

A P P E N D I X L

RELOCATION PLAN





**RELOCATION PLAN  
FOR  
WATERMAN GARDENS REVITALIZATION**

Prepared for:

**HOUSING AUTHORITY OF THE COUNTY OF SAN BERNARDINO**

Prepared by:

**Overland, Pacific & Cutler, Inc.**  
2280 Market St., Suite 200  
Riverside, CA 92501  
(951) 683-2353

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## **INTRODUCTION**

In 1943, the Housing Authority of the County of San Bernardino (Authority) built Waterman Gardens as housing for 250 working families on 38 acres formerly used as a pumpkin patch. After 70 years of service to thousands of fixed- and low-income seniors and working families the Authority is actively engaging the community tenants and neighbors to provide input and design revitalization efforts of Waterman Gardens Public Housing site in San Bernardino, California (Project).

The Project site consists of several single-story buildings and includes 252 affordable housing units. While the units received various upgrades throughout the years, the complex has a number of deficiencies due to wear and tear and lack of adequate funding to address the aging infrastructure. As a result, the Authority is beginning the process of revitalizing and transforming this housing development to provide mixed-income housing, community services, and commercial/retail opportunities.

The proposed new Project site design will increase the housing count to approximately 411, ranging from affordable to market rate family units, as well as designated units for seniors. The site currently offers community and child care services barely adequate for the growing tenant population. The revitalization efforts will include a larger community center with more space for recreation and education programs such as after school, daycare and early childhood development services, adult education, a computer lab, and recreational areas for an indoor gym and pool. In addition more green space and parks will also be incorporated; including pedestrian only greenways, walking paths, community garden, three neighborhood parks with playing fields, play structures, and picnic areas.

The site will be open to the entire community to utilize at their leisure. The unit types will range from one- to four-bedroom apartments and townhomes, with private parking, onsite laundry facilities, private patios/balconies, garden spaces, and energy efficient appliances. Total investment at the site is expected to be in excess of \$100 million dollars over three to six years. While funding sources are still being determined, the Authority is pursuing the following:

- tax-credits, tax exempt bonds, new-market tax credits
- grants (such as Choice Neighborhoods, Capital Fund Community Facilities, Prop 84 state funding Parks and Recreation)
- partner funding sources (such as Inland Valley Development Agency)

The Authority is proposing to submit to the U.S. Department of Housing and Urban Development (HUD) a Disposition Application for the transfer of its Waterman Gardens public housing properties to a private, non-profit housing corporation, an affiliate of the Authority, known as Housing Partners I, Inc. If the Disposition Application is approved

by HUD, the Authority will submit a separate application to HUD for 245 Section 8 Housing Choice Vouchers (HCV) to provide for replacement housing units within the tenants' financial means. Households which do not income qualify for Section 8 HCV, may be required to be permanently displaced.

There are 245 occupied residential dwellings and seven vacant units located within the planned Project site boundaries, which are subject to displacement should the Project proceed as planned. Prior to undertaking any displacement activity the Authority is required by law (California Government Code Section 7260 et seq. or Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (URA), as amended) and regulation (California Code of Regulations, Title 25 Chapter 6 or Handbook 1378 of the Department of Housing and Urban Development) to prepare a relocation plan subject to public review and approval by the Authority Board.

The general purposes of a relocation plan are to describe the circumstances of potential displacees, the availability of replacement housing, and the Authority's program to provide required advisory and financial assistance. It is important to be aware that the preparation and approval of a relocation plan fulfills an administrative requirement but does not, by itself, constitute a commitment to proceed with the planned Project.

This Relocation Plan (Plan) was prepared by Overland, Pacific & Cutler, Inc. (OPC) a professional consulting firm specializing in public agency acquisition and relocation projects. The Plan is presented in five sections:

- 1) A description of the planned Project's regional location and specific site settings (**SECTION I**);
- 2) A description of survey methodology and an assessment of the aggregate relocation needs of residents to be displaced as a result of the planned Project, with explanation of how these needs are to be met (**SECTION II**);
- 3) An assessment of availability of comparable replacement housing units in proximity to the planned Project (**SECTION III**);
- 4) A description of the Authority's relocation assistance program (**SECTION IV**);  
and
- 5) Necessary administrative provisions, plus a relocation cost estimate (**SECTION V**).

## I – PROJECT AREA DESCRIPTION

### A. The Regional Location

The planned Waterman Gardens Revitalization is located to the east of the I-215 Freeway, south of the I-210 Freeway and north of the I-10 Freeway within the City of San Bernardino. The Project site is less than three miles northwest of San Bernardino International Airport and is neighboring the communities of Colton, Rialto, Highland and Redlands. (See **Figure 1**: Regional Project Location)

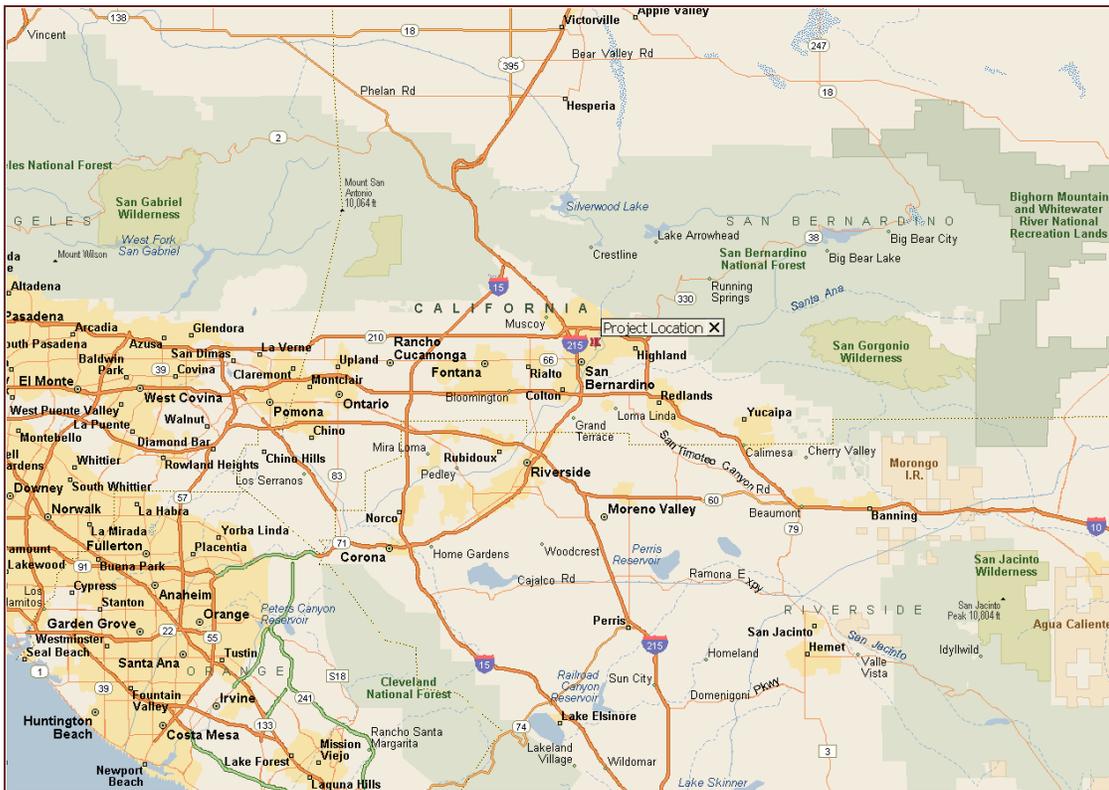
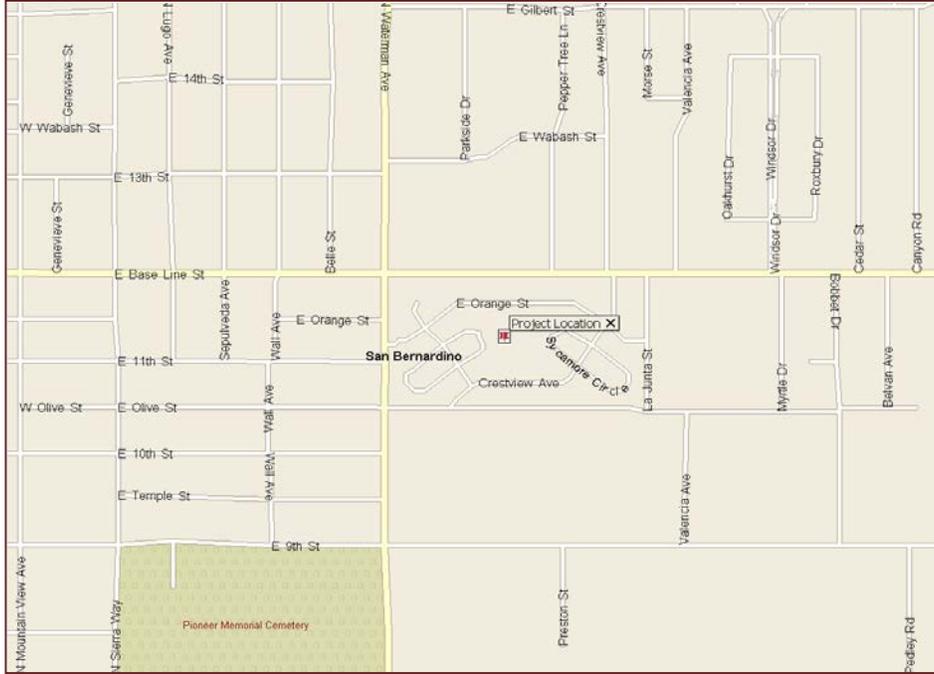


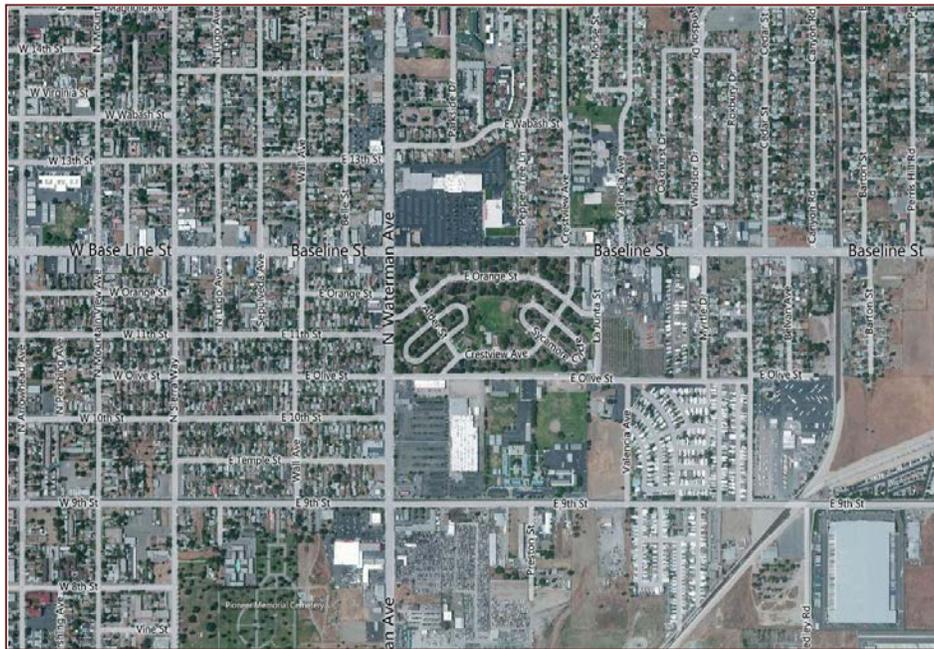
Figure 1: Project Regional Location

### B. Project Site Location

The Project site is located at the intersection of Waterman Avenue and Baseline Street and is generally bounded by East Baseline Street on the north, North Waterman Avenue on the west, La Junta Street on the east and East Olive Street on the south. (See **Figures 2 and 3** for Project boundaries and aerial presentation)



**Figure 2: Project Site Boundaries**



**Figure 3: Aerial Project Site**

**C. General Demographic & Housing Characteristics**

**Table 1** represents general demographic and housing characteristics within one mile, three miles and five miles from the planned Project.

**TABLE 1: Demographic and Housing Characteristics**

<b>Population</b>	<b>One Mile Radius</b>	<b>Three Mile Radius</b>	<b>Five Mile Radius</b>
2015 Projection	25,800	152,132	317,304
2010 Estimate	25,253	150,173	312,349
2000 Census	22,273	136,888	283,372
Growth 2010-2015	2.20%	1.30%	1.60%
Growth 2000-2010	13.40%	9.70%	10.20%
<b>2010 Population by Race (% of Total Population)</b>			
White	8,272 (32.76%)	56,128 (37.38%)	123,302 (39.48%)
Black or African American	3,341 (13.23%)	22,038 (14.68%)	42,052 (13.46%)
American Indian and Alaska Native	396 (1.57%)	2,248 (1.50%)	4,273 (1.37%)
Asian	775 (3.07%)	4,485 (3.12%)	16,278 (5.21%)
Native Hawaiian and Pacific Islander	58 (0.23%)	534 (0.36%)	1,141 (0.37%)
Other Race	10,984 (43.50%)	56,051 (37.32%)	107,570 (34.44%)
Two or More Races	1,429 (5.66%)	8,489 (5.65%)	17,734 (5.68%)
Hispanic or Latino (of Any Race)	17,393 (68.87%)	95,448 (63.56%)	186,554 (59.73%)
<b>2010 Population by Education</b>			
Less than 9 <sup>th</sup> Grade	2,847 (23.61%)	14,428 (18.58%)	27,124 (15.95%)
Some High School to Associate	8,640 (71.67%)	56,385 (72.62%)	121,911 (71.70%)
Bachelor's Degree and Higher	570 (4.72%)	6,824 (8.79%)	20,987 (12.34%)
<b>2010 Income Figures</b>			
Average Household Income	\$32,624	\$41,058	\$48,373
Median Household Income	\$23,309	\$31,244	\$39,436
Per Capita Income	\$10,005	\$12,133	\$14,346
<b>2010 Housing</b>			
Owner/Renter Occupied (%)	31.64%/68.36%	44.21%/55.79%	51.24%/48.76%
Average Household Size	3.48	3.46	3.42
Median Year Built	1961	1962	1968
Median Housing Value (owner-occupant)	\$110,193	\$123,516	\$134,963

## **II – ASSESMENT OF RELOCATION NEEDS**

### **A. Survey Method**

Information necessary for the preparation of this Plan was provided by the Authority and the property management team and is current as of June 14, 2011. The Waterman Gardens units are project-based affordable units with tenants paying rents no greater than 30% of income. While the Authority provided tenant information is adequate, some relocation-related information is not available until personal interviews with occupants can be conducted. Prior to any displacement activity the Authority's relocation representatives will conduct personal interviews with all affected households.

Inquiries of residential occupants concern household size and composition, income, monthly rent obligation, length and type of occupancy, ethnicity, home language, disabilities/health problems, and replacement housing preferences.

The descriptive data in this Plan concerning residents are based solely on limited information provided by the Authority. No attempt was made to verify information obtained.

### **B. Project Survey Data**

The existing development consists of 252 family units in 114 buildings originally constructed in 1943 under the Federally-subsidized Public Housing Program. Seven units are currently vacant.

#### ***1. Housing Mix***

The housing mix includes 87 single-story duplexes, 24 multi-family townhouses, and 54 apartment units in small complexes. **Table 2** outlines the breakdown of units and bedrooms as provided by the property management for the 245 occupied units.

<b>TABLE 2: Housing – Dwelling Bedroom Sizes (245 Households)</b>					
<b># of Bedrooms</b>	<b>One</b>	<b>Two</b>	<b>Three</b>	<b>Four</b>	<b>Five</b>
<b># of Units</b>	24	134	61	12	14

**2. Project Rents**

Monthly rents in Waterman Gardens Project are based on tenants' ability to pay and therefore vary not based on the unit size, but rather based on the household's income. **Table 3**, below, represents the average monthly rent payments of the tenant households residing at the proposed Project site.

<b>TABLE 3: Actual Project Rents (245 Households)</b>					
<b>Bedrooms</b>	<b>One</b>	<b>Two</b>	<b>Three</b>	<b>Four</b>	<b>Five</b>
Average Rent	\$286.63	\$273.61	\$372.72	\$344.08	\$393.64

**3. Occupancy/Overcrowding**

The planned Project site consists of 789 individuals among 245 households, 365 of which are adults and 424 are children. The average household size is 3.2 persons per unit.

The distribution of household sizes is provided in **Table 4**, following.

<b>TABLE 4: Current Household Size Occupancies (245 Households)</b>		
<b># of People in Household</b>	<b># Households</b>	<b>Total Occupants</b>
One	46	46
Two	64	128
Three	48	144
Four	35	140
Five	22	110
Six	12	72
Seven	6	42
Eight	5	40
Nine	4	36
Ten	2	20
Eleven	1	11

**4. Replacement Housing Needs**

Replacement housing needs, as expressed in this Plan, are defined by the total number of required replacement units and the distribution of those units by bedroom size. The projected number of required units by bedroom size is calculated by comparing survey data relative to household size with the Authority’s replacement housing occupancy standards. These standards, allow for occupancy as follows: *A single-person household or “head” of household is eligible to occupy one bedroom. The introduction of a spouse or domestic partner would not alter that one-bedroom count. If, however a single-person household requires the services of an aide, that aide, as approved by the HACSB, would be entitled to their own, separate bedroom. Under all other circumstances, every two persons are assigned a separate bedroom; any “odd-numbered” person would also be entitled to a separate bedroom. Except for single-persons and those requiring aides, each bedroom shall be occupied by two persons before the family becomes otherwise eligible for an additional bedroom.*

Over-housed households will be eligible for Authority subsidy based on the qualifying voucher size, not the size of the unit. Similarly, under-housed households may be required to move with a voucher for the number of bedrooms for which the household qualifies. **Table 5**, following, shows replacement housing needs adjusted for Section 8 HCV requirements.

<b>TABLE 5: Replacement Housing Needs (245 Households)</b>					
<b>Bedroom Size</b>	<b>One</b>	<b>Two</b>	<b>Three</b>	<b>Four</b>	<b>Five</b>
# Needed	110	83	34	11	7

Several units are currently under-housed and will require larger replacement units and several units are over-housed and may qualify for units with fewer bedrooms. The Authority is anticipating making available transferable Section 8 HCV to the displaced, income-qualified Project households. The planned Project’s replacement housing requirements are to provide comparable units to replace the tenants’ displaced dwelling. Comparable housing referrals will be provided and every reasonable attempt will be made to take into consideration individual preferences.

**5. Income**

Income information was provided by 239 of 245 Project tenant households. According to income standards for the County of San Bernardino (**Exhibit A**) adjusted for family size as published by the California Department of Housing and Community Development (HCD), in June 2011, 188 Project households



qualify as extremely low income (30% or less of area median), 42 households qualify as very low income (31%-50% of area median), eight qualify as low income (51%-80% of area median), none qualify as moderate income (81%-120% of area median) and one household reported income above moderate or high (over 120% of area median).

Income survey results are presented in **Table 6**, following.

<b>TABLE 6: Income Levels of Tenant Households (239 Respondents)</b>					
<b>Income Level</b>	<b>Extremely Low</b>	<b>Very Low</b>	<b>Low</b>	<b>Moderate</b>	<b>High</b>
# Households	188	42	8	0	1

**6. Ethnicity/Language**

Ethnicity among households within the planned Project site was not disclosed in the information provided by the Authority. At the time the Authority authorizes personal relocation interviews with the Project occupants tenants will have an opportunity to provide their ethnicity and household language preference.

**7. Senior/Handicapped Households**

There are 43 senior households among respondent occupants (head of household or spouse 62 years or older) and 77 households reported physical and/or psychological disabilities that could affect the relocation process. Care will be taken to meet the special needs of each household, particularly as these needs involve physical access to accommodations. In all cases involving physical or mental impairments, extra efforts will be made to provide close individual case monitoring.

**8. Preferred Relocation Areas**

Prior to relocation activities commencing the Authority will inquire about tenants' relocation preference to analyze the need to remain in or around the local community. Tenants with school age children may want to maintain current school enrollment, employed adults may want to remain close to employment, recreational resources and public transportation. During the detailed relocation interview tenants will be able to express any alternative communities they would like to move to and every effort will be afforded to find replacement housing units based on their preference.



### **III – RELOCATION RESOURCES**

#### **A. Methodology**

An extensive resource survey was conducted in July 2011 to determine the availability of replacement housing units utilizing the following sources:

- Classified rental listings from *The Press Enterprise*, *PennySaver*, and *For Rent* publications
- Internet sources (local multiple listing services)

The Authority anticipates providing current Project households Section 8 Housing Choice Vouchers as well as the right of first refusal to return to new Waterman Gardens units. In addition to securing a means to the affordable replacement housing units within financial means of each household, the Authority is planning the Waterman Gardens Revitalization to be implemented in seven phases. The Authority will ensure that ample time and support is given to prepare residents for relocation and all associated relocation costs are provided by the Authority.

As planned, Phase I includes Phase 1-A which is the construction of the new Community and Recreation Center and Phase 1-B which provides improvements to the surrounding public roadways (all four public streets: Waterman Avenue, Baseline Street, La Junita Street, and Olive Street). Phase II consists of two parts: 2-A and 2-B; both including the units in the interior of the site and allows the existing loop road to stay in place to service residents, emergency personnel, and construction access while the new loop road is constructed. Phase III is also made of 3-A and 3-B and involves units along the north edge of the site, along Baseline Street. Phase IV is the south and southeast edge of the site, along Oliver Street and has two parts: 4-A and 4-B.

Over-housed households in all phases of the Project will be eligible for Authority subsidy based on the qualifying voucher size, not the size of the unit. Similarly, under-housed households may be required to move with a voucher for the number of bedrooms for which the household qualifies.

#### **B. Replacement Housing Availability**

Replacement housing survey data concerning available Section 8 voucher eligible units are summarized in **Table 7**. The survey identified a total of 339 available one-, two-, three-, four-, and five-bedroom rental units in near vicinity to the Project site.

The individual figures for number of units found by bedroom size are presented in the table below. Survey data suggests a sufficient supply of replacement housing resources relative to the number of potential needs for two- to five-bedroom units. There appears to be a shortage of one-bedroom units available at this time and should that be the situation at the time of displacement, the Authority will consider Section 8 HCV for two-bedroom units.

<b>TABLE 7: Availability and Cost of Section 8 Housing</b>					
<b>Bedroom Size</b>	<b>One</b>	<b>Two</b>	<b>Three</b>	<b>Four</b>	<b>Five</b>
# Found	57	146	84	39	13
Rent Range	\$550-\$950	\$650-\$1,250	\$800-\$1,850	\$1,150-\$2,000	\$1,400-\$2,500
Median Rent	\$695	\$850	\$1,200	\$1,450	\$1,795

**C. Related Issues**

***1. Concurrent Residential Displacement***

There are no known public projects underway in the vicinity of this Project which would impact the availability of needed housing resources.

***2. Temporary Housing***

No need for temporary housing is anticipated. Should such a need arise, the Authority will respond appropriately and in conformance with all applicable laws and requirements.



## **IV – THE RELOCATION PROGRAM**

The Authority will provide displacees the assistance, rights and benefits required under the applicable relocation law and guidelines. The relocation program will provide both advisory and financial assistance. Every effort will be made to facilitate relocation arrangements and minimize hardships for displacees.

### **A. Advisory Assistance**

Advisory assistance services are intended to inform displacees about the Authority's relocation program, help in the process of finding appropriate replacement accommodations, facilitate claims processing, maintain a communication link with the Authority and coordinate the involvement of outside service providers.

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

- Distribute written information concerning the Authority's relocation program to each displacee (see **Exhibit C**);
- Individually inform all displacees of the nature of and procedures for obtaining available relocation assistance and benefits;
- Determine the eligibility, needs and relocation preferences of each displacee;
- Provide residential displacees with at least three referrals to comparable, decent, safe and sanitary replacement housing within a reasonable time prior to displacement;
- Maintain a database of available housing resources and distribute replacement site referrals for the duration of the Project;
- Provide transportation to displacees, if requested, to inspect replacement sites within the local area. Offer special assistance to help elderly and handicapped residents find housing near friends, relatives, medical facilities and services and convenient transportation, if applicable;
- Make referrals to governmental and non-governmental service providers, as needed;

- Assist each eligible displacee with the preparation and submission of relocation assistance claims;
- Assist residential displacees with arrangements necessary to rent or purchase comparable decent, safe and sanitary replacement housing;
- Make benefit determinations and payments in accordance with applicable law and Authority policy;
- Inform all persons subject to displacement of the Authority’s policies with regard to management of property;
- Establish and maintain a formal grievance procedure for use by the displaced persons seeking administrative review of the Authority’s decisions with respect to relocation assistance; and
- Provide assistance that does not result in different or separate treatment due to race, color, religion, national origin, sex, marital status or other arbitrary circumstances.

The Authority retained services of professional relocation consultants to assist all persons to be displaced as a consequence of the Project. Personal contact will be maintained with all individuals until the relocation process has been completed.

Questions regarding relocation benefits or the disposition may be directed to Project Manager with Overland, Pacific & Cutler, Inc. at 800-400-7356 ext 6839 during the hours of 8:00 AM and 5:00 PM, Monday through Friday. OPC offices are located at:

2280 Market Street, Suite 200  
Riverside, CA 92501

## **B. Relocation Benefits**

Relocation benefits will be provided in accordance with the applicable provisions of the applicable relocation law and guidelines. Benefits will be paid to eligible displaced persons upon submission of required claim forms and documentation regarding the rental or purchase of decent, safe and sanitary replacement housing.

Eligibility requirements and calculations will be detailed on an individual basis with all displacee households. In the course of personal interviews and follow-up visits, each displacee household will receive counseling regarding available benefit options and the requirements to claim compensation for moving payments and replacement housing assistance.

Authority staff will promptly evaluate advance payment requests meant to alleviate hardships for tenants who do not have access to sufficient funds to pay move-in costs such as first month's rent and/or security deposits. Approved requests for advance payments will be processed expeditiously to help avoid the loss of desirable, appropriate replacement housing.

### ***1. Residential Moving Expense Payments***

All residential displacees will be eligible to receive a payment for moving expenses. Moving expense payments will be based either on the actual cost of a professional move or a fixed payment amount determined by room count.

- Actual Cost (Professional Move)

Displacees may elect to retain the service of a professional mover. The cost of professional moving services will be based on the lower of at least two acceptable bids obtained from licensed, professional movers. The Authority may also obtain bids, at its own discretion, in order to determine the most qualified low-bidder for the move. The Authority will make direct payment to the selected mover, if requested, or provide reimbursement upon presentation of appropriate documentation substantiating the move.

Compensable moving elements include packing, transportation, un-packing and insurance. Transportation costs beyond 50 miles are not eligible, unless the Authority determines that relocation beyond 50 miles is justified. In addition to payment for the actual move, one-time re-connection fees related to gas, water, electricity, telephone, internet and television service, are eligible for reimbursement. Deposits required by utility and other residential service providers are not eligible for reimbursement.

- Fixed Payment (Room Count Schedule Method)

As an alternative to a professional move, a residential displacee may elect to receive a fixed payment for moving expenses based on the number of furnished or unfurnished rooms in the displacement dwelling (bathrooms are not considered as part of the eligible room count). Furnished rooms may include the living room, dining room, kitchen, bedrooms, storage/patio space, but exclude bathrooms. Residential displacees who elect to receive a fixed payment assume full responsibility for the move including the expense of utility re-connections described in (a), above. The current schedule for Fixed Moving Payments is set forth in **Table 8**:

**TABLE 8: Schedule of Fixed Moving Payments**

Unfurnished Dwelling (Tenant Owned Furniture)									
Room Count	1	2	3	4	5	6	7	8	Each Additional
Amount	\$625	\$800	\$1,000	\$1,175	\$1,425	\$1,650	\$1,900	\$2,150	\$225
Furnished Dwelling (Landlord Owned Furniture)									
Room Count	1								Each Additional
Amount	\$400								\$65

Source: The Federal Highway Administration (effective 8/22/08)

***2. Credit Check and Security Deposits***

In order to alleviate hardships for tenants who must pay 'move-in costs' (such as credit report fees and security deposits), the Authority will provide credit check fees for one unit and a maximum of two months' HCV approved rent as security deposit as approved by the Authority.

***3. Housing Choice Vouchers***

On-going rental assistance will be provided to all residents of public housing pursuant to the provisions of the Section 8 program. The Section 8 program provides for a household to pay 30% of the household's adjusted income - with some program-specific exceptions - for their monthly housing rental costs.

Section 8 program Payment Standards are set by the Authority and based on the Fair Market Rents issued by HUD. The Standards are updated annually. A Payment Standard is the maximum allowable monthly assistance payment in San Bernardino County Housing Authority's jurisdiction for an assisted family's contract rent and those essential utilities for which the tenant is responsible, including a stove or refrigerator provided by the family.

Payment Standards are used to determine how much of the rent is paid by the Authority and how much by the tenants. Payment Standards do not determine or limit the rent a landlord may charge. Fiscal Year 2011 Payment Standards are available as **Exhibit B** of this Plan.

Requests for necessary advance payments will be expeditiously processed to help avoid the loss of desirable and appropriate replacement housing. In addition, the Authority will refund security deposits paid by tenants when they moved into public housing, less any excessive wear and tear, outstanding rent and late charges.



### **C. General Information on Payment of Relocation Benefits**

Claims and supporting documentation for relocation benefits must be filed with the Authority within 18 months from the date the claimant moves from the Waterman Gardens property.

The procedure for the preparation and filing of claims and the processing and delivery of payments will be as follows:

- 1) Tenants(s) will provide all necessary documentation to substantiate eligibility for assistance;
- 2) Assistance amounts will be determined in accordance with the provisions of the applicable relocation law and guidelines;
- 3) Required claim forms will be prepared by relocation personnel and reviewed with tenants. Signed claims and supporting documentation will be submitted by relocation personnel to the Authority;
- 4) The Authority will review all claims for payment and determine whether to approve, deny, or seek additional information;
- 5) The Authority will issue benefit checks for moving payments for distribution to tenants by relocation staff;
- 6) Final payments will be issued only after confirmation that the Project premises have been completely vacated and occupancy of the replacement unit is verified;
- 7) All correspondence, back-up documentation, claims, receipts of payment and notices will be maintained in the relocation case file.

## **V – ADMINISTRATIVE PROVISIONS**

### **A. Relocation Tax Consequences**

In general, relocation payments are not considered income for the purpose of the Internal Revenue Code of 1968, or the Personal Income Tax Law, Part 10 of the Revenue and Taxation Code. The above statement on tax consequences is not intended to be a provision of tax advice by the Authority. The Authority cannot give specific advice related to tax law and displacees are responsible for consulting with their own tax advisors concerning the tax consequences of relocation payments.

### **B. Grievance Procedures**

The Authority's Relocation Appeals process will be consistent with the Provisions of Article 5 of the State relocation guidelines (Appendix A). The right to appeal shall be described in all relocation explanatory material distributed to displacees.

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

Requests for administrative review and informal hearings will be directed to senior administrative staff of the Authority. All requests for review will receive written responses from the Authority within three weeks of their receipt. If an informal appeal is denied, appellants will be entitled to file a written request for a formal hearing before an impartial and independent hearing officer.

More detail concerning the appeals process will be provided upon request. Appellants will retain their appeal rights for up to 18 months following the date of displacement from the Project premises or receipt of final payment for relocation benefits, whichever is later.

### **C. Eviction Policy**

Under the State relocation guidelines, eviction is permissible only as a last resort and may not be used as a means to avoid relocation payment obligations. With the exception of persons considered to be in unlawful occupancy, a displaced person's eviction does not affect eligibility for relocation assistance and benefits.

Eviction may be undertaken only for one or more of the following reasons:

- Failure to pay rent, except in those cases where the failure to pay is due to the lessor's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Performance of a dangerous, illegal act in the unit;
- Material breach of the rental agreement and failure to correct breach within 30 days of notice;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings;
- A requirement under State or local law or emergency circumstances that cannot be prevented by reasonable efforts on the part of the public entity.

#### **D. Citizen Participation**

The Authority set a goal to redevelop the Project site with utmost participation from the community and affected tenants. A Local Planning Committee will be coordinated by Authority staff and will include the existing property manager to coordinate community participation in the Project. Tenants and neighbors are encouraged to work cooperatively through this process.

As the process for considering the planned Project moves forward, the Authority will observe the following protocol:

- Provide affected tenants with full and timely access to documents relevant to the relocation program;
- Provide technical assistance necessary to interpret elements of the Relocation Plan and other pertinent materials;
- Issuance of a general notice in English and/or the primary household language, as needed, concerning the availability of the Relocation Plan for public review, as required, 30 days prior to its proposed adoption. Distribution of the Plan, upon request, to all affected and interested parties;
- The inclusion of written or oral comments concerning the Plan and the Authority's response as an attachment to the Plan (**Exhibit D**) when it is forwarded to the Authority Board for adoption.

### **E. Projected Dates of Displacement**

The Authority contemplates that the relocation process will begin in September 2011 and be completed no later than July 2012. The Authority will update the Plan in the event of delay of more than one year in the implementation of the relocation program.

### **F. Estimated Relocation Costs**

The total budget estimate for relocation-related payments for this planned Project, assuming 245 permanently displaced households who will receive Section 8 HCV, is \$993,500.

The estimated relocation budget does not include any payments related to property acquisition, or improvements pertaining to realty. In addition, the budget does not consider the cost of any services necessary to implement the Plan and complete the relocation element of the Project.

**EXHIBIT A: HUD Income Limits – San Bernardino County**

The following figures are approved by the U. S. Department of Housing and Urban Development (H.U.D.) for use in the County of San Bernardino to define and determine housing eligibility by income level.

<b>Area Median: \$62,500</b>				
<b>Family Size</b>	<b>Extremely Low</b>	<b>Very Low</b>	<b>Lower</b>	<b>Moderate</b>
<b>1 Person</b>	13,800	22,950	36,700	52,500
<b>2 Person</b>	15,750	26,200	41,950	60,000
<b>3 Person</b>	17,700	29,500	47,200	67,500
<b>4 Person</b>	19,650	32,750	52,400	75,000
<b>5 Person</b>	21,250	35,400	56,600	81,000
<b>6 Person</b>	22,800	38,000	60,800	87,000
<b>7 Person</b>	24,400	40,650	65,000	93,000
<b>8 Person</b>	25,950	43,250	69,200	99,000

Figures are per the Department of Housing and Community Development (California), Division of Housing Policy Development, **June 23, 2011.**

**EXHIBIT B: Payment Standards 2011**



HOUSING AUTHORITY OF THE  
COUNTY OF SAN BERNARDINO

**FY 2011 HOUSING CHOICE VOUCHER PAYMENT STANDARDS  
EFFECTIVE JANUARY 1, 2011**

**Management Point 71 and 73 (Redlands excluded)**

**Cities Included: Adelanto, Apple Valley, Baker, Barstow, Big Bear, Bryn Mawr, Cedar Glen, Colton, Crestline, Daggett, Grand Terrace, Green Valley Lake, Helendale, Hesperia, Highland, Hinkley, Joshua Tree, Loma Linda, Lucerne Valley, Lytle Creek, Mentone, Morongo Valley, Oro Grande, Phelan, Pinon Hills, San Bernardino, Sugar Loaf, 29 Palms, Twin Peaks, Victorville, Wrightwood, Yermo, Yucaipa, Yucca Valley**

Bedrooms	0	1	2	3	4	5
<b>Payment Standard</b>	\$794	\$873	\$1,030	\$1,449	\$1,689	\$1,943

**Management Point 72 (Redlands included)**

**Cities included: Alta Loma, Bloomington, Chino, Etiwanda, Fontana, Montclair, Ontario, Pomona (unincorporated), Rancho Cucamonga, Redlands, and Rialto**

Bedrooms	0	1	2	3	4	5
<b>Payment Standard</b>	\$807	\$882	\$1,030	\$1,460	\$1,707	\$1,963

**EXHIBIT C: Residential Informational Brochure**



*Building communities | Changing lives*

## **Informational Brochure**

### *Relocation Assistance Rights and Benefits To Persons Moving From Their Homes Under Section 18*

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

As you are aware, the Housing Authority of the County of San Bernardino has made the determination to dispose of the Waterman Gardens housing development, which you currently occupy. While your unit will no longer be available, you will be offered a Housing Choice voucher and be allowed to stay in one of the newly constructed and revitalized units. This brochure provides you with information regarding relocation assistance that will be available to you.

Please read this information as it will be helpful to you in determining your eligibility and the amount of relocation benefits you may receive under Section 18 if you decide to move. We recommend you save this Informational Statement for reference.

The Housing Authority has retained the professional firm of Overland, Pacific & Cutler, Inc. to provide relocation assistance to you. The firm is available to explain the program and benefits. Their address and telephone number is:

(951) 683-2353  
2280 Market Street, Suite 200, Riverside, CA 92501

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

**PLEASE DO NOT MOVE PREMATURELY. THIS IS NOT A NOTICE TO VACATE YOUR DWELLING.** This is a general informational brochure only and is not intended to give a detailed description of either the law or regulations pertaining to the Housing Authority's Relocation Assistance Program under Section 18.

**Please continue to pay your rent to the Housing Authority of the County of San Bernardino, otherwise you may be evicted and jeopardize your Public Housing benefit and the relocation benefits you may be entitled to receive.**

## II. ASSISTANCE IN LOCATING A REPLACEMENT DWELLING

The Housing Authority, through its representatives, will assist you in locating a comparable replacement dwelling by providing referrals to appropriate and available housing units. You are encouraged to actively seek such housing yourself. Comparable housing will, if needed, include housing with reasonable accommodations for disability, if required under Section 504 of the Rehabilitation Act of 1973 and HUD 24 CFR Part 8.

When a suitable replacement dwelling unit has been found, the Housing Authority will carry out an inspection and advise you as to whether the dwelling unit meets the Housing Quality Standards. A decent, safe and sanitary housing unit provides adequate space for its occupants, proper weatherproofing and sound heating, electrical and plumbing systems. Your new dwelling must pass inspection prior to entering into a rental agreement and before relocation assistance payments can be authorized.

## III. MOVING BENEFITS

### Moving Payments

When it becomes necessary for you to move as a result of the disposition by the Housing Authority, you will receive a payment to assist in moving your personal property. The actual, reasonable and necessary expenses for moving your household belongings may be determined based on the following methods:

- A Fixed Moving Payment based on the number of rooms you occupy (see below); **or**,
- A payment for your Actual Reasonable Moving and Related Expenses based on at least two written estimates and receipted bills; **or**,
- A combination of both

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

#### A. Fixed Moving Payment

A Fixed Moving Payment is based upon the number of furnished rooms you occupy and whether or not you own your furniture. The payment is based upon a schedule approved by the Housing Authority, and ranges, for example, from \$400.00 for one unfurnished room to \$2,150.00 for eight rooms in a furnished dwelling. (For details see the table below.) Your relocation representative will inform you of the amount you are eligible to receive if you choose this type of payment.

FIXED PAYMENT MOVING SCHEDULE - CALIFORNIA								
Occupant owns furniture:								Each add'l. room
Number of Rooms of Furniture								
1 room	2 rooms	3 rooms	4 rooms	5 rooms	6 rooms	7 rooms	8 rooms	
\$625	\$800	\$1000	\$1175	\$1425	\$1650	\$1900	\$2150	\$225
Occupant does NOT own furniture:								
First Room \$400								\$65

Source: Federal Highway Administration (2008)

Furnished rooms may include the living room, dining room, kitchen, bedrooms, storage/patio space and exclude bathrooms. If you select a Fixed Moving Payment, you will be responsible for arranging for your own move and the Housing Authority will assume no liability for any loss or damage of your personal property. A Fixed Moving Payment also includes utility hook-up and other related moving fees.

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

If you wish to engage the services of a licensed commercial mover and have the Housing Authority pay the bill, you may claim the ACTUAL cost of moving your personal property up to 50 miles. Your relocation representative will inform you of the number of competitive moving bids (if any) which may be required, and assist you in developing a scope of services for Housing Authority approval.

**Credit Check and Security Deposit Assistance**

The Housing Authority will provide credit check fees for one (1) unit and a maximum of two months' HCV approved rent as security deposit as approved by the Housing Authority.

**Housing Choice Voucher**

The Housing Authority is providing Housing Choice Vouchers (HCV) to eligible displacees. A HCV allows you to pay 30% of your adjusted household income for rent. When you do move, you can use your Housing Choice Voucher at a replacement home. All HUD Section 8 Program requirements apply, including HACSB's Payment Standards and the Housing Quality Standards.

**IV. OVER INCOME FAMILIES**

If you are over income, you will not have the choice to stay in your current unit or be eligible for either a Project Based or Housing Choice Voucher. You will be offered, if available, other

comparable public housing units at a market rate rent. Otherwise, comparable market rate housing units will be provided. You will still be eligible for relocation advisory services and moving assistance described above.

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

To be eligible for the benefits described above, you must give notice of your intent to move. All claims for relocation benefits must be filed with the Housing Authority within eighteen (18) months from the date on which you move. The Housing Authority's relocation consultant will help in preparing claim forms for relocation payments, counseling and other assistance to minimize the impact of the move.

## **VI. EVICTIONS**

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

- Failure to pay rent; except in those cases where the failure to pay is due to the Agency's failure to keep the premises in habitable condition, is the result of harassment or retaliatory action or is the result of discontinuation or substantial interruption of services;
- Performance of dangerous illegal act(s) in the unit;
- Material breach of the rental agreement and failure to correct the breach within 30 days of notice;
- Maintenance of a nuisance and failure to abate within a reasonable time following notice;
- Refusal to accept one of a reasonable number of offers of replacement dwellings;
- The eviction is required by State or local law and cannot be prevented by reasonable efforts on the part of the Housing Authority; or
- Just cause under the current lease.

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

Any person aggrieved by a determination as to eligibility for a relocation payment or the amount of a payment may have his/her claim reviewed or reconsidered in accordance with

the Housing Authority's appeals procedure. Details on appeal procedures are available upon request from the Housing Authority.

### **VIII. TAX STATUS OF RELOCATION BENEFITS**

California Government Code Section 7269 indicates no relocation payment received shall be considered as income for the purposes of the Personal Income Tax Law, Part 10 (commencing with Section 170 01) of Division 2 of the Revenue and Taxation Code, or the Bank and Corporation Tax law, Part 11 (commencing with Section 23001) of Division 2 of the Revenue and Taxation Code. Furthermore, federal regulations (49 CFR Part 24, Section 24.209) also indicate that no payment received under this part (Part 24) shall be considered as income for the purpose of the Internal Revenue Code of 1954, which has been redesignated as the Internal Revenue Code of 1986. The preceding statement is not tendered as legal advice in regard to tax consequences, and displacees should consult with their own tax advisor or legal counsel to determine the current status of such payments.

*(IRS Circular 230 disclosure: To ensure compliance with requirements imposed by the IRS, we inform you that any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding tax-related penalties under the Internal Revenue Code or (ii) promoting marketing or recommending to another party any matters addressed herein)*

### **IX. ADDITIONAL INFORMATION AND ASSISTANCE AVAILABLE**

Those responsible for providing you with relocation assistance hope to assist you in every way possible to minimize the hardships involved in relocating to a new home. Your cooperation will be helpful and greatly appreciated. If you have any questions at any time during the process, please do not hesitate to contact your relocation representative.

**EXHIBIT D: Public Comments and Response**

