administration concurred with the Relocation Impact Study and Last Resort Housing Plan (the "Plan") subject to comments that have been incorporated into the Plan.

Federal regulations (49 CFR § 24.10) require that agencies have an appeals process for persons who believe that the agency has failed to properly consider the person's application for relocation assistance with respect to a federally financed project. Chapter 24B of the Administrative Code establishes a Relocation Appeals Board to hear appeals by such persons.

1 The Plan supplements Chapter 24B of the Administrative Code for the Central Subway
2 Project by providing, consistent with federal regulations, (1) a 60-day maximum period for
3 filing appeals; and (2) for a person to be able to review and copy the relevant files of the
4 Agency prior to filing a complaint or appeal. The Plan also clarifies that the appeals process
5 does not apply to eligibility or compensation for goodwill.

6 Section 2. The Board of Supervisors approves the Relocation Impact Study and Last
7 Resort Housing Plan for the Central Subway Project.

8 APPROVED AS TO FORM:
9 DENNIS J. HERRERA, City Attorney

10 By:


11 Robin M. Reitzes
12 Deputy City Attorney
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Gavin Newsom | Mayor
 Tom Nolan | Chairman
 Jerry Lee | Vice-Chairman
 Cameron Beach | Director
 Cheryl Brinkman | Director
 Malcolm Heinicke | Director
 Bruce Oka | Director
 Nathaniel P. Ford Sr. | Executive Director/CEO

September 16, 2010

Angela Calvillo, Clerk of the Board
 Board of Supervisors
 1 Dr. Carlton B. Goodlett Place, Room 244
 San Francisco, CA 94102-4689

Dear Ms. Calvillo:

Attached please find an original and four copies of a proposed Ordinance, which would approve the San Francisco Municipal Transportation Agency's (SFMTA) Central Subway Project *Relocation Impact Study and Last Resort Housing Plan* (the *Relocation Plan*).

Attached as appendices to the *Relocation Plan* are the *Relocation Assistance Handbook* (for residential tenants) and *Relocation Assistance Brochure* (for commercial tenants), which provide relocation information to tenants who will be displaced by the Project as well as a process for appeals of Agency relocation determinations.

The following is a list of accompanying documents (five sets):

1. Memorandum to Board of Supervisors with:
 - ✓ Enclosure 1: *Relocation Impact Study and Last Resort Housing Plan*
 - ✓ Enclosure 2: Summary of How Goodwill Loss is Established
 - ✓ Enclosure 3: Third Street Light Rail Project Central Subway Cost and Funding Summary Chart
 - ✓ Enclosure 4: SFMTA Board Resolution 10-118
2. Ordinance for Board of Supervisors

SFMTA requests that the Board begin hearings regarding the *Relocation Plan* in September and October in order to maintain the Central Subway Project schedule.

The following person may be contacted regarding this matter: Kerstin Magary, Senior Manager, SFMTA Real Estate, 415-701-4323

Gavin Newsom | Mayor

Tom Nolan | Chairman

Jerry Lee | Vice-Chairman

Cameron Beach | Director

Cheryl Brinkman | Director

Malcolm Heinicke | Director

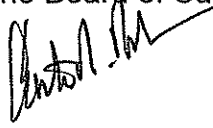
Bruce Oka | Director

Nathaniel P. Ford Sr. | Executive Director/CEO

MEMORANDUM

Date: September 16, 2010

To: Honorable Members of the Board of Supervisors

From:  Nathaniel P. Ford Sr.
Executive Director/CEO SUBJECT: Request for Approval of the SFMTA's Central Subway Project
Relocation Impact Study and Last Resort Housing Plan

The purpose of this memo is to request your approval of the San Francisco Municipal Transportation Agency's (SFMTA) *Relocation Impact Study and Last Resort Housing Plan for the Central Subway Project*.

Background

The Third Street Light Rail Transit (LRT) Project is the most significant capital investment in generations for the SFMTA. Phase 1 of the 6.9-mile two-phase project, the T Third line, began revenue service in April 2007, restoring light rail service to the heavily transit-dependent Third Street corridor in eastern San Francisco for the first time in 50 years.

Phase 2, the Central Subway Project, will extend the new Third Street line by constructing three new subway stations and one surface station to provide rail service to the Financial District and Chinatown. The extended light rail line will serve regional destinations such as Union Square, the Moscone Convention Center, Yerba Buena and AT&T Park, and will connect directly to BART and Caltrain, the Bay Area's two largest regional-commuter rail services.

The primary purpose of the Third Street LRT Project is to provide residents with faster, more reliable and more comfortable transit service. Chinatown and the Financial District are two of the most congested and heavily developed areas in San Francisco. The Planning Department projects that by 2030, the population along the corridor of the Third Street Line and the proposed Central Subway alignment will increase 26 percent and employment will increase 61 percent, factors that are larger than the growth in population and employment anticipated for the City as a whole.

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The SFMTA estimates that the Central Subway will serve 56,000 riders in its first year of operation in 2018 increasing to 76,000 daily riders projected for 2030.

Property Acquisitions

On July 27, 2010, the Board of Supervisors approved the SFMTA moving forward with five eminent domain actions -- three easements for the Project tunnel, and two fee acquisitions for the Moscone and Chinatown Station sites.

The Moscone Station site is at 266-286 4th Street at the corner of Folsom Street in the Yerba Buena Neighborhood South of Market Street. The property is owned and operated by Convenience Retailers LLC, a multi-state gas service station and convenience store enterprise. It is also occupied by an independent contractor hired by the property owner for smog shop services.

The Chinatown Station site is at 933-949 Stockton Street at Washington Street in Chinatown. It is owned by a private entity, Norman P. Chan Inc. This property contains eight retail tenants, including four restaurants, two hair salons, one meat market, and a property management firm on the ground floor. The second floor contains 18 residential units, which are occupied by 19 families (approximately 56 individuals).

SFMTA continues to negotiate with all five property owners, but is preparing eminent domain actions, as necessary, to maintain the Project schedule.

Central Subway Relocation Impact Study and Last Resort Housing Plan (Relocation Plan)

As required under federal regulations, the SFMTA has prepared the *Central Subway Relocation Impact Study and Last Resort Housing Plan (Relocation Plan)* to study the impacts associated with the displacement of commercial and residential occupants, and develop solutions to minimize the adverse impacts of displacement. The *Relocation Plan* is an evolving document; thus, even after it is approved by the Board of Supervisors, it will continue to be updated as new information is obtained. Some of the elements of the *Relocation Plan* include the following:

- the number of households to be displaced, the family characteristics of the persons to be displaced, with special consideration given to impacts on minorities, seniors, and persons with disabilities;
- an estimate of the number of comparable replacement dwellings in the area that may be available to meet the needs of the persons to be displaced;
- information about the businesses to be displaced;
- an estimate of the availability of replacement business sites;

- the relocation advisory services and benefits to be offered by the SFMTA to residential and commercial tenants.

On July 13, 2010, the FTA approved the SFMTA's *Relocation Plan* (Enclosure 1), including the *Brochure* and *Handbook*, which are appendices to the *Relocation Plan*. On August 3, 2010, the SFMTA Board of Directors approved the *Relocation Plan* (Resolution No. 10-118). Since then, the *Relocation Plan* has been revised to include updated information regarding residential and commercial comparable replacement units available as of August 2010, as well as other relatively minor revisions.

Universal Field Services (SFMTA's Relocation Consultant) and the Chinatown Community Development Center (CCDC), subconsultants to the Project Management/Construction Management consultant, AECOM, have been engaged to assist residential and commercial tenants who will need to be relocated as a result of the Project. The Relocation Consultant specializes in relocations resulting from displacement of persons due to public projects. CCDC is assisting the Relocation Consultant in Chinatown with outreach and translations in meetings with the residential and commercial tenants.

SFMTA staff, the Relocation Consultant, and CCDC have conducted extensive interviews and held many meetings with residential and commercial tenants. All official notices, letters, and outreach materials have been translated into Chinese for the non-English-speaking tenants.

Residential Relocation Assistance Program

The residential relocation assistance program includes advisory assistance from the Relocation Consultant to help tenants find comparable replacement housing over approximately the next 15 months. The Relocation Consultant plans on proposing three available comparable replacement units to each household. The tenants are also free to search for and propose their own replacement units.

Such assistance will also include providing social services, moving assistance and replacement housing payments. Under federal law, residential tenants are entitled to 42 months of housing payments, based on the difference between the rent of a comparable replacement unit and the old rent, or the difference between the rent of a comparable replacement unit and 30% of the tenant's monthly income, whichever is less. Normally, the replacement housing payment is capped at \$5,250; however, when it is difficult to find comparable decent, safe and sanitary replacement housing, the FTA will consider approving increasing the amount of assistance under what is known as the Last Resort Housing Program. As discussed below, the *Relocation Plan* received approval from the FTA for increased subsidies for the residential tenants under this program.

The SFMTA intends to set up an escrow account to make monthly installment payments directly to the new landlords of the residential tenants after they have moved into their replacement housing.

As explained more fully below, to address the concerns of residential tenants for long-term relocation solutions (longer than the 42-month subsidy provided by the FTA), SFMTA and the Mayor's Office of Housing (MOH) are negotiating a Memorandum of Understanding (MOU) for 18 dwelling units to be offered to the residential tenants at a low-income housing project being planned at Broadway and Sansome Streets.

Recommendations in the *Relocation Plan*

There are five major policy issues in the *Relocation Plan*, which the FTA and SFMTA Board of Directors approved:

1. Overcrowded Living Conditions, and SFMTA Housing Occupancy Standards
2. Long-Term Replacement Housing Plan – second move to the Broadway and Sansome Project
3. Rental of Residential Units Prior to Acquisition
4. Rent Differential Payment Procedures –Last Resort Housing
5. Rent-Up of Vacant Replacement Housing Units

Below are summaries of the issues.

1. SFMTA Housing Occupancy Standards

The FTA recommended that SFMTA have housing occupancy standards or guidelines to employ in searching for comparable replacement housing for the 19 households living in 18 overcrowded dwelling units at 933-949 Stockton Street. Comparable replacement housing must be decent, safe and sanitary, adequate in size and functionally equivalent to the current housing situation, within the financial means of the tenants, and in a location that is not less desirable than the current location:

The *Relocation Plan* contains the following guidelines, which will be applied consistently for families of like size and composition:

- ✓ Replacement dwelling units must have at least one bedroom or living/sleeping room for each two persons.
- ✓ Replacement dwellings which differ from the displacement dwelling (e.g., in size) may be considered comparable if they include other features which make them equal to or better than the displacement dwelling.

- ✓ One person may qualify for a separate bedroom if that person is disabled or incapacitated and requires additional space for medical equipment or maneuverability.
- ✓ Separate bedrooms and gender separation may be provided for children 12 years of age or older.
- ✓ Comparable replacement dwellings may include bathrooms within each individual unit.¹

Replacement housing will also have to comply with the San Francisco Housing Code, which provides as follows:

SF Housing Code Section 503(b): requires at least 1 room have not less than 120 square feet (s.f.) of superficial floor area (sfa). Every room used for both cooking and living or both living and sleeping must have not less than 144 s.f. of sfa. A bedroom must have at least 70 s.f. of sfa, for a maximum of 2 persons; there must be at least 50 additional s.f. of sfa area for each additional person occupying the bedroom. Children under age 6 are not counted for determining whether a family with minor children complies with the Housing Code.

2. Long-Term Replacement Housing – second move to the Broadway/Sansome Project

As mentioned above, the FTA will provide funding for up to 42 months of rent for the residential tenants moving from the Chinatown site. The tenants, who are currently under rent control, are concerned about what happens after the 42-month period. Although SFMTA has no legal obligation to do so, SFMTA recommends a long-term housing option for the tenants. SFMTA staff and MOH are negotiating an MOU regarding MOH's planned Broadway/Sansome Project. The proposed terms of the MOU are as follows:

- ✓ SFMTA will provide \$8 million in non-federal funds for the hard and soft construction costs for 18 affordable residential dwelling units in Broadway/Sansome. This will be a non-equity position with no guaranteed payback to the SFMTA. MOH would loan the funds to CCDC and, as a condition of the loan, CCDC would make 18 units of replacement housing (unit mix to be determined) available for the displaced tenants from the Chinatown site at affordable rental rates if they are within the "affordable" income category and choose to move into Broadway/Sansome. The tenants will be guaranteed low rental rates for as long as they reside at the project. Only the tenants who sign the lease are eligible to remain on the property for as long as they are income-eligible.

¹ The tenants at the Chinatown site currently share bathrooms, which are located in the hallways of the building.

- ✓ SFMTA's payment of the \$8 million will be disbursed in two installments -- half at the time the construction loan closes and the other half when the project receives a temporary certificate of occupancy.
- ✓ SFMTA will provide no additional rent or utility subsidy for Broadway/Sansome. The tenants will be responsible for paying 30 percent of their eligible income in rent, which amount will rise or be reduced annually if the tenants' income rises or falls. The tenants will have to demonstrate prior to moving into Broadway/Sansome, and annually thereafter, that they are within the "affordable" income category or else they will not be able remain at the site.
- ✓ If Broadway/Sansome is not completed within 42 months, the SFMTA would use non-federal funds to cover the rental subsidy for the tenants until the tenants are able to move into the Project. Those tenants who elect not to move into Broadway/Sansome would only receive rental subsidies for 42 months. If Broadway/Sansome was not able to secure financing to be completed, the disbursed SFMTA funds would be returned and the SFMTA would explore other options for long-term replacement housing.

The proposed Broadway/Sansome Project will further satisfy the City policy, contained in the Chinatown Area Plan (a section of the City's General Plan) of replacing affordable housing units that are demolished in Chinatown.

SFMTA requested and the FTA approved paying the costs of a second move for those tenants who choose to and are income-eligible to move into Broadway/Sansome after it is constructed.

3. Rental of Residential Units Prior to Acquisition

The *Relocation Plan* includes authority for the SFMTA to enter into a "protective rental plan" so that if a tenant moves prior to acquisition of the property by the SFMTA, the property owner of the Chinatown site does not re-rent any residential or commercial unit at the property once it is vacated. The City Attorney's Office has drafted a "protective rental agreement" and sent it to the attorney representing the owner of the Chinatown site to review.

With a protective rental plan, SFMTA would pay the property owner an amount equal to the rental payments the property owner would have reasonably received if it had leased vacant units to new tenants. The protective rental agreement would terminate when the SFMTA gains possession of the property.

The SFMTA has considered the following factors in its decision to enter into a protective rental agreement:

- Comparable vacant rental properties in the subject area are scarce.
- There is a good probability that vacant building units would be re-rented prior to the SFMTA gaining control of the property.
- The SFMTA's possible cost of relocation benefits to any subsequent tenants would exceed the cost to pay the owner to keep vacated building units vacant.
- Reoccupation of the vacated building units might delay delivery of the property for construction.
- The FTA has advised that protective rental agreements are a customary practice in federal projects requiring relocation of tenants.

4. Rent Differential Payment Procedures – Last Resort Housing

As mentioned above, federal regulations guarantee a rent differential payment of up to \$5,250 to assist permanently displaced households in either renting or purchasing a replacement dwelling. Federal regulations also provide that whenever a project cannot proceed in a timely manner because comparable replacement dwellings are not available within the \$5,250 regulatory maximum, alternate assistance may be justified. This is known as the Last Resort Housing Program.

By approving the *Relocation Plan*, the FTA approved rent differential payments under the provisions of Last Resort Housing because of the following factors:

- Rents at the Chinatown site are below market rate due to rent control and overcrowded, below-code conditions
- Comparable decent, safe and sanitary replacement housing is scarce in the Chinatown neighborhood, and current market rates are high and not subject to rent control for new occupants of an existing unit.

Regardless of the amount, a displaced person's rent differential is fully "vested" immediately upon occupancy at the replacement dwelling, even if there is a later change in the person's income, occupancy, family characteristics, rental rate, or in the condition or location of the actual replacement property.

5. Rent-Up of Vacant Replacement Housing Units

The SFMTA's Relocation Consultant has conducted a survey and advises that there currently are vacant dwelling units available in Chinatown and in nearby neighborhoods in San Francisco. However, vacancies change constantly. Thus, the SFMTA may want to rent vacant replacement dwelling units to hold them in case the residential tenants of the Chinatown site want to occupy them.

The *Relocation Plan* authorizes the SFMTA to participate in the rent-up of vacant comparable housing units as they become available and hold them as potential replacement housing resources for the tenants of 933-949 Stockton Street. The carrying cost of such rentals would be a project expense eligible for federal reimbursement.

Services Available for Commercial Tenants

The business relocation assistance program for commercial tenants will provide advisory assistance, moving cost assistance, and reestablishment payments. Although not reimbursable by the FTA, California law also requires compensation for loss of goodwill. SFMTA has hired a goodwill appraiser to assess the loss of goodwill resulting from relocation of the commercial tenants. SFMTA has included a summary of the relocation process for commercial tenants and an explanation of how goodwill benefits are calculated in Enclosure 2. The services available for commercial tenants are described below.

Business Planning and Advisory Services:

SFMTA's Relocation Consultant will be performing the following services for commercial tenants:

- Explaining relocation payments, the basis of monetary benefits and how they are determined.
- Assisting the business in identifying realty and personalty issues
- Conducting interviews with the businesses to obtain replacement site requirements, anticipated difficulties in finding a replacement site, and identification and resolution of personal property
- Identifying suitable replacement business locations
- Assisting displaced businesses in obtaining and becoming established in a suitable replacement location
- Minimizing hardships by providing counseling and advice as to other sources that may be available to assist the business, such as programs administered by the Small Business Administration

Monetary Benefits Available to Businesses:

- Reimbursement of actual costs for moving expenses for personal property, including packing and unpacking, dismantling and reassembling of the property. It also includes modifications to personal property and utilities necessary to adapt them to the replacement site. Reimbursement for moving expenses also includes the cost of replacement licenses, permits, and fees and actual reasonable and necessary professional services to plan the move,

move, and reinstall the personal property. There is no cap on federal reimbursement for moving expenses.

- In addition, a \$10,000 maximum business reestablishment expense payment, which covers modifications to make the replacement location suitable for conducting the business, including exterior signage, redecoration (such as paint, paneling, or carpeting), and advertisements.
- In lieu of actual moving and reestablishment expenses, businesses could receive a fixed payment of not less than \$1,000 or more than \$20,000 based on the prior earnings of the business, substantiated through tax returns, financial statements or similar evidence.
- Compensation for loss of goodwill. The actual goodwill payment will not be determined until after a new site is identified by the commercial tenants and will depend on the individual circumstances of each tenant and provisions of their leases, if any. See Enclosure 2 for a discussion of goodwill.

Relocation Appeal Process

The *Relocation Handbook* and *Relocation Brochure* each describe the appeals process for residential and commercial tenants, respectively, who believe that the SFMTA has failed to properly consider the person's application for assistance, which may include eligibility for, the amount of, a relocation payment authorized under federal law.² Appeals will be conducted by the City's Relocation Appeals Board, which holds regular meetings on the first Wednesday of every month at 11:00 a.m. whenever there is pending business. Each residential and commercial tenant has been given copies of the respective booklet, which has been translated into Chinese for those tenants not fluent in English. The *Relocation Handbook* and *Relocation Brochure* have been amended to require a 60-day maximum period for filing appeals and to provide that a complainant be able to review and copy the relevant files of the Agency prior to filing a complaint.

Central Subway Project Funding

The \$1.578 billion FTA New Starts Project, including the proposed relocation expenses, is to be funded by a combination of federal, state and local money. SFMTA staff estimates that approximately \$4,187,600 will be spent in relocating residential and commercial tenants, which sum includes expenses for the Relocation Consultant. The Project's cost and funding summary is set forth in Enclosure 3.

Request for Approval of the Relocation Plan

The SFMTA respectfully requests that this item be heard at the earliest possible committee meeting of the San Francisco Board of Supervisors.

² The appeals process does not apply to eligibility or compensation for goodwill.

Attached please find an original and four copies of a proposed Ordinance for Board of Supervisors consideration. An ordinance is required because the existing provisions of the Administrative Code do not contain a time limit for filing appeals or complaints. The proposed 60-day maximum period is consistent with federal regulations and will only apply to the Central Subway Project. Also, federal regulations require that an appellant be able to review and copy relevant documents of the displacing agency prior to filing an appeal, a procedure that is not provided for in the existing ordinance.

In addition to the Ordinance, please find enclosed the following Enclosures:

1. Enclosure 1: *Relocation Impact Study and Last Resort Housing Plan*
2. Enclosure 2: Summary of How Goodwill Loss is Established
3. Enclosure 3: Third Street Light Rail Project Central Subway Cost and Funding Summary Chart
4. Enclosure 4: SFMTA Board Resolution 10-118

Enclosure 1

Relocation Impact Study and Last Resort Housing Plan

Relocation Impact Study and Last Resort Housing Plan

Relocation Program Planning Information for the
San Francisco Municipal Transportation Agency's
Central Subway Project

September 8, 2010

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Enclosure 2

Summary of How Goodwill Loss is Established

Goodwill:

Goodwill consists of the benefits that accrue to a business as a result of its location, reputation for dependability, skill or quality, and any other circumstances resulting in a probable retention of old or acquisition of new patronage.

Goodwill is a part of business value, which includes:

- ✓ Furniture and Equipment (F&E) (tangible assets)
- ✓ Working capital (tangible assets)
- ✓ Goodwill (intangible assets)

Business value equals profits times a multiplier. Goodwill value equals Furniture and Equipment (F&E) minus Inventory.

Compensation for Goodwill loss is available if the business owner proves all of the following*

1. The loss is caused by the acquisition of the property.
2. The loss cannot be prevented by relocation or by taking reasonable steps to preserve the Goodwill.
3. Compensation for Goodwill loss will not be duplicated by other payments made.

**Documents are necessary to support claims.*

Goodwill Loss Process

Step 1: Establish Goodwill at current site

Step 2: Determine Goodwill at relocation site

Step 3: Calculate Goodwill loss caused by acquisition by SFMTA

Relocation Site Factors

- What is different at the new location?
- Traffic counts
- Visibility location (corner, side street, etc.)
- Access for customers and deliveries
- Economic changes

- Competition changes
- Occupancy costs (rent)
- Square footage
- Customer demographics

Quantifying Goodwill at the Relocation Site

- Is it the same business at the relocation site?
- Will expenses increase, decrease or remain the same?
- Will revenues increase, decrease or remain the same?
- How will the changes affect profits?
- New equipment and improvements?
- Different for every business.

Illustration of Goodwill Loss

Step 1: Current Location

Revenue	\$500,000
Less:	
Cost of Goods Sold	(\$200,000)
Operating Expenses	<u>(\$200,000)</u>
Owner's Cash Flow	\$100,000

Step 2: Estimate Value

Owner's Cash Flow	\$100,000
Owner's Cash Flow Multiplier	x 3.0
Fair Market Value of Total Assets	\$300,000
Less:	
Fixtures and Equipment	(\$150,000)
Working Capital	<u>(\$50,000)</u>
Goodwill Value	\$100,000

Step 3: Relocation Site Changes

- Move to Similar Location
- Same Revenues
- Changes:
 - Increased Rent by \$20,000 per year

- Required Additional Equipment Investment not covered by relocation and reestablishment - \$30,000

Step 4: Relocation Site Goodwill Impact

Owner's Cash Flow	\$100,000
Less: increase in Rent	<u>(\$20,000)</u>
Owner's Cash Flow – Relocation Site	\$80,000
Multiplier	<u>x 3.0</u>
Fair Market Value of Total Assets	\$240,000
Less: New Fixtures and Equipment	<u>(\$180,000)</u>
Working Capital	<u>(\$50,000)</u>
Goodwill Value:	\$10,000

Step 5: Goodwill Loss

Goodwill Value – Before Acquisition:	\$100,000
Goodwill Value at Relocation Site:	<u>\$10,000</u>
Goodwill Loss:	\$90,000

Enclosure 3

**THIRD STREET LIGHT RAIL PROJECT
CENTRAL SUBWAY
Cost and Funding Summary Chart**

Cost	(\$Million)
Conceptual and Preliminary Engineering	59.41
Program Management & Construction Management	132.78
Final Design	85.94
Construction Contracts	986.68
Vehicles	26.39
Contingency	160.26
Right-of-Way	34.84
Other Professional Services	92.00
Total Central Subway Cost	\$ 1,578.30

Funding	(\$Millions)
Federal 5309 New Starts	942.20
State RTIP Grant	88.00
CMAQ	6.03
State TCRP Grant	14.00
Proposition 1B-2006 MTC Share	100.00
Proposition 1B-MTA Share	100.00
Proposition Additional 1B-MTA Share	40.00
Proposition K Sales Tax Funds	123.98
High Speed Rail Funds	27.00
Option Local and Regional Sources	137.09
Total Central Subway Funding	\$ 1,578.30

Enclosure 4

SFMTA Board Resolution 10-118

SAN FRANCISCO
MUNICIPAL TRANSPORTATION AGENCY
BOARD OF DIRECTORS

RESOLUTION No. 10-118

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WHEREAS, The Central Subway Project ("Project") – Phase II of the Third Street Light Rail Project will extend the Muni light rail line (primarily by subway) to serve the South of Market, Union Square and Chinatown neighborhoods; and

WHEREAS, The SFMTA Board of Directors adopted Resolution No. 10-049 on April 20, 2010, which requested the Board of Supervisors to consider adoption of a Resolution of Necessity for the acquisition of the Property at 266-286 4th Street, San Francisco, for the Moscone Station construction; and

WHEREAS, The SFMTA Board of Directors adopted Resolution No. 10-050 on April 20, 2010, which requested the Board of Supervisors to consider adoption of a Resolution of Necessity for the acquisition of the Property at 933-949 Stockton Street, San Francisco, for the Chinatown Station construction; and

WHEREAS, The SFMTA is required to relocate all impacted owners, commercial and residential tenants under federal, state and local law; and

WHEREAS, For any federally funded construction project that requires acquisition of real property and relocation of persons and personal property, federal regulations (49 CFR Part 24) require that the SFMTA develop a *Relocation Impact Study and Last Resort Housing Plan* (the "*Relocation Plan*"); the purpose of the *Relocation Plan* is to explain the SFMTA's process for relocating all impacted commercial and residential tenants at the two fee parcels that will be acquired for the Project; and

WHEREAS, The Federal Transit Administration has reviewed and approved the *Relocation Plan* for compliance with federal law and guidelines; now, therefore, be it

RESOLVED, That the SFMTA Board of Directors has reviewed and approves the *Relocation Impact Study and Last Resort Housing Plan*, including the recommendations contained therein; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors recommends that the Board of Supervisors approve the Central Subway Project's *Relocation Impact Study and Last Resort Housing Plan*; and be it

FURTHER RESOLVED, That the SFMTA Board of Directors authorizes the Executive Director/CEO to take such actions that are consistent with the City's Charter and all applicable law to implement the relocations according to the standards, guidelines, and recommendations set forth in the *Relocation Plan*.

I certify that the foregoing resolution was adopted by the San Francisco Municipal Transportation Agency Board of Directors at its meeting of AUG 03 2010.

R. Borman
Secretary to the Board of Directors
San Francisco Municipal Transportation Agency

Relocation Assistance Brochure

Rights and Benefits
Under the Federal Relocation Assistance Program for
Affected Businesses and Non-Profit Organizations

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Summarizing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, including 49 Code of Federal Regulations (CFR) Part 24, issued January 4, 2005. Much of the content of this brochure was provided by The United States Department of Transportation, Federal Highway Administration, Office of Real Estate Services, Publication Number FHWA-HEP-05-031.

Federal Relocation Assistance Program

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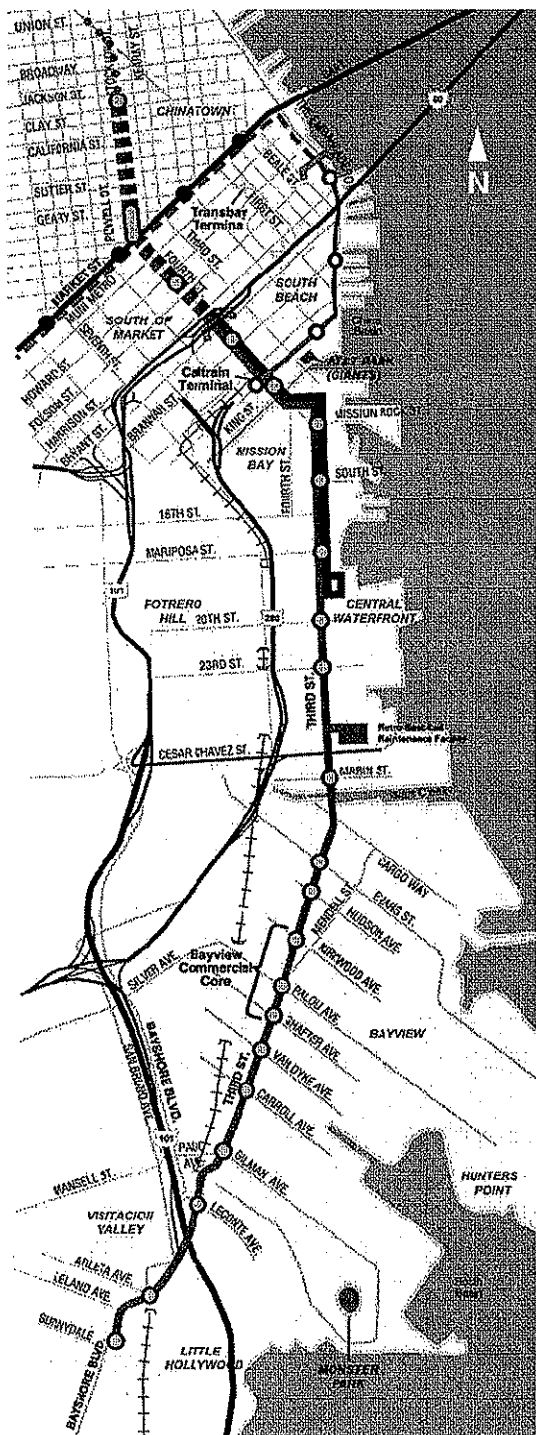
Federal Relocation Assistance Program for Business and Non-profit Organizations

Introduction

The San Francisco Municipal Transportation Agency ("SFMTA"), an agency of the City and County of San Francisco (the "City"), operates the Municipal Railway ("Muni"), which serves approximately 700,000 riders per day. In the mid-1990s, SFMTA completed expansion of the Muni light rail vehicle ("LRV") tracks from Market Street to Mission Bay. Between 2000 and 2006, SFMTA planned, funded and built 5.4 more miles of tracks, Right of Way ("ROW") and public benefit infrastructure improvements through Mission Bay, Southeast Waterfront, India Basin, Bay View and Visitacion Valley, and into Daly City. Metro East, SFMTA's new LRV rail maintenance and operations yard, opened September 2008.

SFMTA's Central Subway Project is a critical transportation improvement linking neighborhoods in the southeastern part of San Francisco with the retail and employment centers in downtown and Chinatown. If approved, it will add 1.67 miles of light rail track north from the northern end of the new Third Street Light Rail at Fourth and King Streets to a terminal in Chinatown. The current alignment of the locally preferred alternative places the subway in the SOMA area under Fourth Street, with a total of three new underground subway stations located at Moscone Center, Market Street/Union Square and Chinatown (see map below).

Government programs designed to benefit the public as a whole can result in the acquisition of private property and the displacement of businesses and nonprofit organizations. When Congress passed the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and amended it in 1987 (the "Uniform Act"), it recognized the need to balance a government agency's right to acquire property for a public project with the rights of the occupants of the affected property. The Uniform Act provides for the rights of persons displaced by a public and publicly assisted project. The regulations implementing the Uniform Act are found at Title 49, Part 24 of the Code of Federal Regulations (the "Regulations"). The Regulations outline public agency rights and responsibilities in acquiring property and providing relocation assistance to persons displaced by the acquisition of property. As a public agency receiving federal funding for its Central Subway Project (the "Project"), the SFMTA, must comply with the policies and provisions set forth in the Uniform Act and the Regulations.



This brochure will provide you with a summary of the Regulations as they apply to the displacement of businesses and nonprofit organizations. The information provided in this brief brochure cannot provide you with answers to all of the specific questions and situations that might arise in the relocation of your business or nonprofit organization. However, we ask that you review this brochure carefully and present any questions to SFMTA's relocation advisor for the Project, Mr. Micole Alfaro, at Universal Field Services, Inc. ("Relocation Advisor").

Section 1 of this brochure provides information about relocation advisory assistance. Section 2 contains information concerning payments that are available to affected businesses and nonprofit organizations. Section 3 provides additional important information regarding the Relocation Assistance Program for the Project.

Your Relocation Advisor will answer your specific questions and will provide you with additional information you may need to help you to understand the Relocation Assistance Program. If you have any questions regarding this brochure, please contact your Relocation Advisor.

Universal Field Services, Inc

Attn: Micole Alfaro

821 Howard Street

San Francisco, CA 94103

Tel: 415-701-5276 Fax: 415-701-5222

micole.alfaro@sfmta.com

Important Terms Used in This Brochure

San Francisco Municipal Transportation Agency ("SFMTA")

The SFMTA will administer relocation advisory assistance and relocation payments and will be responsible for the acquisition of real property and/or relocation of persons displaced from property to be used for the Project. SFMTA has chosen to contract with Universal Field Services, Inc. to administer its Relocation Assistance Program.

Alien Not Lawfully Present

The law provides that if a displaced person is an alien not lawfully present in the United States, such person is not eligible for relocation payments or assistance under the Uniform Act, unless ineligibility would result in exceptional and extremely unusual hardship to the alien's spouse, parent or child, and such spouse, parent or child is a citizen or an alien lawfully admitted for permanent residence.

Business

A "Business" is defined in the Regulations as any lawful activity, with the exception of a farm operation, that is conducted: (i) Primarily for the purchase, sale, lease, and rental of personal or real property and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; (ii) Primarily for the sale of services to the public; (iii) Primarily for outdoor advertising display purposes, when the display must be moved as a result of the Project; or (iv) by a nonprofit organization.

Displaced Person

Any person (individual, family, partnership, association or corporation) who moves from real property, or moves personal property from real property, as a direct result of a written notice of intent to acquire, the initiation of negotiations for, or the acquisition of real property in whole or in part for a project. This also includes any person who moves as a direct result of rehabilitation or demolition efforts for a project.

Nonprofit Organization

A public or private entity that has established its nonprofit status under applicable Federal or State law.

Project

The SFMTA development of the Central Subway from 4th and King Street to Chinatown in San Francisco.

Small Business

A business having not more than 500 employees working at the site which will be acquired or is displaced by a program or project, which site is the location of economic activity. A site occupied solely by outdoor advertising signs, displays, or devices does not qualify for purposes of the reestablishment expense benefit.

Unlawful Occupancy

A person is considered to be in unlawful occupancy if the person occupies without property right, title or payment of rent or has been legally evicted, with no legal rights to occupy a property under California law.

Section 1 – Relocation Advisory Assistance

A Relocation Advisor will work with each eligible displaced business and non-profit organization in order to guide them through the Relocation process and to help them to locate a suitable replacement property. Relocation services will be provided by Universal Field Services, Inc. It is their goal to assist you in any way possible to help you to successfully relocate. Your Relocation Advisor is available to help and to advise you, so please make full use of their services. Do not hesitate to ask questions to ensure that you fully understand all your rights and benefits.

An individual with a disability will be provided the assistance needed to understand his or her rights under this program and to locate and move to a replacement site. Please notify your Relocation Advisor if you need any additional assistance to understand your rights or to secure a replacement site.

When your Relocation Advisor initially contacts you, he or she will interview you in order to explain the Relocation Program and to understand your current operation, facility and operating costs. Your Relocation Advisor will also ask you to describe the type of replacement site you are interested in finding and will explain the assistance and payments that you may claim in accordance with your eligibility. It is important that you explain any anticipated relocation problems to your Relocation Advisor. During the initial interview your Relocation Advisor will ask many questions to determine your specific relocation needs. After the initial interview, your Relocation Advisor will deliver written information regarding your rights as a displaced person and will forward information on available replacement sites as that information becomes available.

Your Relocation Advisor will continue to work with you to help you to plan your relocation to a replacement site. Your Relocation Advisor will help you to understand which costs are compensable under the Relocation Assistance Program and which costs are not. Your Relocation Advisor will also help to determine the need for outside specialists to plan for the move and the reinstallation of your personal property.

A representative of SFMTA will work with you and the owner of the real property (if you are a tenant) to help to identify and to resolve any issues regarding what is real estate and what is personal property that can be relocated. You will be asked to provide a copy of your lease agreement (if applicable) to help to determine the ownership of the furniture, fixtures and equipment.

SFMTA's goal is for you to achieve a successful relocation back into the community. Therefore, it is important that you do everything a prudent business owner would do to maintain your business. This includes working closely with your Relocation Advisor to evaluate and to prepare for the move and searching out leads to available replacement sites.

Your Relocation Advisor is also available to provide information to possible sources of funding and assistance from other local, State, and Federal agencies. If you have special problems, the Relocation Advisor will make every effort to secure the services of those agencies with trained personnel who have the expertise to help you. Please make your needs known so that your Relocation Advisor can provide you with the help you need.

Be advised that no lawful occupant shall be required to move unless he or she has received at least 90 days advance written notice of the earliest date by which he or she may be required to move. The 90-day notice may either state a specific date as the earliest date by which the occupant must move, or state that the occupant will receive a further notice indicating, at least 30 days in advance, the specific date by which he or she must move.

Section 2 – Available Relocation Payments

An eligible business or non-profit organization may request reimbursement on the basis of actual, reasonable moving costs and related expenses or, under certain circumstances, a fixed payment. Actual, reasonable moving expenses may be paid when the move is performed by a professional mover or if you move yourself. Related expenses, such as personal property losses, expenses in finding a replacement site, and reestablishment expenses may also be reimbursable.

You must provide your Relocation Advisor with an inventory of the personal property to be moved and advance notice of the approximate date of the move. Your Relocation Advisor will need to inspect the personal property at the displacement and replacement sites, and to monitor the move in order to assess your eligibility for certain moving payments.

Actual, Reasonable and Necessary Moving Costs

You may be paid the actual, reasonable and necessary cost of your move when the move is performed by a professional mover or when you elect to move yourself; however, all your moving costs must be supported by paid receipts or other evidence of expenses incurred. In addition to the transportation costs of your personal property, certain other expenses may be reimbursable, such as packing, crating, unpacking and uncrating, and the disconnecting, dismantling, removing, reassembling, and reinstalling of relocated machinery, equipment and other personal property.

Other expenses, such as professional services necessary for planning and carrying out the move, temporary storage costs, and the cost of licenses, permits and certifications, may also be reimbursable. Such costs may include:

- Transportation of persons and property not to exceed a distance of 50 miles from the site from which the business or non-profit organization was displaced, except where relocation beyond 50 miles is justified;
- Packing, crating, unpacking and uncrating personal property;
- Storage of personal property for a period generally not to exceed 12 months, as determined by the public agency to be necessary in connection with relocation. These expenses must be preapproved.
- Insurance of personal property while in storage or transit; and
- The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his agent or employee) in the process of moving, where insurance covering such loss theft or damage is not reasonable available.
- The cost of disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment, substitute personal property, and other personal property (including goods and inventory kept for sale) and connection to utilities available within the building; it also includes modification to personal property, including those mandated by Federal, State or local law, code or ordinance, necessary to adapt it to the replacement structure, replacement site or the utilities at the replacement site and modification necessary to adapt the utilities at the replacement site to the personal property.
- The cost of any license, permit, fee or certification that is required to the extent such cost is necessary to the reestablishment of the operation at a new location. However, payment shall be based on the remaining useful life of the existing license, permit or certification.
- The reasonable cost of professional services the SFMTA determines to be actual, reasonable and necessary for the planning of the move of personal property, moving the personal property, or installing relocated personal property at the replacement site. These expenses must be preapproved.
- Professional services in connection with the purchase or lease of a replacement site, including feasibility surveys, soil testing and marketing studies.
- Relettering any sign and replacing stationary on hand at the time of displacement that is made obsolete as a result of the move.
- Impact fees or one-time assessment for anticipated heavy utility usage.

All costs claimed under this section must be reasonable and necessary. The costs will only be considered if the costs could not have been avoided or substantially reduced at an alternate available site.

This is not an inclusive list of moving related expenses. Your Relocation Advisor will provide you with a complete explanation of reimbursable expenses.

Estimated Cost of Move

If you agree to take full responsibility for all or part of the move of your operation, SFMTA may approve a payment not to exceed the lower of two acceptable written bids or estimates you have obtained from commercial moving firms. A low cost or uncomplicated move may be based on a single bid or estimate at the SFMTA's discretion. The advantage of this moving option is that it relieves you from documenting all moving expenses because the payment is limited to the amount of the lowest acceptable bid or estimate. SFMTA may make the payment without additional documentation.

Direct Loss of Tangible Personal Property

Displaced businesses may be eligible for a payment for the actual direct loss of tangible personal property incurred as a result of the move or discontinuance of the business operation. This payment is based on the lesser of (1) the value of the item for continued use at the displacement site less the proceeds from the sale of such item, or (2) the estimated reasonable cost of moving the item. Your Relocation Advisor will explain this procedure in detail if this is a consideration for you.

Substitute Personal Property

Where an item of personal property which is used in connection with any business is not moved but is replaced with a comparable item, the business may request reimbursement in an amount not to exceed the lesser of (1) the replacement cost, minus any net proceeds from its sale, or (2) the estimated cost of moving the original item.

Low Value High Bulk Property

If SFMTA considers a personal property item to be of low value and high bulk, and moving costs are disproportionate to its value (such as minerals, metals, rock, or topsoil), the allowable moving cost payment shall not exceed the lesser of the amount which would be received if the personal property were sold at the site, or, the replacement cost of a comparable quantity delivered to the new business location.

Searching Expenses for Replacement Property

Displaced businesses are entitled to reimbursement for actual, reasonable expenses incurred in searching for a replacement property, not to exceed \$2,500. Expenses may include transportation, meals, and lodging when away from home; and the reasonable value of the time spent during the search. Fees paid to real estate agents or brokers to locate a replacement site may be reimbursed, as well as related time obtaining permits and attending any related zoning hearings, time spent negotiating the rent/purchase of a replacement site, and other expenses determined to be reasonable and necessary by SFMTA.

Commission and fees related to the purchase of a replacement site are not eligible relocation expenses and will not be reimbursed.

Reestablishment Expenses

A small business or non-profit organization may be eligible for a payment, not to exceed \$10,000, for expenses actually incurred in relocating and reestablishing the enterprise at a replacement site. To qualify, the business or non-profit organization must have not more than 500 employees working at the site who will be displaced by a program or project.

Reestablishment expenses may include, but are not limited to:

- Repairs or improvements to the replacement real property required by Federal, State, and local laws, codes or ordinances.
- Modifications to the replacement real property to accommodate the business operation or to make the replacement structures suitable for the operation.
- Construction and installation costs of exterior signs to advertise the business.
- Redecoration or replacement of soiled or worn surfaces at the replacement site such as painting, wallpapering, paneling, or carpeting.
- Advertising the replacement location.
- Estimated increased costs of operation at the replacement site during the first two years for items such as: lease or rental charges; personal or real property taxes; insurance premiums; utility charges (excluding impact fees).
- Connection to available nearby utilities from the right-of-way to improvements at the replacement site.
- Professional services performed prior to the purchase or lease of a replacement site to determine its suitability for the displaced person's business operation, including, but not limited to, soil testing, feasibility and marketing studies.
- Impact fees or one-time assessments for anticipated heavy utility usage, as determined necessary by the SFMTA.
- Other items that SFMTA considers essential for reestablishment.

The following is a nonexclusive listing of reestablishment expenditures **not** considered to be reasonable and necessary, or otherwise eligible:

- Purchase of capital assets, such as office furniture, filing cabinets, machinery, or trade fixtures.
- Purchase of manufacturing materials, production supplies, production inventory, or other items used in the normal course of the business operation.

- Interior or exterior refurbishments at the replacement site which are for aesthetic purposes.
- Interest on money borrowed to make the move or purchase the replacement property.
- Payment to a part-time business in the home which does not contribute materially to the household income.
- Professional fees or commissions directly related to the purchase or lease of a replacement site.

Fixed Payment for Actual Moving Expenses ("In Lieu Payment")

Displaced businesses and non-profit organizations may be eligible for a fixed payment in lieu of (in place of) actual moving expenses, personal property losses, searching expense, and reestablishment expenses. The fixed payment may not be less than \$1,000 nor more than \$20,000.

For a business to be eligible for a fixed payment, SFMTA must determine the following:

- The business owns or rents personal property that must be moved due to the displacement.
- The business cannot be relocated without a substantial loss of its existing patronage.
- The business is not part of a commercial enterprise having more than three other businesses engaged in the same or similar activity which are under the same ownership and are not being displaced by SFMTA.
- The business contributed materially to the income of the displaced business operator during the two taxable years prior to displacement.

Eligibility requirements for non-profit organizations are slightly different than business requirements. The computation for non-profit organizations differs in that the payment is computed on the basis of average annual gross revenues less administrative expenses for the two year period specified. If you are interested in a fixed payment, please consult your Relocation Advisor for additional information.

Computation of the Fixed Payment

The fixed payment for a displaced business is based upon the average annual net earnings of the operation for the two taxable years immediately preceding the taxable year in which it was displaced, or a two-year period deemed more representative by SFMTA. You must provide SFMTA with proof of net earnings to support your claim. Proof of net earnings can be documented by income tax returns, certified financial statements, or other reasonable evidence acceptable to SFMTA.

Example of a Fixed Moving Payment Computation

2004	2005	2006
Annual Net Earnings \$16,500	Annual Net Earnings \$18,500	Year Displaced
Average annual net earnings $\$16,500 + \$18,500 = \$35,000 / 2 = \$17,500$ Fixed Payment = \$17,500		

Section 3 – Important Information

Filing of Claims for Payment

All claims filed with SFMTA must be submitted within 18 months of the later of (1) the date on which the claimant receives final payment for the property or, (2) the date on which the claimant vacates the property. Most claims will be paid within six weeks of submission of a fully documented claim for payment.

If it is a hardship for your business to pay for relocation costs and to wait for reimbursement of those costs by SFMTA, you may petition for hardship assistance. If SFMTA approves your petition for a hardship payment, then it will attempt to advance certain funds for your relocation based on fully documented claims for payment. It is important that you work closely with your Relocation Advisor if you intend to file for hardship assistance. Such a petition should be made approximately six weeks before payment is required.

Relocation Payments are not Considered to be Income

No relocation payment received will be considered as income for the purpose of the Internal Revenue Code, Personal Income Tax Law, Part 10 (commencing with Section 17001) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax Law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code.

No relocation payment received will be considered income or resources to any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled under any other provisions of law.

Payments made by SFMTA to a third party can be considered to be a taxable event.

Right to Appeal

As required under the relocation guidelines, displaced persons will have the right to ask for administrative review if they believe themselves aggrieved by a determination as to eligibility, payment amounts, or the failure to provide comparable replacement housing referrals or SFMTA's property management practices.

SFMTA will follow the Appeal and Grievance Process that has been adopted by the City and County of San Francisco. A copy of that process is attached to this brochure.

General Information

This brochure is provided to assist you in understanding your rights and benefits. If you have questions regarding your relocation please contact your Relocation Advisor. Additional information on relocation and acquisition requirements, the law, and the regulation can be found at www.fhwa.dot.gov/realestate.

This brochure has been provided to you as a courtesy by the San Francisco Municipal Transportation Agency. It is intended to provide general information concerning the Relocation Assistance Program. Further details regarding relocation assistance and benefits are set forth in 49 Code of Federal Regulations, Part 24, and the Federal Highway Administration website: <http://www.fhwa.dot.gov/realestate/relocat.htm>. Please contact your Relocation Advisor for additional information regarding the Relocation Assistance Program.

Your Relocation Advisor will answer your specific questions and will provide you with additional information you may need to help you to understand the Relocation Assistance Program.

SFMTA Relocation Consultant:

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City and County of San Francisco

Relocation Appeals Board

Guide

1. Background

1.1 General Background

The Relocation Appeals Board of the City and County of San Francisco is the oldest of its kind in the nation. Founded in March 1967, the Relocation Appeals Board is a resource for individuals and families whose residence or business is displaced by public action.

The Relocation Appeals Board's purpose is to study, investigate and hold hearings on grievances and disputes between relocated persons who are dissatisfied with their relocation services and the displacing agencies that are responsible for providing those services.

The Relocation Appeals Board was formalized by the Board of Supervisors of the City and County of San Francisco in 1972 with the enactment of ordinances 333-72 and 334-72. The local governing provisions are codified at Chapter 24B of the San Francisco Administrative Code.

The Relocation Appeals Board has five members. They are appointed by the Mayor and confirmed by the Board of Supervisors.

The Relocation Appeals Board holds regular meeting on the first Wednesday of every month at 11:00 a.m. whenever there is pending business. Meetings are held at a conference room or meeting facility at the Office of the San Francisco Mayor's Office of Housing, 1 South Van Ness Avenue, 5th Floor, San Francisco, CA 94103.

All meetings of the San Francisco Appeals Board are public.

1.2 Jurisdiction of the Relocation Appeals Board

The Relocation Appeals Board hears disputes between displaced persons and the displacing agency after the displacing agency has responded to a claim. If the displaced person is not satisfied with the displacing agency's response, the displaced person may submit his or her dispute to the Relocation Appeals Board for review. The Relocation Appeals Board may affirm the decision of the displacing agency, reject the decision of the displacing agency and require that it provide further benefits or services, or remand the claim for further consideration by the agency in light of the findings or filings of the Relocation Appeals Board.

The Relocation Appeals Board only reviews disputes when the displacing agency is an agency of the City and County of San Francisco; the Relocation Appeals Board does not have authority to review disputes with State and Federal agencies.

The Relocation Appeals Board only reviews disputes regarding relocation benefits or services. Disputes regarding relocation claims are reviewed under California and federal law. The Relocation Appeals Board does not review disputes regarding compensation for real or personal property that has been damaged, destroyed, or subjected to the powers of eminent domain, and does not review claims for inverse condemnation.

1.3 Governing Laws

1.3.1 Federal Law: The federal Uniform Relocation Assistance and Real Property acquisition Policies Act of 1970 is codified at title 42, United States Code, section 4600 et seq. This law requires that the federal government provide relocation advice and payments when it acquires real property under its power of eminent domain. In July 1, 1972, the federal law became binding in the states. Federal laws pertaining specifically to relocation payments and services are codified at Title 42, United States Code, section 6080 et seq. Regulation regarding relocation payments and services are codified at Title 49 of the Code Of Federal Regulations, Part 24.

1.3.2 State Law: Following enactment of the federal relocation law, in 1971 California's legislature enacted the present Relocation Assistance Act with the intent to "implement the 1970 federal enactment and to extend the comparable benefits statewide and payable by the state and its political subdivisions, to persons displaced by the acquisition of land under the eminent domain law after July 1, 1972" City of Mountain View v Superior Court 54 Cal.App.3d 72, 77-78 (1975). The California Relocation Assistance Act is in the California Code; sections 7362 et seq. govern relocation payments and assistance.

The California Relocation Assistance Act provides relocation assistance to persons if they are "displaced" by public projects. Persons are "displaced" if agency action requires them to move from all or part of their property; they can be "displaced" by any agency action, it need not be a condemnation. 57 Ops. Atty. Gen. p. 72 (1974); Superior Strut & Hangar v Port of Oakland, 140 Cal. Rptr. 515, 518 (1977). State law allows a displaced person certain compensation for a forced relocation, including relocation assistance and reimbursement of moving costs.

California law requires that each city or county that has a redevelopment agency also have a relocation appeals board "to hear all complaints brought by residents of the various project areas relating to relocation. [The Relocation Appeals Board] shall determine if the redevelopment agency has complied with provisions of [state law] and, where applicable, federal regulations." Health & Safety Code 33417.5.

1.3.3 Local Ordinance: The San Francisco Relocation Appeals Board is governed by Chapter 24B of the San Francisco Administration Code.

2. Procedures for Appealing to the Relocation Appeals Board

The Relocation Appeals Board reviews disputes between a relocatee and a displacing agency related claims for relocation benefits or services. The Relocation Appeals Board does not hear appeals until claims for relocation benefits or services have been denied in whole or in part by the displacing agency. The Relocation Appeals Board will hear claims where a displacing agency fails to respond to a claim after a reasonable time.

2.1 Complaint

An appeal to the Relocation Appeals Board begins with a complaint. If you are preparing a complaint to the Relocation Appeals Board, you must include at least the following:

1. Name of the aggrieved person;
 2. Location of the property from which the aggrieved person is being displaced;
 3. The nature of the dislocation, i.e., a family residence, business, warehouse, etc.;
 4. The displacing agency or the agency responsible for providing services and the name and address of the person at the agency who is responsible for handling the claim;
 5. A brief description of the grievance and grounds for appeal to the Relocation Appeals Board;
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6. Documents in support of your claim, or, if they are voluminous, a summary of the documents that support your claim. The complainant will be able to review and copy relevant documents of the displacing agency prior to filing the complaint;

The complaint must be signed. The signature of the complaining person verifies the accuracy and the truthfulness of the complaint. Unsigned complaints will not be accepted. (See generally San Francisco Admin. Code #24B.7.)

2.2 Time to File Complaint; Delivery of Complaint to Board Secretary, Displacing Agency

Complaints must be filed no later than 60 days after receipt of written notification of the displacing agency's determination on the claim. The complaining party or its representative shall deliver the signed complaint to the Secretary of the Relocation Appeals Board at the following address:

Eugene Flannery, Executive Director
Relocation Appeals Board of the City and County of San Francisco
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

If there are questions about the handling of the complaint, please contact the Secretary of the Relocation Appeals Board at (415) 701-5558.

In addition to filing the complaint with the Board's Secretary, the complaining party must send a copy to the responsible agent at all displacing agencies that are subject to the dispute.

2.3 Authorization for Release of Information

After your complaint is received, the staff of the Relocation Appeals Board will mail you a "Request for Authorization to Release Confidential Information." This authorization, when signed, allows the displacing agency to respond to your complaint with relevant information. Please sign the "Request" and return it to the Secretary of the Relocation Appeals Board at the above address.

2.4 Written Answer By Displacing Agency, Reply

The displacing agency will answer your complaint in writing within 15 days (unless a longer time is allowed by the Board) and will provide you with a copy of its answer.

The Board or the Secretary of the Board may request that you file a written reply to the displacing agency's answer. Your reply should be filed with the Secretary and a copy mailed to the responsible person at the displacing agency, usually the person who filed the answer.

When the written complaint, answer, and reply (if any) are received, the review process begins.

3. Pre-Hearing Mediation

The Secretary or a member of the Relocation Appeals Board will review your complaint, the answer, any reply and all other pertinent materials to your claim and the dispute. This person is the mediator. The mediator will attempt to resolve the dispute prior to a formal hearing and review by the Relocation Appeals Board.

The mediation may take any form deemed suitable by the mediator and the Relocation Appeals Board. This may include ex parte conferences with the claimant, the displacing agency, or others in order to reconcile the dispute; conferences, requests for further written submissions, interviews of witnesses, or brief presentations by the disputants to clarify their positions are routinely requested. If the efforts of the

mediator cause the dispute to be resolved to the satisfaction of all parties, the appeal to the full Relocation Appeals Board is dismissed.

If the claimant is not satisfied with the results of the mediation, the matter will be presented to the Relocation Appeals Board in a formal hearing. Upon written request of the claimant or upon the mediator's determination that attempts to resolve the dispute have failed, the Secretary will set the appeal for hearing before the Relocation Appeals Board at a regularly scheduled meeting. The Secretary will give written notice of the time, place and the date of the appeal to all parties.

4. Hearings Before the Relocation Appeals Board

4.1 parties; Representation by Lawyers; Notices

No claimant who presents an appeal to the Relocation Appeals Board needs to be represented by a lawyer, though any party who presents an appeal to the Relocation Appeals Board may be so represented.

Whenever any document containing an attorney's name, address and telephone number is filed by an attorney on behalf of a party, or whenever a party advises in a complaint or other written notice to the Board that the party's is represented by counsel, all notices sent by the Board or other parties shall thereafter be sent to the party's attorney instead of to the party. Notices will not be sent to both the attorney and the party represented by the attorney.

4.2 Discovery (exchange of information)

There is no procedure for pre-appeal discovery or exchange of information between disputants. Parties may be requested to exchange information or to provide statements to the Relocation Appeals Board, the mediator, or the Secretary in an attempt to resolve the dispute. No party is obligated to provide information in response to such a request, though the failure to provide requested information may be considered by the Relocation Appeals Board on appeal.

4.3 Appeals Heard At Regular Meetings; Emergency Sessions

All appeals to the Relocation Appeals Board shall be heard at a regularly scheduled meeting of the Relocation Appeals Board. An appeal may be heard outside of a regularly scheduled meeting only under special circumstances.

A claimant may petition for an expedited appeal at a specially convened meeting by demonstrating special circumstances. Such a petition must be submitted to the Secretary of the Relocation Appeals Board at least five days prior to the date requested for an expedited appeal. The petition must set forth the basis of the request for the expedited appeal and must include the following information: the date that the claim that is subject to the appeal was submitted to the displacing agency; the date of final response by the displacing agency; the date of written complaint initiating the appeal; the hardship that would attend hearing the appeal at the regularly scheduled meeting; and an explanation of any prior delays in the presentation or prosecution of the claim or the appeal. The petition must be signed by the complainant.

The President of the Board will assess any petition for an expedited appeal. If the petition is granted, the Secretary will attempt to convene a quorum of the Board at the date and time requested in the petition. If a quorum cannot be convened at the date and time requested, the appeal will be heard at the earliest date and time at which such a quorum may be convened.

Any party or agency that opposes an expedited hearing may submit a letter to the Secretary explaining why an expedited hearing is unnecessary, inappropriate, or prejudicial to the other party.

4.4 Postponements

The President of the Board may grant a postponement of a scheduled appeal only for a good cause. Good cause may include, but is not limited to, showings of the following: (1) illness of a party, attorney, or other authorized representative of a party, or a material witness; (2) verified travel outside of San Francisco scheduled before the receipt of the notice of hearing; or (3) any other reason that makes it impracticable to appear on the scheduled date due to unforeseen circumstances or verified pre-arranged plans that are not reasonably susceptible to change. Inconvenience is not a good cause.

Requests for postponements shall be made in writing at the earliest possible date. Requests to postpone an appeal should include supporting documentation. Requests to postpone an appeal should be served upon all other parties and their counsel.

The parties to an appeal may agree to a postponement once without approval of the Board if they notify the Board at least five days prior to the date of the appeal. Stipulated postponements closer than five days to a scheduled appeal may be granted only with permission from the President of the Board either in writing or at the hearing for the appeal.

The parties to an appeal may agree to additional postponements only with the approval of the Board. A joint request for postponement shall be submitted in writing.

4.5 Pre-Appeal Submissions

Each party to an appeal shall submit the following to the Secretary to the Board and to each other party or its counsel at least five day prior to the scheduled appeal:

1. A brief explanation of the law that supports the party's position.
2. A summary of the facts that the party expects to show at the hearing on appeal.
3. A list of the witnesses to be called by the party and a summary of the witnesses' testimony.
4. All documents that the party intends to present at the hearing on appeal.
5. The name of the party intends to present at the hearing on appeal, including any physical objects, large maps, diagrams, enlarged photographs.
6. The name of the party or the attorney who will be primarily responsible for presenting the appeal to the Relocation Appeal Board.

The parties shall submit six copies of all submissions to the Secretary for distribution to the members of the Relocation Appeals Board and staff.

4.6 Absent Parties

If a party fails to appear at a properly noticed hearing the Board may, as it deems appropriate, continue the appeal, decide the case on the submitted documents, or proceed with a hearing and render a decision. If the absent party is the complainant, the Board may dismiss the complaint. If the absent is the displacing agency, the Board may enter a decision affirming the complaint against the agency.

4.7 Conduct of Appeal

Appeals shall be conducted in conformity with these rules unless otherwise ordered at any hearing or by formal amendment to these rules by a majority of the members of the Relocation Appeals Board.

Each party will make a brief opening or introductory statement. Claimant will make the first statement; each displacing agency adverse to claimant will make the second statement(s); claimant may make a brief reply statement.

Claimant will present its case first, including the presentation of witnesses, documents, diagrams, photographs, summaries, charts, or other materials relevant to the claim.

Oral evidence shall be taken only on the oath or affirmation of the witness.

Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses on any matter relevant to the issues before the Board. The claimant may be called as a witness even if the claimant does not testify in its own behalf. The agent of the displacing agency may be called as a witness even if the agent does not testify on behalf of the displacing agency.

Third party witnesses (witnesses that are neither the claimant or the displacing agency) may be presented by either side. If presented, they may be cross-examined. Neither party may subpoena or compel the testimony of third party witnesses.

Adverse witnesses (persons who are employed by or under the control of the adverse party) may not be compelled to give testimony. However, any party may request that an adverse witness testify. To request the testimony of an adverse witness, a party shall request the presence of such witness by sending notice to the adverse party at least 10 days prior to the date of appeal. The request shall state the name of the witness, the relationship between the adverse witness and the adverse party, the subject matter of the adverse witnesses' testimony, and the anticipated testimony from the witness. If the adverse party does not make the witness available at the appeal, the Board may consider in its decision the absence of the witness against the adverse party and the anticipated testimony in favor of the party that requested the testimony.

The parties may present all the relevant evidence that furthers the decision-making process. The parties are not bound by civil rules of evidence except as stated in these rules. Parties and witnesses may introduce hearsay in support of their claims. Proffered hearsay evidence is admissible for all purposes and, if assessed as credible by the Relocation Appeals Board, may provide the sole basis for a finding or decision.

Evidentiary privileges protected by law are honored in an appeal before the Relocation Appeals Board but must be asserted promptly. Unasserted privileges and untimely objections are waived.

The Relocation Appeals Board may limit the presentation of evidence, the number of witnesses, or remarks of the parties or counsel in order to avoid the presentation of irrelevant, repetitious or unruly inflammatory testimony, evidence or other matters.

The Board or its counsel may, from time to time, interrogate witnesses, question counsel, or request further evidence in the course of the appeal process.

4.8 Burden of Proof on Appeal

In any appeal to the Relocation Appeals Board by a displaced person regarding the displacing agency's treatment of a claim, the displaced person has the initial burden of demonstrating that the claim for relocation payments or benefits was timely, proper, and reasonable.

In order to overcome a complaint by a displaced party who satisfies the burden of demonstrating that the claim was timely, proper and reasonable, if the burden of the displacing agency to demonstrate that the claim for relocation payments was not timely, proper, reasonable, or that it is defective under applicable law or regulations. The displacing agency may discharge its burden of proof by demonstrating that it has made an offer to settle the claim, that the offer to settle the claim was rejected, and that the offer to settle the claim was more reasonable than the original claim and in conformity with applicable law and regulations.

4.9 Record or Proceedings

The Relocation Appeals Board may record the proceedings on appeal by audiotape or by causing a transcript to be made. The Relocation Appeals Board may request that the parties to the appeal share the expense of recording or transcribing the proceedings for the benefit of the Board or the parties.

In the event that the Board does not elect to record or transcribe the proceedings, any party may retain a stenographer or tape record the proceedings in order to keep a record, provided that the party so recording the proceedings makes available to the board a copy of the transcript or recording of the proceedings if the Board so requests, and such copy or transcript shall be tendered without charge. The party transcribing or recording the proceedings must also make available to other parties a transcript or recording at a reasonable charge not to exceed that party's proportional share of the cost of obtaining such a record.

4.10 Additional Submissions

The Board may request that either or both parties present any additional briefing, documents, information, declarations or testimony to the Relocation Appeals Board following the hearing on appeal. All such submissions shall be filed with the Secretary of the Board within the time requested by the Board and served to all other parties or their counsel. No party need respond to such submissions unless requested to do so by the Board, or unless such party requests in writing from the Board permission to respond and such permission is granted in writing.

5. Decisions on Appeal

The Relocation Appeals Board will deliberate on the appeal following the close of presentation of evidence. The deliberations of the Relocation Appeals Board are public.

The decision of the Relocation Appeals Board to affirm the complaint in whole and to order the relief requested, to grant the complaint in part and to order part of the relief requested, or to grant the complaint in part and order relief other than requested, must be based on the agreement of a majority of the voting members. The agreement of a majority of the voting members of the Board on the nature and extent of relief to be awarded is sufficient to constitute a ruling of the Board, and such shall be the decision of the Board, notwithstanding any disagreement among the voting members as to the basis of such relief.

The President of the Board shall appoint a member of the Board or the Secretary to draft a resolution setting forth the Board's ruling. A resolution that satisfactorily sets forth the Board's ruling. A resolution that satisfactorily sets forth the Board's ruling shall be affirmed and signed by the President of the Board and served to the parties to the appeal by registered mail.

6. Appeal to the Superior Court

If the Board issues a final decision other than to grant the relief requested in the complaint, the complaining person may seek further review by administrative mandamus in the San Francisco Superior Court. The Procedures for pursuing a claim of administrative Mandamus are set forth in section 1094.5 of the California Code of Civil Procedure.

Deadlines for filing a petition for review in the Superior Court are strict. The time to bring a petition is governed by Section 1094.6 of the California Code of Civil Procedure. Failure to file a timely petition for review may result in waiver of your right to further review.

7. Approval of the Rules

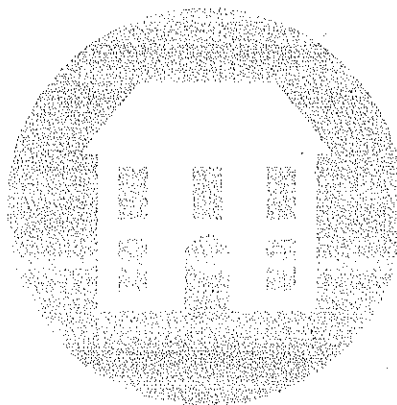
These General Rules and Procedures are approved by the members of the Relocation Appeals Board this 6 day of Sept., 1995 and shall govern all proceedings before this Board until otherwise revoked, amended, or replaced by a majority vote of this Board.

These General Rules and Procedures shall be made available at the request of any person and the Secretary of the Relocation Appeals Board shall provide copies of these General Rules and Procedures to all parties to appeals before the Relocation Appeals Board.

Relocation Assistance Handbook

Information for Persons Displaced by
Publicly Funded Acquisition Projects

Occupants of Rental Property



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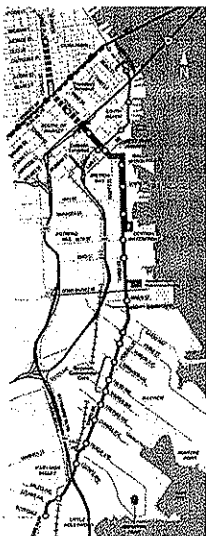
This handbook is presented to you as a courtesy of the San Francisco Municipal Transportation Agency and is intended to summarize your rights under federal law (42 U.S.C. 4601 *et seq.*) and implementing regulations found in 49 CFR Part 24. A Relocation Advisor will also be available to help explain the assistance that is available through this program. This summary has been provided for general information purposes only and it is not meant to be interpreted as law.

Relocation Assistance for Occupants of Rental Property

The San Francisco Municipal Transportation Agency ("SFMTA"), an agency of the City and County of San Francisco (the "City"), operates the Municipal Railway ("Muni"), which serves approximately 700,000 riders per day. In the mid-1990s, SFMTA completed expansion of the Muni light rail vehicle ("LRV") tracks from Market Street to Mission Bay. Between 2000 and 2006, SFMTA planned, funded and built 5.4 more miles of tracks, Right of Way ("ROW") and public benefit infrastructure improvements through Mission Bay, the Southeast Waterfront, India Basin, Bay View and Visitacion Valley, and into Daly City. Metro East, SFMTA's new LRV rail maintenance and operations yard, opened in September 2008.

SFMTA's Central Subway Project is a critical transportation improvement linking neighborhoods in the southeastern part of San Francisco with the retail and employment centers in downtown and Chinatown. If approved, it will add 1.67 miles of light rail track north from the northern end of the new Third Street Light Rail at Fourth and King Streets to a terminal in Chinatown. The current alignment of the locally preferred alternative places the subway in the SOMA area under Fourth Street, with a total of three new underground subway stations located at Moscone Center, Market Street/Union Square and Chinatown (see map below).

This handbook provides information to persons who are renting residential property that might be acquired by the SFMTA for construction of the Central Subway Project (the "Project"). All public property acquisition and relocation efforts for the Project are governed by federal law -- the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601 *et seq.*) (the "Uniform Act"), and the regulations implementing the Uniform Act, found in 49 CFR Part 24 (the "Regulations"). A Relocation Advisor will be available to work with occupants of each affected household to help them to understand the assistance that is available through this Relocation Assistance Program (the "Program").



It is important that each household meet with a Relocation Advisor to understand its rights and responsibilities under the Program. If a household is determined to be eligible to receive relocation assistance under the Program, 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 this **Relocation Assistance Handbook**. These

documents will identify all of the benefits and conditions for receipt of benefits by the household. These benefits and conditions are briefly described below.

If you need this document translated into another language, please contact Mr. Micole Alfaro, Universal Field Services, at 415-701-5276. Chinese speaker please contact Cathie Lam at 415-984-1461.

Relocation Advisory Assistance

The SFMTA has adopted the following Relocation Assistance Program in order to provide displaced persons with the benefits to which they are entitled under the Uniform Act and the Regulations. Congress has determined that any person being displaced by a publicly funded project has the right to receive assistance in understanding the laws and regulations that protect them if they are required to move because of a project. A knowledgeable Relocation Advisor must 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. Micole Alfaro of Universal Field Services will be providing relocation advisory assistance for the households displaced by the Project and will be available to answer questions and to help such households throughout this process.

Mr. Micole Alfaro, Relocation Consultant Universal Field Services 821 Howard Street San Francisco, CA 94103 415-701-5276 micole.alfaro@sfmta.com

A Relocation Advisor is available to find comparable, decent, safe, and sanitary replacement housing within the financial means of each affected household. The housing must be available to the displaced persons. A Relocation Advisor will provide advisory assistance in obtaining housing of their choice, including assistance in the referral of complaints of discrimination to the appropriate Federal, State or local fair housing enforcement agency. Each affected household should meet with its Relocation Advisor and provide them with information as requested so that assistance can be provided as needed. A Relocation Advisor will also prepare claim forms on behalf of each household and will help to file those claims for reimbursement under the Program.

All services will be provided in such a way as to ensure that the relocation process does not result in different or separate treatment on account of race, color, religion, national origin, sex, marital status, familial status, or any basis protected by state and federal anti-discrimination laws, or any other arbitrary circumstances.

Definition of Terms. This Program incorporates certain language that may be unfamiliar to the reader. The following terms are defined to make it easier to understand the requirements of the Program.

Comparable Replacement Dwelling. A comparable replacement dwelling is a dwelling that is:

- Decent, safe, and sanitary, as described below.
- Functionally equivalent to the displacement dwelling. The term “functionally equivalent” means that it performs the same function, and provides the same utility. A comparable replacement dwelling need not possess every feature of the displacement dwelling, but must include the principal features.
- Adequate in size to accommodate the occupants.
- In an area not subject to unreasonable adverse environmental conditions, generally not less desirable than the location of the displacement dwelling with respect to public utilities and commercial and public facilities, and reasonably accessible to the person's place of employment.
- 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, provided average monthly income is within the most recent HUD low income limits), either by their own means or through assistance from the Relocation Program.

Decent, Safe, & Sanitary (DS&S). In order to meet decent, safe, and sanitary requirements, a replacement site must meet the local housing and occupancy codes. These should include the following standards:

- 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 heating system capable of sustaining a healthful temperature (approximately 70 degrees).
- Be adequate in size with respect to the number of rooms and area of living space to accommodate the displaced persons, in conformance with local codes.
- 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.

- For displaced persons with disabilities, be free of any barriers which would prevent reasonable ingress, egress, or use of the dwelling by such displaced persons.

Displaced Person/Household. Lawful occupants who are required to move from a property that the SFMTA is attempting to acquire. 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 with consideration given to length of occupancy and income).

Moving Cost Assistance

Each displaced household is entitled to receive a moving payment to cover the cost to move the personal property of the household to their replacement home. The Relocation Program covers specific costs related to the move. Each household may elect one of the three options for cost reimbursement for each move as outlined below:

- 1. 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 for California published by the federal government on the following website: <http://www.fhwa.dot.gov/realestate/fixsch96.htm>.

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

- 2. Actual Reasonable Moving Costs and Related Expenses.** Payment is made to reimburse actual moving expenses based on the lower of at least two acceptable bids from professional commercial movers. Compensable costs include all reasonable costs to pack, move, and unpack all personal property. A direct payment can be made to the commercial mover under this option. Reimbursement is allowed to the displaced household for any one-time utility reconnection fees, such as phone, gas, electric, and cable.

- 3. Combination of Options.** A displaced person can be reimbursed using a combination of the two moving options, depending upon specific circumstances.

Storage Costs. A displaced person may be reimbursed for certain costs to store personal property in a professional storage facility for a period not to exceed 12 months. The need for such storage must

be determined to be reasonable and necessary. Only property that is currently located at the affected site would be eligible for storage cost reimbursement. This option is available to persons who do not choose to be reimbursed under the Fixed Moving Payment and Dislocation Allowance option referenced above.

Replacement Housing Payments

A rent differential payment of up to \$5,250 is available to assist permanently displaced households in either renting or purchasing a replacement dwelling. To qualify for this payment, an eligible displaced person must have lived in the affected property as a legal resident for 90 days prior to the initial written offer to purchase the property. In addition, the person must be able to demonstrate that the property was his or her primary residence for that 90-day period. To claim the payment, the displaced person must occupy a decent, safe, and sanitary replacement dwelling within 12 months after moving to a replacement property. A payment of up to \$22,500 is available for homeowner-occupants who have lived in the displacement dwelling for not less than 180 days.

The purpose of replacement housing payments is to provide assistance with actual and reasonable increased housing costs so that replacement housing is available within the financial means of the affected household. The assistance is calculated as shown below and is available to help with actual increased housing costs for 42 months. This amount will be paid directly to the tenant or to the tenant's designee. Assistance may be paid as a lump sum, in monthly installments, or through other periodic payments.

Computation for Monthly Replacement Housing Payments

Lesser of:

Cost to Rent Comparable Replacement Dwelling + Estimated Utility Costs

or

The Cost to Rent Actual Replacement Dwelling + Estimated Utility Costs

Minus the Lesser of:

Average Monthly Rent at Displacement Dwelling + Average Monthly Utilities

or

30% of the Household's Adjusted Gross Monthly Income *(If average gross monthly income is within the parameters of the current HUD Low Income Chart)*

A Housing Valuation Study will be prepared for the type of housing unit needed to determine the cost of a comparable replacement dwelling. Each 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 that benefit payments will be made only when the household demonstrates that entitlement amounts have been or will be spent for reasonable and necessary expenses related to obtaining replacement housing.

A Relocation Advisor is available to provide specific information about entitlement in writing to each eligible household. The Relocation Advisor will also contact property owners, landlords, lenders, and Realtors as needed and as directed by the household to help to secure replacement housing and to explain the assistance that is available under the Relocation Program. Transportation will be offered to displaced persons as part of the scope of relocation services provided. Any person with special needs should communicate these needs to a Relocation Advisor early in the search for housing so that those needs can be accommodated.

Purchasing a Replacement Dwelling. If a displaced household chooses to buy (rather than rent) a replacement dwelling, the Replacement Housing Payment could be converted into a down payment to purchase a decent, safe, and sanitary replacement home within one year of the date the household moves from the affected property. The amount of the down payment shall not exceed the actual cost of the replacement dwelling, plus expenses incident to its purchase. For additional information regarding this payment option, please contact a Relocation Advisor.

The Housing of Last Resort Program

The Regulations offer the Housing of Last Resort Program whenever a project cannot proceed on a timely basis because comparable replacement dwellings are not available within the financial means of the displaced person. Under this program, the replacement housing payment may exceed the \$5,250 monetary limit under certain circumstances. Several methods to provide Last Resort Housing to qualified displaced persons are available:

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 the Housing Valuation Study. As with all other replacement housing payments, displaced occupants must meet certain requirements in order to claim payments.
2. New replacement housing could be constructed, existing housing could be rehabilitated, or funds could be provided for private parties to rehabilitate existing units for occupancy by displaced households.

SFMTA has determined that it will provide supplemental replacement housing funds to bring the most comparable replacement housing within the financial means of each eligible displaced household. The

actual amount of assistance will be determined once a Housing Valuation Study has been completed and each household has provided financial information. All households who are eligible to receive assistance under the Housing of Last Resort Program will be notified in writing.

Additional Program Information

Appeal and Grievance Process. As required under the relocation guidelines, displaced persons will have the right to ask for administrative review when they believe themselves aggrieved by a determination as to eligibility, payment amounts, or the failure to provide comparable replacement housing referrals or SFMTA's property management practices.

SFMTA will follow the Appeal and Grievance Process that has been adopted by the City and County of San Francisco. A copy of that process is attached to this handbook.

Eviction Policy. Should an occupant be evicted for failure to meet any tenant obligations or for violating the terms and conditions of his or her 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 by the SFMTA as a last resort to remove the tenant from the affected 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 his or her 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 SFMTA for review and processing. Checks will be available for approved claims within 30 days of the date all documentation is submitted to the Relocation Advisor. Checks will be delivered to the household or to the household's designee. Advance payments may be provided if a later payment would result in financial hardship.

Relocation Payments are Not Considered Income. 49 CFR Section 24.209 and California Government Code Section 7269 states that no payment required under the Relocation Assistance Program shall be considered as income for the purposes of Personal Income Tax Law, Part 10 (commencing with Section 17001). Nor are payments considered as income or resources to any recipient of public assistance and such payments shall not be deducted from the amount of aid to which the recipient would otherwise be entitled under any other provisions of law. Please consult your tax advisor for additional information.

Current Rental Agreement. It is important that each household continue to pay rent to its current landlord. If SFMTA is able to acquire the property and the household rents from SFMTA after it takes possession of the property, the household will be required to pay rent to the SFMTA in accordance with the existing rental agreement. If SFMTA is required to take legal action to collect the rents or move the household from the property, SFMTA may seek rent and damages from the tenants.

Notes

City and County of San Francisco

Relocation Appeals Board

Guide

1. Background

1.1 General Background

The Relocation Appeals Board of the City and County of San Francisco is the oldest of its kind in the nation. Founded in March 1967, the Relocation Appeals Board is a resource for individuals and families whose residence or business is displaced by public action.

The Relocation Appeals Board's purpose is to study, investigate and hold hearings on grievances and disputes between relocated persons who are dissatisfied with their relocation services and the displacing agencies that are responsible for providing those services.

The Relocation Appeals Board was formalized by the Board of Supervisors of the City and County of San Francisco in 1972 with the enactment of ordinances 333-72 and 334-72. The local governing provisions are codified at Chapter 24B of the San Francisco Administrative Code.

The Relocation Appeals Board has five members. They are appointed by the Mayor and confirmed by the Board of Supervisors.

The Relocation Appeals Board holds regular meeting on the first Wednesday of every month at 11:00 a.m. whenever there is pending business. Meetings are held at a conference room or meeting facility at the Office of the San Francisco Mayor's Office of Housing, 1 South Van Ness Avenue, 5th Floor, San Francisco, CA 94103.

All meetings of the San Francisco Appeals Board are public.

1.2 Jurisdiction of the Relocation Appeals Board

The Relocation Appeals Board hears disputes between displaced persons and the displacing agency after the displacing agency has responded to a claim. If the displaced person is not satisfied with the displacing agency's response, the displaced person may submit his or her dispute to the Relocation Appeals Board for review. The Relocation Appeals Board may affirm the decision of the displacing agency, reject the decision of the displacing agency and require that it provide further benefits or services, or remand the claim for further consideration by the agency in light of the findings or filings of the Relocation Appeals Board.

The Relocation Appeals Board only reviews disputes when the displacing agency is an agency of the City and County of San Francisco; the Relocation Appeals Board does not have authority to review disputes with State and Federal agencies.

The Relocation Appeals Board only reviews disputes regarding relocation benefits or services. Disputes regarding relocation claims are reviewed under California and federal law. The Relocation Appeals Board does not review disputes regarding compensation for real or personal property that has been damaged, destroyed, or subjected to the powers of eminent domain, and does not review claims for inverse condemnation.

1.3 Governing Laws

1.3.1 Federal Law: The federal Uniform Relocation Assistance and Real Property acquisition Policies Act of 1970 is codified at title 42, United States Code, section 4600 et seq. This law requires that the federal government provide relocation advice and payments when it acquires real property under its power of eminent domain. In July 1, 1972, the federal law became binding in the states. Federal laws pertaining specifically to relocation payments and services are codified at Title 42, United States Code, section 6080 et seq. Regulation regarding relocation payments and services are codified at Title 49 of the Code Of Federal Regulations, Part 24.

1.3.2 State Law: Following enactment of the federal relocation law, in 1971 California's legislature enacted the present Relocation Assistance Act with the intent to "implement the 1970 federal enactment and to extend the comparable benefits statewide and payable by the state and its political subdivisions, to persons displaced by the acquisition of land under the eminent domain law after July 1, 1972" City of Mountain View v Superior Court 54 Cal.App.3d 72, 77-78 (1975). The California Relocation Assistance Act is in the California Code; sections 7362 et seq. govern relocation payments and assistance.

The California Relocation Assistance Act provides relocation assistance to persons if they are "displaced" by public projects. Persons are "displaced" if agency action requires them to move from all or part of their property; they can be "displaced" by any agency action, it need not be a condemnation. 57 Ops. Atty. Gen. p. 72 (1974); Superior Strut & Hangar v Port of Oakland, 140 Cal. Rptr. 515, 518 (1977). State law allows a displaced person certain compensation for a forced relocation, including relocation assistance and reimbursement of moving costs.

California law requires that each city or county that has a redevelopment agency also have a relocation appeals board "to hear all complaints brought by residents of the various project areas relating to relocation. [The Relocation Appeals Board] shall determine if the redevelopment agency has complied with provisions of [state law] and, where applicable, federal regulations." Health & Safety Code 33417.5.

1.3.3 Local Ordinance: The San Francisco Relocation Appeals Board is governed by Chapter 24B of the San Francisco Administration Code.

2. Procedures for Appealing to the Relocation Appeals Board

The Relocation Appeals Board reviews disputes between a relocatee and a displacing agency related claims for relocation benefits or services. The Relocation Appeals Board does not hear appeals until claims for relocation benefits or services have been denied in whole or in part by the displacing agency. The Relocation Appeals Board will hear claims where a displacing agency fails to respond to a claim after a reasonable time.

2.1 Complaint

An appeal to the Relocation Appeals Board begins with a complaint. If you are preparing a complaint to the Relocation Appeals Board, you must include at least the following:

1. Name of the aggrieved person;
2. Location of the property from which the aggrieved person is being displaced;
3. The nature of the dislocation, i.e., a family residence, business, warehouse, etc.;
4. The displacing agency or the agency responsible for providing services and the name and address of the person at the agency who is responsible for handling the claim;
5. A brief description of the grievance and grounds for appeal to the Relocation Appeals Board;
6. Documents in support of your claim, or, if they are voluminous, a summary of the documents that support your claim. The complainant will be able to review and copy relevant documents of the displacing agency prior to filing the complaint.

The complaint must be signed. The signature of the complaining person verifies the accuracy and the truthfulness of the complaint. Unsigned complaints will not be accepted. (See generally San Francisco Admin. Code #24B.7.)

2.2 Time to File Complaint; Delivery of Complaint to Board Secretary, Displacing Agency

Complaints must be filed no later than 60 days after receipt of written notification of the displacing agency's determination on the claim. The complaining party or its representative shall deliver the signed complaint to the Secretary of the Relocation Appeals Board at the following address:

Eugene Flannery, Executive Director
Relocation Appeals Board of the City and County of San Francisco
1 South Van Ness Avenue, 5th Floor
San Francisco, CA 94103

If there are questions about the handling of the complaint, please contact the Secretary of the Relocation Appeals Board at (415) 701-5558.

In addition to filing the complaint with the Board's Secretary, the complaining party must send a copy to the responsible agent at all displacing agencies that are subject to the dispute.

2.3 Authorization for Release of Information

After your complaint is received, the staff of the Relocation Appeals Board will mail you a "Request for Authorization to Release Confidential Information." This authorization, when signed, allows the displacing agency to respond to your complaint with relevant information. Please sign the "Request" and return it to the Secretary of the Relocation Appeals Board at the above address.

2.4 Written Answer By Displacing Agency, Reply

The displacing agency will answer your complaint in writing within 15 days (unless a longer time is allowed by the Board) and will provide you with a copy of its answer.

The Board or the Secretary of the Board may request that you file a written reply to the displacing agency's agency answer. Your reply should be filed with the Secretary and a copy mailed to the responsible person at the displacing agency, usually the person who filed the answer.

When the written complaint, answer, and reply (if any) are received, the review process begins.

3. Pre-Hearing Mediation

The Secretary or a member of the Relocation Appeals Board will review your complaint, the answer, any reply and all other pertinent materials to your claim and the dispute. This person is the mediator. The mediator will attempt to resolve the dispute prior to a formal hearing and review by the Relocation Appeals Board.

The mediation may take any form deemed suitable by the mediator and the Relocation Appeals Board. This may include ex parte conferences with the claimant, the displacing agency, or others in order to reconcile the dispute; conferences, requests for further written submissions, interviews of witnesses, or brief presentations by the disputants to clarify their positions are routinely requested. If the efforts of the mediator cause the dispute to be resolved to the satisfaction of all parties, the appeal to the full Relocation Appeals Board is dismissed.

If the claimant is not satisfied with the results of the mediation, the matter will be presented to the Relocation Appeals Board in a formal hearing. Upon written request of the claimant or upon the mediator's determination that attempts to resolve the dispute have failed, the Secretary will set the appeal for hearing before the Relocation Appeals Board at a regularly scheduled meeting. The Secretary will give written notice of the time, place and the date of the appeal to all parties.

4. Hearings Before the Relocation Appeals Board

4.1 parties; Representation by Lawyers; Notices

No claimant who presents an appeal to the Relocation Appeals Board needs to be represented by a lawyer, though any party who presents an appeal to the Relocation Appeals Board may be so represented.

Whenever any document containing an attorney's name, address and telephone number is filed by an attorney on behalf of a party, or whenever a party advises in a complaint or other written notice to the Board that the party's is represented by counsel, all notices sent by the Board or other parties shall thereafter be sent to the party's attorney instead of to the party. Notices will not be sent to both the attorney and the party represented by the attorney.

4.2 Discovery (exchange of information)

There is no procedure for pre-appeal discovery or exchange of information between disputants. Parties may be requested to exchange information or to provide statements to the Relocation Appeals Board, the mediator, or the Secretary in an attempt to resolve the dispute. No party is obligated to provide information in response to such a request, though the failure to provide requested information may be considered by the Relocation Appeals Board on appeal.

4.3 Appeals Heard At Regular Meetings; Emergency Sessions

All appeals to the Relocation Appeals Board shall be heard at a regularly scheduled meeting of the Relocation Appeals Board. An appeal may be heard outside of a regularly scheduled meeting only under special circumstances.

A claimant may petition for an expedited appeal at a specially convened meeting by demonstrating special circumstances. Such a petition must be submitted to the Secretary of the Relocation Appeals Board at least five days prior to the date requested for an expedited appeal. The petition must set forth the basis of the request for the expedited appeal and must include the following information: the date that the claim that is subject to the appeal was submitted to the displacing agency; the date of final response by the displacing agency; the date of written complaint initiating the appeal; the hardship that would attend hearing the appeal at the regularly scheduled meeting; and an explanation of any prior delays in the presentation or prosecution of the claim or the appeal. The petition must be signed by the complainant.

The President of the Board will assess any petition for an expedited appeal. If the petition is granted, the Secretary will attempt to convene a quorum of the Board at the date and time requested in the petition. If a quorum cannot be convened at the date and time requested, the appeal will be heard at the earliest date and time at which such a quorum may be convened.

Any party or agency that opposes an expedited hearing may submit a letter to the Secretary explaining why an expedited hearing is unnecessary, inappropriate, or prejudicial to the other party.

4.4 Postponements

The President of the Board may grant a postponement of a scheduled appeal only for a good cause. Good cause may include, but is not limited to, showings of the following: (1) illness of a party, attorney, or

other authorized representative of a party, or a material witness; (2) verified travel outside of San Francisco scheduled before the receipt of the notice of hearing; or (3) any other reason that makes it impracticable to appear on the scheduled date due to unforeseen circumstances or verified pre-arranged plans that are not reasonably susceptible to change. Inconvenience is not a good cause.

Requests for postponements shall be made in writing at the earliest possible date. Requests to postpone an appeal should include supporting documentation. Requests to postpone an appeal should be served upon all other parties and their counsel.

The parties to an appeal may agree to a postponement once without approval of the Board if they notify the Board at least five days prior to the date of the appeal. Stipulated postponements closer than five days to a scheduled appeal may be granted only with permission from the President of the Board either in writing or at the hearing for the appeal.

The parties to an appeal may agree to additional postponements only with the approval of the Board. A joint request for postponement shall be submitted in writing.

4.5 Pre-Appeal Submissions

Each party to an appeal shall submit the following to the Secretary to the Board and to each other party or its counsel at least five day prior to the scheduled appeal:

1. A brief explanation of the law that supports the party's position.
2. A summary of the facts that the party expects to show at the hearing on appeal.
3. A list of the witnesses to be called by the party and a summary of the witnesses' testimony.
4. All documents that the party intends to present at the hearing on appeal.
5. The name of the party intends to present at the hearing on appeal, including any physical objects, large maps, diagrams, enlarged photographs.
6. The name of the party or the attorney who will be primarily responsible for presenting the appeal to the Relocation Appeal Board.

The parties shall submit six copies of all submissions to the Secretary for distribution to the members of the Relocation Appeals Board and staff.

4.6 Absent Parties

If a party fails to appear at a properly noticed hearing the Board may, as it deems appropriate, continue the appeal, decide the case on the submitted documents, or proceed with a hearing and render a decision. If the absent party is the complainant, the Board may dismiss the complaint. If the absent is the displacing agency, the Board may enter a decision affirming the complaint against the agency.

4.7 Conduct of Appeal

Appeals shall be conducted in conformity with these rules unless otherwise ordered at any hearing or by formal amendment to these rules by a majority of the members of the Relocation Appeals Board.

Each party will make a brief opening or introductory statement. Claimant will make the first statement; each displacing agency adverse to claimant will make the second statement(s); claimant may make a brief reply statement.

Claimant will present its case first, including the presentation of witnesses, documents, diagrams, photographs, summaries, charts, or other materials relevant to the claim.

Oral evidence shall be taken only on the oath or affirmation of the witness.

Each party shall have the right to call and examine witnesses, to introduce exhibits, and to cross-examine opposing witnesses on any matter relevant to the issues before the Board. The claimant may be called as a witness even if the claimant does not testify in its own behalf. The agent of the displacing agency may be called as a witness even if the agent does not testify on behalf of the displacing agency.

Third party witnesses (witnesses that are neither the claimant or the displacing agency) may be presented by either side. If presented, they may be cross-examined. Neither party may subpoena or compel the testimony of third party witnesses.

Adverse witnesses (persons who are employed by or under the control of the adverse party) may not be compelled to give testimony. However, any party may request that an adverse witness testify. To request the testimony of an adverse witness, a party shall request the presence of such witness by sending notice to the adverse party at least 10 days prior to the date of appeal. The request shall state the name of the witness, the relationship between the adverse witness and the adverse party, the subject matter of the adverse witnesses' testimony, and the anticipated testimony from the witness. If the adverse party does not make the witness available at the appeal, the Board may consider in its decision the absence of the witness against the adverse party and the anticipated testimony in favor of the party that requested the testimony.

The parties may present all the relevant evidence that furthers the decision-making process. The parties are not bound by civil rules of evidence except as stated in these rules. Parties and witnesses may introduce hearsay in support of their claims. Proffered hearsay evidence is admissible for all purposes and, if assessed as credible by the Relocation Appeals Board, may provide the sole basis for a finding or decision.

Evidentiary privileges protected by law are honored in an appeal before the Relocation Appeals Board but must be asserted promptly. Unasserted privileges and untimely objections are waived.

The Relocation Appeals Board may limit the presentation of evidence, the number of witnesses, or remarks of the parties or counsel in order to avoid the presentation of irrelevant, repetitious or unruly inflammatory testimony, evidence or other matters.

The Board or its counsel may, from time to time, interrogate witnesses, question counsel, or request further evidence in the course of the appeal process.

4.8 Burden of Proof on Appeal

In any appeal to the Relocation Appeals Board by a displaced person regarding the displacing agency's treatment of a claim, the displaced person has the initial burden of demonstrating that the claim for relocation payments or benefits was timely, proper, and reasonable.

In order to overcome a complaint by a displaced party who satisfies the burden of demonstrating that the claim was timely, proper and reasonable, if the burden of the displacing agency to demonstrate that the claim for relocation payments was not timely, proper, reasonable, or that it is defective under applicable law or regulations. The displacing agency may discharge its burden of proof by demonstrating that it has made an offer to settle the claim, that the offer to settle the claim was rejected, and that the offer to settle the claim was more reasonable than the original claim and in conformity with applicable law and regulations.

4.9 Record or Proceedings

The Relocation Appeals Board may record the proceedings on appeal by audiotape or by causing a transcript to be made. The Relocation Appeals Board may request that the parties to the appeal share the expense of recording or transcribing the proceedings for the benefit of the Board or the parties.

In the event that the Board does not elect to record or transcribe the proceedings, any party may retain a stenographer or tape record the proceedings in order to keep a record, provided that the party so recording the proceedings makes available to the board a copy of the transcript or recording of the proceedings if the Board so requests, and such copy or transcript shall be tendered without charge. The party transcribing or recording the proceedings must also make available to other parties a transcript or recording at a reasonable charge not to exceed that party's proportional share of the cost of obtaining such a record.

4.10 Additional Submissions

The Board may request that either or both parties present any additional briefing, documents, information, declarations or testimony to the Relocation Appeals Board following the hearing on appeal. All such submissions shall be filed with the Secretary of the Board within the time requested by the Board and served to all other parties or their counsel. No party need respond to such submissions unless requested to do so by the Board, or unless such party requests in writing from the Board permission to respond and such permission is granted in writing.

5. Decisions on Appeal

The Relocation Appeals Board will deliberate on the appeal following the close of presentation of evidence. The deliberations of the Relocation Appeals Board are public.

The decision of the Relocation Appeals Board to affirm the complaint in whole and to order the relief requested, to grant the complaint in part and to order part of the relief requested, or to grant the complaint in part and order relief other than requested, must be based on the agreement of a majority of the voting members. The agreement of a majority of the voting members of the Board on the nature and extent of relief to be awarded is sufficient to constitute a ruling of the Board, and such shall be the decision of the Board, notwithstanding any disagreement among the voting members as to the basis of such relief.

The President of the Board shall appoint a member of the Board or the Secretary to draft a resolution setting forth the Board's ruling. A resolution that satisfactorily sets forth the Board's ruling. A resolution that satisfactorily sets forth the Board's ruling shall be affirmed and signed by the President of the Board and served to the parties to the appeal by registered mail.

6. Appeal to the Superior Court

If the Board issues a final decision other than to grant the relief requested in the complaint, the complaining person may seek further review by administrative mandamus in the San Francisco Superior Court. The Procedures for pursuing a claim of administrative Mandamus are set forth in section 1094.5 of the California Code of Civil Procedure.

Deadlines for filing a petition for review in the Superior Court are strict. The time to bring a petition is governed by Section 1094.6 of the California Code of Civil Procedure. Failure to file a timely petition for review may result in waiver of your right to further review.

7. Approval of the Rules

These General Rules and Procedures are approved by the members of the Relocation Appeals Board this 6 day of Sept., 1995 and shall govern all proceedings before this Board until otherwise revoked, amended, or replaced by a majority vote of this Board.

These General Rules and Procedures shall be made available at the request of any person and the Secretary of the Relocation Appeals Board shall provide copies of these General Rules and Procedures to all parties to appeals before the Relocation Appeals Board.

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